

By: Representative Denton

To: Judiciary A

HOUSE BILL NO. 82

1 AN ACT TO AMEND SECTION 43-19-103, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE FACTORS CONSIDERED FOR AN AWARD OF CHILD SUPPORT;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 43-19-103, Mississippi Code of 1972, is
6 amended as follows:

7 43-19-103. The rebuttable presumption as to the justness or
8 appropriateness of an award or modification of a child support
9 award in this state, based upon the guidelines established by
10 Section 43-19-101, may be overcome by a judicial or administrative
11 body awarding or modifying the child support award by making a
12 written finding or specific finding on the record that the
13 application of the guidelines would be unjust or inappropriate in
14 a particular case as determined according to the following
15 criteria:

16 (a) Extraordinary medical, psychological, educational
17 or dental expenses.

18 (b) Independent income of the child.



19 (c) The payment of both child support and spousal
20 support to the obligee.

21 (d) Seasonal variations in one or both parents' incomes
22 or expenses.

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

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

28 (g) The particular shared parental arrangement, such as
29 where the noncustodial parent spends a great deal of time with the
30 children thereby reducing the financial expenditures incurred by
31 the custodial parent, or the refusal of the noncustodial parent to
32 become involved in the activities of the child, or giving due
33 consideration to the custodial parent's homemaking services.

34 (h) Total available assets of the obligee, obligor and
35 the child.

36 (i) Payment by the obligee of child care expenses in
37 order that the obligee may seek or retain employment, or because
38 of the disability of the obligee.

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

42 (k) Mental or physical disability of a child, including
43 any child over the age of twenty-one (21), who is incapable of



44 self-support and requires care of the child by the custodial
45 parent.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2023.

