

By: Senator(s) Huggins

To: Public Health and  
Welfare; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2389

1 AN ACT TO AMEND SECTIONS 43-19-31 AND 43-19-35, MISSISSIPPI  
2 CODE OF 1972, TO DEFINE THE RANGE OF SERVICES TO BE PROVIDED BY  
3 THE DEPARTMENT OF HUMAN SERVICES THROUGH ITS CHILD SUPPORT UNIT  
4 AND TO PROVIDE THAT COURT COSTS AND ATTORNEY'S FEES RECOVERED BY  
5 THE CHILD SUPPORT UNIT SHALL BE DEPOSITED IN A SPECIAL FUND FOR  
6 CHILD SUPPORT SERVICES; TO AMEND SECTION 43-19-37, MISSISSIPPI  
7 CODE OF 1972, TO PROVIDE THAT ATTORNEY'S FEES SHALL BE ASSESSED BY  
8 THE COURT IN CHILD SUPPORT AND PATERNITY ACTIONS BROUGHT BY THE  
9 CHILD SUPPORT UNIT OF THE DEPARTMENT OF HUMAN SERVICES, AND THAT  
10 SUCH ATTORNEY'S FEES SHALL BE USED TO MATCH FEDERAL FUNDS FOR THE  
11 SUPPORT OF THE LEGAL DIVISION OF THE CHILD SUPPORT UNIT; TO AMEND  
12 SECTIONS 43-19-47 AND 43-19-55, MISSISSIPPI CODE OF 1972, TO  
13 PROVIDE A MINIMUM SALARY FOR STAFF AND SENIOR ATTORNEYS IN THE  
14 CHILD SUPPORT UNIT TO BE PAID FROM THE SPECIAL FUND FOR CHILD  
15 SUPPORT SERVICES, AND TO AUTHORIZE THE EMPLOYMENT OF CONTRACT  
16 ATTORNEYS FOR CHILD SUPPORT ENFORCEMENT SERVICES; TO AMEND  
17 SECTIONS 93-9-9 AND 9-5-255, MISSISSIPPI CODE OF 1972, TO PROVIDE  
18 FOR MINIMUM ATTORNEY'S FEES IN PATERNITY AND FAMILY MASTER  
19 ACTIONS; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 43-19-31, Mississippi Code of 1972, is  
22 amended as follows:

23 43-19-31. The Department of Human Services is hereby  
24 authorized and empowered to establish a single and separate Child  
25 Support Unit for the following purposes:

26 (a) To develop and implement a nonsupport and paternity  
27 program and institute proceedings in the name of the Department of  
28 Human Services or in the name of the recipient in any court of  
29 competent jurisdiction in any county where the mother of the child  
30 resides or is found, in the county where the father resides or is  
31 found, or in the county where the child resides or is found;

32 (b) To secure and collect support by any method  
33 authorized under state law and establish paternity for any child  
34 or children receiving aid from the department any form of public  
35 assistance, including, but not limited to, medical assistance,



36 foster care, food stamps, TANF, or any other program under the  
37 federal Social Security Act, from a parent or any other person  
38 legally liable for such support who has either failed or refused  
39 to provide support, deserted, neglected or abandoned the child or  
40 children, including cooperating with other states in establishing  
41 paternity, locating absent parents and securing compliance with  
42 court orders for support of Temporary Assistance for Needy  
43 Families (TANF) children; the department may petition the court  
44 for the inclusion of health insurance as part of any child support  
45 order on behalf of any child receiving aid from the department  
46 unless good cause for noncooperation, as defined by the Social  
47 Security Act or the Mississippi Department of Human Services, is  
48 established. Whenever a child or children for whom child support  
49 services have been provided ceases to receive public assistance,  
50 the department shall continue to provide services and establish  
51 paternity, secure and collect such support payments from a parent  
52 or any other person legally liable for such support in accordance  
53 with the standards prescribed pursuant to the federal Social  
54 Security Act;

