

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 1537
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,
2 TO DEFINE REASONABLE MEDICAL INSURANCE AS A PERCENTAGE OF THE
3 NONCUSTODIAL PARENT'S GROSS INCOME FOR CHILD SUPPORT PURPOSES; AND
4 FOR RELATED PURPOSES.

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

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

8 43-19-101. (1) The following child support award guidelines
9 shall be a rebuttable presumption in all judicial or
10 administrative proceedings regarding the awarding or modifying of
11 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%

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

18 (3) The amount of "adjusted gross income" as that term is
19 used in subsection (1) of this section shall be calculated as
20 follows:
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28 (a) Determine gross income from all potential sources
29 that may reasonably be expected to be available to the absent
30 parent including, but not limited to, the following: wages and
31 salary income; income from self employment; income from
32 commissions; income from investments, including dividends,
33 interest income and income on any trust account or property;
34 absent parent's portion of any joint income of both parents;
35 workers' compensation, disability, unemployment, annuity and
36 retirement benefits, including an individual retirement account
37 (IRA); any other payments made by any person, private entity,
38 federal or state government or any unit of local government;
39 alimony; any income earned from an interest in or from inherited
40 property; any other form of earned income; and gross income shall
41 exclude any monetary benefits derived from a second household,
42 such as income of the absent parent's current spouse;

43 (b) Subtract the following legally mandated deductions:
44 (i) Federal, state and local taxes. Contributions
45 to the payment of taxes over and beyond the actual liability for
46 the taxable year shall not be considered a mandatory deduction;
47 (ii) Social security contributions;
48 (iii) Retirement and disability contributions
49 except any voluntary retirement and disability contributions;

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

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

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

61 Upon conclusion of the calculation of paragraphs (a) through
62 (e), multiply the monthly amount of adjusted gross income by the
63 appropriate percentage designated in subsection (1) to arrive at
64 the amount of the monthly child support award.

65 (4) In cases in which the adjusted gross income as defined
66 in this section is more than Fifty Thousand Dollars (\$50,000.00)
67 or less than Five Thousand Dollars (\$5,000.00), the court shall
68 make a written finding in the record as to whether or not the
69 application of the guidelines established in this section is
70 reasonable.

71 (5) The Department of Human Services shall review the
72 appropriateness of these guidelines beginning January 1, 1994, and
73 every four (4) years thereafter and report its findings to the
74 Legislature no later than the first day of the regular legislative
75 session of that year. The Legislature shall thereafter amend
76 these guidelines when it finds that amendment is necessary to
77 ensure that equitable support is being awarded in all cases
78 involving the support of minor children.

79 (6) All orders involving support of minor children, as a
80 matter of law, shall include reasonable medical support. Notice
81 to the noncustodial parent's employer that medical support has
82 been ordered shall be on a form as prescribed by the Department of
83 Human Services. In any case in which the support of any child is
84 involved, the court shall make the following findings either on
85 the record or in the judgment:

86 (a) The availability to all parties of health insurance
87 coverage for the child(ren);

88 (b) The cost of health insurance coverage to all
89 parties.

90 The court shall then make appropriate provisions in the
91 judgment for the provision of health insurance coverage for the
92 child(ren) in the manner that is in the best interests of the
93 child(ren). If the court requires the custodial parent to obtain

94 the coverage then its cost shall be taken into account in
95 establishing the child support award. If the court determines
96 that health insurance coverage is not available to any party or
97 that it is not available to either party at a cost that is
98 reasonable as compared to the income of the parties, then the
99 court shall make specific findings as to such either on the record
100 or in the judgment. In that event, the court shall make
101 appropriate provisions in the judgment for the payment of medical
102 expenses of the child(ren) in the absence of health insurance
103 coverage.

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