

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2874

1 AN ACT TO AMEND SECTION 93-11-111, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON WITHHOLDING TO DEFRAY ADMINISTRATIVE
3 COSTS INCURRED BY THE DEPARTMENT OF HUMAN SERVICES FOR CHILD
4 SUPPORT; AND FOR RELATED PURPOSES.

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

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

8 93-11-111. (1) It shall be the duty of any payor who has
9 been served with a copy of the order for withholding and an
10 attached affidavit of accounting, a certified record of payments,
11 or judgment for delinquency to deduct and pay over income as
12 provided in this section. The payor shall deduct the amount
13 designated in the order for withholding beginning with the next
14 payment of income that is payable to the obligor after fourteen
15 (14) days following service of the order and notice. The payor
16 shall pay the amounts withheld to the department within seven (7)
17 days of the date the obligor is paid in accordance with the order
18 for withholding and in accordance with any later notification
19 received redirecting payments. The department shall then forward
20 those amounts to the obligee.

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

28 (3) The payor shall, unless otherwise notified by the
29 department, withhold from the income of the obligor and forward to
30 the department each month, an amount specified by the department
31 not to exceed Fifteen Dollars (\$15.00) per month to defray the
32 department's administrative costs incurred in receiving and
33 distributing money withheld under Sections 93-11-101 through
34 93-11-119. The payor may pay such amount to the department in any
35 manner determined by the payor to be convenient and may include
36 that amount in checks to the department for amounts withheld
37 pursuant to the order for withholding. This subsection (3) shall
38 stand repealed on July 1, 2007.

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

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

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

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

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

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

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

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