55 (c) To accept applications for child support  
56 enforcement services to establish paternity, secure and collect  
57 support from any proper party or person as defined by Title IV-D  
58 of the federal Social Security Act notwithstanding the fact that  
59 the child or children do not currently receive or have never  
60 received public assistance. The department shall have the  
61 authority to secure and collect support by any method authorized  
62 under state law and establish paternity for any child or children  
63 on behalf of a recipient of child support services, including  
64 individuals who do not currently receive or have never received  
65 public assistance from a parent or any other person legally liable  
66 for such support who has either failed or refused to provide  
67 support, deserted, neglected or abandoned the child or children,  
68 including cooperating with other states in establishing paternity,



69 locating absent parents and securing compliance with court orders  
70 for support; the department may petition the court for the  
71 inclusion of health insurance as part of any child support order  
72 on behalf of such recipients of child support services. The  
73 proceeds of any collections resulting from such application shall  
74 be distributed in accordance with the standards prescribed in the  
75 federal Social Security Act;

76 (d) The department shall seek to recover from the  
77 individual who owes a support obligation to any individual who is  
78 a recipient of Title IV-D services as set forth in paragraph (b)  
79 or (c) on whose behalf the department is providing services, upon  
80 judicial proceedings conducted thereon after advance notice to  
81 such obligor, reasonable attorney's fees and court costs, in  
82 excess of any administrative fees collected and in excess of  
83 amounts of current support owed by the obligor, which the  
84 department incurs in recovering and collecting the support  
85 obligation, such costs and fees as the department recovers to be  
86 deposited in the Special Fund of the Mississippi Department of  
87 Human Services which is hereby established for the pursuit and  
88 collection of child support;

89 (e) To initiate contempt of court proceedings or any  
90 other remedial proceedings necessary to enforce (i) any order or  
91 decree of court relating to child support, and (ii) any order or  
92 decree of court relating to the maintenance and/or alimony of a  
93 parent where support collection services on his or her child's  
94 behalf are being provided by the department;

95 (f) To secure and collect by any method authorized  
96 under state law any maintenance and/or alimony on behalf of a  
97 parent whose child or children's support is being collected by the  
98 department. The department shall collect only such maintenance  
99 and/or alimony as is ordered or decreed by the court, and only in  
100 the event that the minor child and parent to whom such maintenance  
101 and/or alimony has been ordered are living in the same household;



102           (g) To obtain restitution of monies expended for public  
103 assistance from a parent or any other person legally liable for  
104 the support of any child or children receiving aid from the  
105 department; said action for restitution shall arise from the  
106 payment of public assistance for the dependent child or children  
107 and shall be for the amount of the public assistance paid. Said  
108 action for restitution shall not arise against the parent or other  
109 person legally responsible who receives public assistance for the  
110 benefit of any dependent child or children. When a court order of  
111 support has been issued, the amount recoverable shall be limited  
112 to the amount of the court order;

113           (h) Setting off against a debtor's income tax refund or  
114 rebate any debt which is in the form of a liquidated sum due and  
115 owing for the care, support or maintenance of a child;

116           (i) To have full responsibility in the aforementioned  
117 cases for initiating actions under the Uniform Interstate Family  
118 Support Act and for responding to the actions of other  
119 jurisdictions under said law when Mississippi is the responding  
120 state; however, this shall not impair private litigants' rights to  
121 proceed under any applicable interstate enforcement mechanisms;

122           (j) To enter into contracts for the purpose of  
123 performing any test which the department may, from time to time,  
124 require;

125           (k) To maintain a Central Receipting and Disbursement  
126 Unit to which all payments required by withholding orders and  
127 orders for support in all actions to which the Department of Human  
128 Services is a party shall be forwarded, and from which child  
129 support payments ordered by the court in actions to which the  
130 Department of Human Services is a party shall be disbursed to the  
131 custodial parent or other such party as may be designated by the  
132 court order. The Central Receipting and Disbursement Unit shall  
133 be operated by the Department of Human Services or any financial  
134 institution having operations and qualified to do business in



