

By: Senator(s) Huggins

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2389
(As Sent to Governor)

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. Unless notified to the contrary, whenever a child or
49 children for whom child support services have been provided ceases
50 to receive public assistance, the department will continue to
51 provide services and establish paternity, secure and collect such
52 support payments from a parent or any other person legally liable
53 for such support in accordance with the standards prescribed
54 pursuant to the federal Social 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.

