

By: Representative Snowden

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 972

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MONETARY THRESHOLD REQUIRING THE COURT TO MAKE
3 WRITTEN FINDINGS OF REASONABLENESS; AND FOR RELATED PURPOSES.

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

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

7 43-19-101. (1) The following child support award guidelines
8 shall be a rebuttable presumption in all judicial or
9 administrative proceedings regarding the awarding or modifying of
10 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%

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

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

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

42 (b) Subtract the following legally mandated deductions:

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

46 (ii) Social security contributions;

47 (iii) Retirement and disability contributions
48 except any voluntary retirement and disability contributions;

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

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

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

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

64 (4) In cases in which the adjusted gross income as defined
65 in this section is more than Seventy-five Thousand Dollars
66 (\$75,000.00) or less than Five Thousand Dollars (\$5,000.00), the
67 court shall make a written finding in the record as to whether or
68 not the application of the guidelines established in this section
69 is reasonable.

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

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

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

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

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

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

103 **SECTION 2.** This act shall take effect and be in force from
104 and after July 1, 2006.