135 Mississippi, whose deposits are insured by the Federal Deposit  
136 Insurance Corporation. The department shall conduct cost-benefit  
137 analyses to determine and utilize the more cost efficient manner  
138 of operating the unit;

139 (1) To maintain a Mississippi Department of Human  
140 Services Case Registry containing records with respect to:

141 (i) Each case in which services are being provided  
142 by the department under this section; and

143 (ii) Each support order established or modified in  
144 Mississippi on or after October 1, 1998; and

145 (iii) The Administrative Office of Courts, as  
146 established by Section 9-21-1, Mississippi Code of 1972, in  
147 consultation with the Mississippi Department of Human Services,  
148 shall devise, promulgate and require the use of a Uniform Child  
149 Support Order Tracking System.

150 1. Information collected from case filing  
151 forms shall be furnished to the Mississippi Department of Human  
152 Services, Division of Child Support Enforcement, in order that  
153 compliance with court-ordered obligations of support may be  
154 tracked with specificity throughout the duration of said  
155 obligations and any subsequent proceedings.

156 2. Such tracking system shall include: 1.  
157 the names, residential and mailing addresses, telephone numbers,  
158 Social Security numbers, driver's license numbers and dates of  
159 birth of each child and parent named in or subject to the court  
160 order; 2. the court cause number of the action; 3. name, address  
161 and telephone number of employer; 4. any restraining or protective  
162 order indicating domestic violence; and 5. any other information  
163 which may be used for the purpose of identifying any person named  
164 in or subject to the order or for the purposes of establishing,  
165 enforcing or modifying a child support order; and

166 (m) To take administrative actions relating to genetic  
167 testing, determine paternity, establish child support orders,



168 modification of child support orders, income withholding, liens  
169 and subpoenas without the necessity of obtaining an order from any  
170 judicial or other administrative tribunal with respect to cases  
171 initiated or enforced by the department pursuant to Title IV-D of  
172 the Social Security Act;

173 (n) To have the authority to use high-volume automated  
174 administrative enforcement in interstate cases to the same extent  
175 as used for intrastate cases, in response to a request made by  
176 another state to enforce support orders;

177 (o) To provide any child support enforcement or other  
178 service as may be required by the United States of America,  
179 Department of Health and Human Services, Family Support  
180 Administration, Office of Child Support Enforcement or their  
181 successor pursuant to federal law or regulation.

182 **SECTION 2.** Section 43-19-35, Mississippi Code of 1972, is  
183 amended as follows:

184 43-19-35. (1) By currently or previously accepting public  
185 assistance or making application for child support services for  
186 and on behalf of a child or children, the recipient shall be  
187 deemed to have made an assignment to the State Department of Human  
188 Services of any and all rights and interests in any cause of  
189 action, past, present or future, that said recipient or the  
190 children may have against any parent failing to provide for the  
191 support and maintenance of said minor child or children \* \* \*;  
192 said department shall be subrogated to any and all rights, title  
193 and interest the recipient or the children may have against any  
194 and all property belonging to the absent or nonsupporting parent  
195 in the enforcement of any claim for child or spousal support,  
196 whether liquidated through court order or not. The recipient of  
197 Title IV-D services shall also be deemed, without the necessity of  
198 signing any document, to have appointed the State Department of  
199 Human Services to act in his or her, as well as the children's,  
200 name, place, and stead to perform the specific act of instituting



201 suit to establish paternity or secure support, collecting any and  
202 all amounts due and owing for child or spousal support or any  
203 other service as required or permitted under Title IV-D of the  
204 federal Social Security Act, and endorsing any and all drafts,  
205 checks, money orders or other negotiable instruments representing  
206 child or spousal support payments which are received on behalf of  
207 the recipient or the children, and retaining any portion thereof  
208 permitted under federal and state statutes as reimbursement for  
209 public assistance monies previously paid to the recipient or  
210 children.

