

By: Senator(s) Huggins

To: Appropriations

SENATE BILL NO. 3038
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 93-11-111, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM AMOUNT THAT IS WITHHELD EACH MONTH FROM
3 THE INCOME OF A PERSON SUBJECT TO A CHILD SUPPORT ORDER TO DEFRAY
4 THE ADMINISTRATIVE COSTS OF THE DEPARTMENT OF HUMAN SERVICES IN
5 RECEIVING AND DISTRIBUTING CHILD SUPPORT PAYMENTS THAT ARE
6 WITHHELD FROM THE PERSON'S INCOME; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 93-11-111, Mississippi Code of 1972, is
9 amended as follows:

10 93-11-111. (1) It shall be the duty of any payor who has
11 been served with a copy of the order for withholding and an
12 attached affidavit of accounting, a certified record of payments,
13 or judgment for delinquency to deduct and pay over income as
14 provided in this section. The payor shall deduct the amount
15 designated in the order for withholding beginning with the next
16 payment of income that is payable to the obligor after fourteen
17 (14) days following service of the order and notice. The payor
18 shall pay the amounts withheld to the department within seven (7)
19 days of the date the obligor is paid in accordance with the order
20 for withholding and in accordance with any later notification
21 received redirecting payments. The department shall then forward
22 those amounts to the obligee.

23 (2) For each intrastate withholding of income, the payor
24 shall be entitled to receive a fee of Two Dollars (\$2.00) to be
25 withheld from the income of the obligor in addition to the support
26 payments, regardless of the number of payments the payor makes to
27 the department. However, in all interstate withholding, the rules
28 and laws of the state where the obligor works shall determine the
29 payor's processing fee.

30 (3) The payor shall, unless otherwise notified by the
31 department, withhold from the income of the obligor and forward to
32 the department each month, an amount specified by the department
33 not to exceed Fifteen Dollars (\$15.00) per month to defray the
34 department's administrative costs incurred in receiving and
35 distributing money withheld under Sections 93-11-101 through
36 93-11-119. The payor may pay such amount to the department in any
37 manner determined by the payor to be convenient and may include
38 that amount in checks to the department for amounts withheld
39 pursuant to the order for withholding. This subsection (3) shall
40 stand repealed on July 1, 2005.

41 (4) Regardless of the amount designated in the order for
42 withholding and regardless of other fees imposed or amounts
43 withheld under this section, the payor shall not deduct from the
44 income of the obligor in excess of the amounts allowed under
45 Section 303(b) of the Consumer Credit Protection Act, being 15
46 USCS 1673, as amended.

47 (5) A payor may combine all amounts that he is required to
48 withhold and pay to the department in one (1) payment; * * *
49 however, the payor must send to the department a list showing the
50 amount of the payment attributable to each obligor.

51 (6) Whenever the obligor is no longer receiving income from
52 the payor, the payor shall return a copy of the order for
53 withholding to the department and shall forward the obligor's last
54 known address and name and address of the obligor's new employer,
55 if known, to the department. The payor shall cooperate in
56 providing further information for the purpose of enforcing
57 Sections 93-11-101 through 93-11-119.

58 (7) Withholding of income under this section shall be made
59 without regard to any prior or subsequent garnishments,
60 attachments, wage assignments or any other claims of creditors.
61 Payment as required by the order for withholding shall be a

62 complete defense by the payor against any claims of the obligor or
63 his creditors as to the sum so paid.

64 (8) In cases in which the payor has been served more than
65 one (1) order for withholding for the same obligor, the payor
66 shall honor the orders on a pro rata basis to result in
67 withholding an amount for each order that is in direct proportion
68 to the percentage of the obligor's adjusted gross income that the
69 order represents, and the payor shall honor all those withholdings
70 to the extent that the total amount withheld does not exceed the
71 maximum amount specified in subsection (1) of this section.

72 (9) No payor shall discharge, discipline, refuse to hire or
73 otherwise penalize any obligor because of the duty to withhold
74 income.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after its passage.