

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2404

1 AN ACT TO AMEND SECTIONS 93-9-49 AND 93-11-71, MISSISSIPPI
2 CODE OF 1972, TO SPECIFY THAT RE-MARRIAGE OR MARRIAGE BETWEEN THE
3 FATHER AND MOTHER OF A CHILD AS TO WHOM A CHILD SUPPORT ORDER HAS
4 BEEN ENTERED UNDER WHICH AN ARREARAGE HAS ACCUMULATED ABATES
5 CERTAIN ACTIONS TO COLLECT SAID ARREARAGE FOR SO LONG AS THE
6 CHILD'S PARENTS REMAIN MARRIED AND RESIDE TOGETHER IN THE SAME
7 HOUSEHOLD; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 93-9-49, Mississippi Code of 1972, is
10 amended as follows:

11 93-9-49. An agreement of settlement with the alleged father
12 is binding only when approved by the court.

13 Notwithstanding the foregoing, should the mother and the
14 father of the child marry or remarry each other and reside
15 together in the same household with the child who is the subject
16 of the support order, any arrearage in child support (except
17 public assistance arrears to be collected by the Office of Child
18 Support Enforcement and paid to the United States government)
19 shall stand abated and not be subject to collection for so long as
20 the parties remain married and reside together in the same
21 household. The obligation to pay any arrearage of child support
22 that accrued prior to the marriage or re-marriage shall revive and
23 become payable again upon the occurrence of any one (1) of the
24 following: (a) the parties no longer reside together; (b) the
25 parties separate; or (c) the parties divorce.

26 **SECTION 2.** Section 93-11-71, Mississippi Code of 1972, is
27 amended as follows:

28 93-11-71. (1) Whenever a court orders any person to make
29 periodic payments of a sum certain for the maintenance or support

30 of a child, and whenever such payments as have become due remain
31 unpaid for a period of at least thirty (30) days, a judgment by
32 operation of law shall arise against the obligor in an amount
33 equal to all payments which are then due and owing.

34 (a) A judgment arising under this section shall have
35 the same effect and be fully enforceable as any other judgment
36 entered in this state. A judicial or administrative action to
37 enforce said judgment may be commenced at any time; and

38 (b) Such judgments arising in other states by operation
39 of law shall be given full faith and credit in this state.

40 (2) Any judgment arising under the provisions of this
41 section shall operate as a lien upon all the property of the
42 judgment debtor, both real and personal, which lien shall be
43 perfected as to third parties without actual notice thereof only
44 upon enrollment on the judgment roll. The department or attorney
45 representing the party to whom support is owed shall furnish an
46 abstract of the judgment for periodic payments for the maintenance
47 and support of a child, along with sworn documentation of the
48 delinquent child support, to the circuit clerk of the county where
49 the judgment is rendered, and it shall be the duty of the circuit
50 clerk to enroll the judgment on the judgment roll. Liens arising
51 under the provisions of this section may be executed upon and
52 enforced in the same manner and to the same extent as any other
53 judgment.

54 (3) Notwithstanding the provisions in subsection (2), any
55 judgment arising under the provisions of this section shall
56 subject the following assets to interception or seizure without
57 regard to the entry of the judgment on the judgment roll of the
58 situs district or jurisdiction:

59 (a) Periodic or lump-sum payments from a federal, state
60 or local agency, including unemployment compensation, workers'
61 compensation and other benefits;

62 (b) Winnings from lotteries and gaming winnings which
63 are received in periodic payments made over a period in excess of
64 thirty (30) days;

65 (c) Assets held in financial institutions;

66 (d) Settlements and awards resulting from civil
67 actions; and

68 (e) Public and private retirement funds, only to the
69 extent that the obligor is qualified to receive and receives a
70 lump sum or periodic distribution from the funds.

71 (4) In any case in which a child receives assistance from
72 block grants for Temporary Assistance for Needy Families (TANF),
73 and the obligor owes past-due child support, the obligor, if not
74 incapacitated, may be required by the court to participate in any
75 work programs offered by any state agency.

76 (5) Should the mother and the father of the child marry or
77 remarry each other and reside together in the same household with
78 the child who is the subject of the support order, any arrearage
79 in child support (except public assistance arrears to be collected
80 by the Office of Child Support Enforcement and paid to the United
81 States government) shall stand abated and not be subject to
82 collection for so long as the parties remain married and reside
83 together in the same household. The obligation to pay any
84 arrears of child support that accrued prior to the marriage or
85 re-marriage shall revive and become payable again upon the
86 occurrence of any one (1) of the following: (a) the parties no
87 longer reside together; (b) the parties separate; or (c) the
88 parties divorce.

89 **SECTION 3.** This act shall take effect and be in force from
90 and after July 1, 2006.