211 (2) Court orders of support for any child or children  
212 receiving services through Title IV-D of the federal Social  
213 Security Act shall be amended, by operation of law, and without  
214 the necessity of a motion by the Child Support Unit and a hearing  
215 thereon to provide that the payment of support shall be directed  
216 by the absent parent to the Mississippi Department of Human  
217 Services Central Receipting and Disbursement Unit as provided in  
218 Section 43-19-37 and not to the recipient. The absent parent  
219 shall be notified of such amendment prior to it taking effect.

220 (3) Any attorney authorized by the state to initiate any  
221 action pursuant to Title IV-D of the federal Social Security Act,  
222 including, but not limited to, any action initiated pursuant to  
223 Sections 43-19-31 et seq. and 93-25-1 et seq. shall be deemed to  
224 represent the interest of the State Department of Human Services  
225 exclusively; no attorney-client relationship shall exist between  
226 said attorney and any recipient of services pursuant to Title IV-D  
227 of the federal Social Security Act for and on behalf of a child or  
228 children, regardless of the name in which the legal proceedings  
229 are initiated. Said attorney representing the state in a Title  
230 IV-D case is only authorized to appear and prosecute and/or defend  
231 issues of support and cannot in a Title IV-D case address or  
232 provide representation to the Title IV-D recipient on any other  
233 ancillary issues raised or presented in that action.



234 (4) Said assignment to the State Department of Human  
235 Services shall be free of any legal or equitable defense to the  
236 payment of child support that may accrue to any person legally  
237 liable for the support of any child or children receiving aid from  
238 the State Department of Human Services, as a result of the conduct  
239 of the person who is accepting public assistance for and on behalf  
240 of said child or children.

241 **SECTION 3.** Section 43-19-37, Mississippi Code of 1972, is  
242 amended as follows:

243 43-19-37. (1) Court orders of support in all cases brought  
244 under the provisions of Sections 43-19-31 through 43-19-53 shall  
245 specify that the payment of court costs shall be directed by the  
246 absent parent to the Mississippi Department of Human Services  
247 Central Receipting and Disbursement Unit for further disbursement  
248 in the manner as prescribed by Title IV-D of the federal Social  
249 Security Act. The court shall assess attorney's fees to recover  
250 the costs associated with preparing and prosecuting the case,  
251 which shall be paid directly to the Mississippi Department of  
252 Human Services solely for the support of the legal division of the  
253 Child Support Unit, in a manner separate and distinct from the  
254 payment of child support. The court may allow the defendant to  
255 pay the attorney's fee over a period not to exceed four (4)  
256 months. The state portion of attorney's fees paid into the  
257 department shall be used to match federal funds for the support of  
258 the legal division of the Child Support Unit, in conjunction with  
259 the Office of Attorney General. Any payments made by the absent  
260 parent directly to the recipient or applicant in violation of the  
261 court order shall not be deemed to be a support payment or an  
262 attorney's fee and shall not be credited to the court-ordered  
263 obligation of said absent parent or to the court-ordered  
264 obligation for the payment of the attorney's fee. Failure of the  
265 absent parent to comply with an order of support or for payment of  
266 an attorney's fee for a period of thirty (30) days shall be





267 directed to the court having jurisdiction of the matter for  
268 contempt proceedings or execution issued in the manner and form  
269 prescribed by statute. Should civil proceedings become  
270 ineffective in producing support or attorney's fees in any case  
271 involving a legitimate child or a child wherein paternity has been  
272 established by law or acknowledged in writing, the case shall  
273 promptly be referred to the district attorney for prosecution as a  
274 violation of Section 97-5-3.

