

By: Senator(s) Blackmon

To: Judiciary, Division A

SENATE BILL NO. 2522

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE CHILD SUPPORT GUIDELINES; TO BRING FORWARD SECTION
3 43-19-103, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
4 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:

12 Number Of Children	* * * <u>Monthly Support</u>
13 * * *	
14 1 * * *	<u>Six Hundred Dollars (\$600.00)</u>
15 2 * * *	<u>Nine Hundred Dollars (\$900.00)</u>
16 3 * * *	<u>One Thousand Two Hundred Dollars (\$1,200.00)</u>
17 4 <u>or more</u> * * *	<u>One Thousand Six Hundred Dollars (\$1,600.00)</u>
18 * * *	



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

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

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

43 (b) Subtract the following legally mandated deductions:



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

47 (ii) Social security contributions;

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

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

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

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

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

66 (4) In cases in which the adjusted gross income as defined
67 in this section is more than One Hundred Thousand Dollars
68 (\$100,000.00) or less than Ten Thousand Dollars (\$10,000.00), the



69 court shall make a written finding in the record as to
70 whether * * * the application of the guidelines established in
71 this section is reasonable.

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

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

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

89 (b) The cost of health insurance coverage to all
90 parties.

91 The court shall then make appropriate provisions in the
92 judgment for the provision of health insurance coverage for the
93 child(ren) in the manner that is in the best interests of the



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

105 **SECTION 2.** Section 43-19-103, Mississippi Code of 1972, is
106 brought forward as follows:

107 43-19-103. The rebuttable presumption as to the justness or
108 appropriateness of an award or modification of a child support
109 award in this state, based upon the guidelines established by
110 Section 43-19-101, may be overcome by a judicial or administrative
111 body awarding or modifying the child support award by making a
112 written finding or specific finding on the record that the
113 application of the guidelines would be unjust or inappropriate in
114 a particular case as determined according to the following
115 criteria:

116 (a) Extraordinary medical, psychological, educational
117 or dental expenses.

118 (b) Independent income of the child.



119 (c) The payment of both child support and spousal
120 support to the obligee.

121 (d) Seasonal variations in one or both parents' incomes
122 or expenses.

123 (e) The age of the child, taking into account the
124 greater needs of older children.

125 (f) Special needs that have traditionally been met
126 within the family budget even though the fulfilling of those needs
127 will cause the support to exceed the proposed guidelines.

128 (g) The particular shared parental arrangement, such as
129 where the noncustodial parent spends a great deal of time with the
130 children thereby reducing the financial expenditures incurred by
131 the custodial parent, or the refusal of the noncustodial parent to
132 become involved in the activities of the child, or giving due
133 consideration to the custodial parent's homemaking services.

134 (h) Total available assets of the obligee, obligor and
135 the child.

136 (i) Payment by the obligee of child care expenses in
137 order that the obligee may seek or retain employment, or because
138 of the disability of the obligee.

139 (j) Any other adjustment which is needed to achieve an
140 equitable result which may include, but not be limited to, a
141 reasonable and necessary existing expense or debt.

142 **SECTION 3.** This act shall take effect and be in force from
143 and after July 1, 2018.

