

By: Senator(s) Doxey, Pickering, White,
Flowers

To: Public Health and
Welfare; Judiciary, Division
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SENATE BILL NO. 2692

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CHILD SUPPORT GUIDELINES SHALL BE INCREASED BY
3 ONE-HALF THE ANNUAL AMOUNT OF CHILD CARE PAID BY THE CUSTODIAL
4 SPOUSE WHO IS WORKING FULL TIME; AND 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%

19 The amount of the child support which results from the
20 guidelines provided for in subsection (1) of this section shall be
21 increased by one-half of the annual amount of child care expense
22 which is paid by the custodial spouse in the event the custodial
23 spouse is working full time. Child support orders in effect on
24 July 1, 2005, shall, in the discretion of the court, be modified
25 to reflect the additional amount required for child care expense.

26 (2) The guidelines provided for in subsection (1) of this
27 section apply unless the judicial or administrative body awarding
28 or modifying the child support award makes a written finding or

29 specific finding on the record that the application of the
30 guidelines would be unjust or inappropriate in a particular case
31 as determined under the criteria specified in Section 43-19-103.

32 (3) The amount of "adjusted gross income" as that term is
33 used in subsection (1) of this section shall be calculated as
34 follows:

35 (a) Determine gross income from all potential sources
36 that may reasonably be expected to be available to the absent
37 parent including, but not limited to, the following: wages and
38 salary income; income from self employment; income from
39 commissions; income from investments, including dividends,
40 interest income and income on any trust account or property;
41 absent parent's portion of any joint income of both parents;
42 workers' compensation, disability, unemployment, annuity and
43 retirement benefits, including an individual retirement account
44 (IRA); any other payments made by any person, private entity,
45 federal or state government or any unit of local government;
46 alimony; any income earned from an interest in or from inherited
47 property; any other form of earned income; and gross income shall
48 exclude any monetary benefits derived from a second household,
49 such as income of the absent parent's current spouse;

50 (b) Subtract the following legally mandated deductions:

51 (i) Federal, state and local taxes. Contributions
52 to the payment of taxes over and beyond the actual liability for
53 the taxable year shall not be considered a mandatory deduction;

54 (ii) Social security contributions;

55 (iii) Retirement and disability contributions
56 except any voluntary retirement and disability contributions;

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

60 (d) If the absent parent is also the parent of another
61 child or other children residing with him, then the court may

62 subtract an amount that it deems appropriate to account for the
63 needs of said child or children;

64 (e) Compute the total annual amount of adjusted gross
65 income based on paragraphs (a) through (d), then divide this
66 amount by twelve (12) to obtain the monthly amount of adjusted
67 gross income.

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

72 (4) In cases in which the adjusted gross income as defined
73 in this section is more than Fifty Thousand Dollars (\$50,000.00)
74 or less than Five Thousand Dollars (\$5,000.00), the court shall
75 make a written finding in the record as to whether or not the
76 application of the guidelines established in this section is
77 reasonable.

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

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

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

95 (b) The cost of health insurance coverage to all
96 parties.

97 The court shall then make appropriate provisions in the
98 judgment for the provision of health insurance coverage for the
99 child(ren) in the manner that is in the best interests of the
100 child(ren). If the court requires the custodial parent to obtain
101 the coverage then its cost shall be taken into account in
102 establishing the child support award. If the court determines
103 that health insurance coverage is not available to any party or
104 that it is not available to either party at a cost that is
105 reasonable as compared to the income of the parties, then the
106 court shall make specific findings as to such either on the record
107 or in the judgment. In that event, the court shall make
108 appropriate provisions in the judgment for the payment of medical
109 expenses of the child(ren) in the absence of health insurance
110 coverage.

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2005.