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

279 **SECTION 4.** Section 43-19-47, Mississippi Code of 1972, is  
280 amended as follows:

281 43-19-47. (1) The Child Support Unit of the State  
282 Department of Human Services, in cooperation with the Attorney  
283 General, may appoint at least one (1) full-time staff attorney in  
284 or for each chancery court district for the purpose of initiating  
285 proceedings under the provisions of Sections 43-19-31 through  
286 43-19-53 in securing child support and establishing paternity. The  
287 qualifications and annual salary of each of the attorneys  
288 appointed by the Child Support Unit, in cooperation with the  
289 Attorney General's office under the provisions of Sections  
290 43-19-31 through 43-19-53 shall be fixed at such sums as may be  
291 deemed proper in accordance with the salaries of other full-time  
292 employed state attorneys with the Attorney General's Office. Such  
293 salaries, inclusive of all reimbursable travel and other expenses,  
294 inclusive of financial arrangements perfected with the appropriate  
295 courts, the law enforcement officials and the district attorneys,  
296 shall be paid monthly from the funds appropriated to the Child  
297 Support Unit of the State Department of Human Services and from  
298 the special fund for the Division of Child Support in which the  
299 interest from its accounts and all attorney's fees and other fees



300 is placed. The Mississippi Personnel Board shall survey the  
301 salaries of other Mississippi attorneys with the Attorney  
302 General's Office each year and shall raise the start step of the  
303 staff and senior attorneys accordingly and the minimum shall never  
304 go below Forty Thousand Dollars (\$40,000.00) for staff attorneys  
305 or Fifty Thousand Dollars (\$50,000.00) for senior attorneys.

306 (2) To assist in the implementation of the provisions of  
307 Sections 43-19-31 through 43-19-53, the Executive Director of the  
308 Department of Human Services is empowered to enter into  
309 cooperative agreements with district attorneys, county attorneys  
310 and attorneys employed by the county boards of supervisors, in  
311 conjunction with the Office of Attorney General. Said cooperative  
312 agreements shall be made in compliance with the regulations  
313 established by the Secretary of the Department of Health and Human  
314 Services, and may be funded either by funds appropriated to the  
315 Child Support Unit of the State Department of Human Services or  
316 funds appropriated by any county board of supervisors in this  
317 state for their respective county. Attorneys may be hired  
318 contractually to be paid in amounts commensurate with the  
319 department's staff attorneys.

320 **SECTION 5.** Section 43-19-55, Mississippi Code of 1972, is  
321 amended as follows:

322 43-19-55. The State Department of Human Services shall be  
323 authorized in maintaining separate accounts with Mississippi banks  
324 to handle funds received as incentives from the federal government  
325 earned as a result of collecting support and also any funds  
326 maintained on deposit as a result of federal and state income tax  
327 offsets and any other relevant account, and to aggressively manage  
328 the float in these accounts so as to accrue maximum interest  
329 advantage of the funds in the account, and to retain all earned  
330 interest on these funds to be applied to defray the expenses of  
331 the Child Support Unit.



332           **SECTION 6.** Section 93-9-9, Mississippi Code of 1972, is  
333 amended as follows:

334           93-9-9. (1) Paternity may be determined upon the petition  
335 of the mother, or father, the child or any public authority  
336 chargeable by law with the support of the child; provided that  
337 such an adjudication after the death of the defendant must be made  
338 only upon clear and convincing evidence. If paternity has been  
339 lawfully determined, or has been acknowledged in writing according  
340 to the laws of this state, the liabilities of the noncustodial  
341 parent may be enforced in the same or other proceedings by the  
342 custodial parent, the child, or any public authority which has  
343 furnished or may furnish the reasonable expenses of pregnancy,  
344 confinement, education, necessary support and maintenance, and  
345 medical or funeral expenses for the custodial parent or the child.  
346 The trier of fact shall receive without the need for third-party  
347 foundation testimony certified, attested or sworn documentation as  
348 evidence of (a) childbirth records; (b) cost of filing fees; (c)  
349 court costs; (d) services of process fees; (e) mailing cost; (f)  
350 genetic tests and testing fees; (g) the department's attorney's  
351 fees; (h) in cases where the state or any of its entities or  
352 divisions have provided medical services to the child or the  
353 child's mother, all costs of prenatal care, birthing, postnatal  
354 care and any other medical expenses incurred by the child or by  
355 the mother as a consequence of the mother's pregnancy or delivery;  
356 and (i) funeral expenses. All costs and fees shall be ordered  
357 paid to the Department of Human Services in all cases successfully  
358 prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00)  
359 in attorney's fees or an amount determined by the court without  
360 submitting an affidavit. However, proceedings hereunder shall not  
361 be instituted by the Department of Human Services after the child  
362 has reached the age of eighteen (18) years but proceedings may be  
363 instituted by a private attorney at any time until such child  
364 attains the age of twenty-one (21) years unless the child has been



