

By: Representative Taylor

To: Judiciary A

HOUSE BILL NO. 373

1 AN ACT TO AMEND SECTION 93-11-113, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IN MODIFICATION PROCEEDINGS THE COURT SHALL
3 CONSIDER EXTRA SUPPORT PROVIDED BY THE OBLIGOR; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 93-11-113, Mississippi Code of 1972, is
7 amended as follows:

8 93-11-113. (1) At any time, an obligor, obligee, the
9 department or clerk of the court may petition the court to:

10 (a) Modify, suspend or terminate the order for
11 withholding because of a modification, suspension or termination
12 of the underlying order for support; or

13 (b) Modify the amount of income to be withheld to
14 reflect payment in full of the delinquency by income withholding
15 or otherwise; or

16 (c) Suspend the order for withholding because of
17 inability to deliver income withheld to the obligee due to the
18 obligee's failure to provide a mailing address or other means of
19 delivery.

20 (2) The clerk shall serve on the payor, by first-class mail
21 or personal delivery, a copy of any order entered pursuant to this
22 section that affects the duties of the payor.

23 (3) The order for withholding shall continue to be binding
24 upon the payor until service of any order of the court entered
25 under this section.

26 (4) In determining whether to modify, suspend or terminate
27 an order, the court shall take into consideration any extra

28 support provided by the obligor over the amount required by the
29 existing order.

30 **SECTION 2.** This act shall take effect and be in force from
31 and after July 1, 2004.