365 emancipated as provided in Section 93-5-23 and Section 93-11-65.  
366 In the event of court-determined paternity, the surname of the  
367 child shall be that of the father, unless the judgment specifies  
368 otherwise.

369 (2) If the alleged father in an action to determine  
370 paternity to which the Department of Human Services is a party  
371 fails to appear for a scheduled hearing after having been served  
372 with process or subsequent notice consistent with the Rules of  
373 Civil Procedure, his paternity of the child(ren) shall be  
374 established by the court if an affidavit sworn to by the mother  
375 averring the alleged father's paternity of the child has  
376 accompanied the complaint to determine paternity. Said affidavit  
377 shall constitute sufficient grounds for the court's finding of the  
378 alleged father's paternity without the necessity of the presence  
379 or testimony of the mother at the said hearing. The court shall,  
380 upon motion by the Department of Human Services, enter a judgment  
381 of paternity. Any person who shall willfully and knowingly file a  
382 false affidavit shall be subject to a fine of not more than One  
383 Thousand Dollars (\$1,000.00).

384 (3) Upon application of both parents to the State Board of  
385 Health and receipt by the State Board of Health of a sworn  
386 acknowledgement of paternity executed by both parents subsequent  
387 to the birth of a child born out of wedlock, the birth certificate  
388 of the child shall be amended to show such paternity if paternity  
389 is not shown on the birth certificate. Upon request of the  
390 parents for the legitimization of a child under this section, the  
391 surname of the child shall be changed on the certificate to that  
392 of the father.

393 (4) (a) A signed voluntary acknowledgment of paternity is  
394 subject to the right of any signatory to rescind the  
395 acknowledgment within the earlier of:

396 (i) Sixty (60) days; or



397 (ii) The date of a judicial proceeding relating to  
398 the child, including a proceeding to establish a support order, in  
399 which the signatory is a party.

400 (b) After the expiration of the sixty-day period  
401 specified in subsection (4)(a)(i) of this section, a signed  
402 voluntary acknowledgment of paternity may be challenged in court  
403 only on the basis of fraud, duress or material mistake of fact,  
404 with the burden of proof upon the challenger; the legal  
405 responsibilities, including child support obligations, of any  
406 signatory arising from the acknowledgment may not be suspended  
407 during the pendency of the challenge, except for good cause shown.

408 **SECTION 7.** Section 9-5-255, Mississippi Code of 1972, is  
409 amended as follows:

410 9-5-255. (1) Except as provided by subsection (9) of this  
411 section, the senior chancellor of each chancery court district in  
412 the state may apply to the Chief Justice of the Supreme Court for  
413 the appointment of one or more persons to serve as family masters  
414 in chancery in each of the counties or for all of the counties  
415 within the respective chancery court district if the senior  
416 chancellor states in writing that the chancery court district's  
417 docket is crowded enough to warrant an appointment of a family  
418 master. The Chief Justice shall determine from the information  
419 provided by the senior chancellor if the need exists for the  
420 appointment of a family master. If the Chief Justice determines  
421 that the need exists, a family master shall be appointed. If the  
422 Chief Justice determines that the need does not exist, no family  
423 master shall be appointed.

424 (2) Family masters in chancery shall have the power to hear  
425 cases and recommend orders establishing, modifying and enforcing  
426 orders for support in matters referred to them by chancellors and  
427 judges of the circuit, county or family courts of such county.  
428 The family master in chancery shall have jurisdiction over  
429 paternity matters brought pursuant to the Mississippi Uniform Law



430 on Paternity and referred to them by chancellors and judges of the  
431 circuit, county or family courts of such county. As used in this  
432 section, "order for support" shall have the same meaning as such  
433 term is defined in Section 93-11-101.

434 (3) In all cases in which an order for support has been  
435 established and the person to whom the support obligation is owed  
436 is a nonrelated Temporary Assistance for Needy Families (TANF)  
437 family on whose behalf the Department of Human Services is  
438 providing services, the family master in chancery or any other  
439 judge or court of competent jurisdiction shall, upon proper  
440 pleading by the department and upon appropriate proceedings  
441 conducted thereon, order that the department may recover and that  
442 the obligor shall be liable for reasonable attorney's fees at a  
443 minimum of Two Hundred Fifty Dollars (\$250.00) or an amount set by  
444 the court and court costs which the department incurs in enforcing  
445 and collecting amounts of support obligation which exceed  
446 administrative fees collected and current support owed by the  
447 obligor.

448 (4) Persons appointed as family masters in chancery pursuant  
449 to this section shall meet and possess all of the qualifications  
450 required of chancery and circuit court judges of this state, shall  
451 remain in office at the pleasure of the appointing chancellor, and  
452 shall receive reasonable compensation for services rendered by  
453 them, as fixed by law, or allowed by the court. Family masters in  
454 chancery shall be paid out of any available funds budgeted by the  
455 board of supervisors of the county in which they serve; provided,  
456 however, in the event that a family master in chancery is  
457 appointed to serve in more than one county within a chancery court  
458 district, then the compensation and expenses of such master shall  
459 be equally apportioned among and paid by each of the counties in  
460 which such master serves. The chancery clerk shall issue to such  
461 persons a certificate of appointment.



462 (5) Family masters in chancery shall have power to  
463 administer oaths, to take the examination of witnesses in cases  
464 referred to them, to examine and report upon all matters referred  
465 to them, and they shall have all the powers in cases referred to  
466 them properly belonging to masters or commissioners in chancery  
467 according to the practice of equity courts as heretofore  
468 exercised.

469 (6) Family masters in chancery shall have power to issue  
470 subpoenas for witnesses to attend before them to testify in any  
471 matter referred to them or generally in the cause, and the  
472 subpoenas shall be executed in like manner as subpoenas issued by  
473 the clerk of the court. If any witness shall fail to appear, the  
474 master shall proceed by process of attachment to compel the  
475 witness to attend and give evidence.

476 (7) Family masters in chancery are authorized and empowered  
477 to conduct original hearings on matters in such county referred to  
478 such masters by any chancellor or judge of such county.

479 (8) In all cases heard by masters pursuant to this section,  
480 such masters shall make a written report to the chancellor or  
481 judge who refers the case to him. Such chancellor or judge may  
482 accept, reject or modify, in whole or in part, the findings or  
483 recommendations made and reported by the master, and may recommit  
484 the matter to the master with instructions. In all cases referred  
485 to such master, initialing for approval by the master of a  
486 proposed decree shall be sufficient to constitute the master's  
487 report.

488 (9) Any chancellor required by this section to appoint a  
489 person or persons to serve as family masters in chancery may  
490 forego the requirement to appoint such masters or if family  
491 masters have been appointed, such chancellor may terminate such  
492 appointments and leave such positions vacant, only if an exemption  
493 from the United States Department of Health and Human Services is



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

496         **SECTION 8.** This act shall take effect and be in force from  
497 and after its passage.

