

By: Senator(s) Bryan

To: Judiciary, Division A

SENATE BILL NO. 2401

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PERCENTAGE AMOUNT FOR THE CHILD-SUPPORT AWARD  
3 GUIDELINES WHERE THE OBLIGOR'S MONTHLY INCOME IS \$1,500.00 OR  
4 ABOVE; TO PROVIDE CHILD-SUPPORT AWARD GUIDELINES WHERE THE  
5 OBLIGOR'S MONTHLY INCOME IS LESS THAN \$1,500.00; AND FOR RELATED  
6 PURPOSES.

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

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

10 43-19-101. (1) (a) If the obligor's monthly gross income  
11 is \$1,500 or above, the following child-support award guidelines  
12 shall be a rebuttable presumption in all judicial or  
13 administrative proceedings regarding the awarding or modifying of  
14 child-support awards in this state:

Number Of Children	Percentage Of Adjusted Gross Income
Due Support	That Should Be Awarded For Support
1	* * * <u>16%</u>
2	* * * <u>24%</u>
3	* * * <u>28%</u>
4	* * * <u>31%</u>



21 5 \* \* \* \* 34%  
22 6 or more An additional 2% for  
23 each additional child

24 (b) If the obligor's monthly gross income is less than  
25 One Thousand Five Hundred Dollars (\$1,500.00), the following child  
26 support award guidelines shall be a rebuttable presumption in all  
27 judicial or administrative proceedings regarding the awarding or  
28 modifying of child support awards in this state:

29 Low-income child support guidelines

<u>Number Of Children</u>	<u>Percentage Of Adjusted Gross Income</u>
<u>Due Support</u>	<u>That Should Be Awarded For Support</u>
<u>1</u>	<u>14%</u>
<u>2</u>	<u>22%</u>
<u>3</u>	<u>26%</u>
<u>4</u>	<u>29%</u>
<u>5</u>	<u>32%</u>
<u>6 or more</u>	<u>An additional 2% for</u> <u>each additional child</u>

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



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

48           (a) Determine gross income from all potential sources  
49 that may reasonably be expected to be available to the absent  
50 parent including, but not limited to, the following: wages and  
51 salary income; income from self-employment; income from  
52 commissions; income from investments, including dividends,  
53 interest income and income on any trust account or property;  
54 absent parent's portion of any joint income of both parents;  
55 workers' compensation, disability, unemployment, annuity and  
56 retirement benefits, including an Individual Retirement Account  
57 (IRA); any other payments made by any person, private entity,  
58 federal or state government or any unit of local government;  
59 alimony; any income earned from an interest in or from inherited  
60 property; any other form of earned income; and gross income shall  
61 exclude any monetary benefits derived from a second household,  
62 such as income of the absent parent's current spouse;

63           (b) Subtract the following legally mandated deductions:

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

67           (ii) Social security contributions;

68           (iii) Retirement and disability contributions

69 except any voluntary retirement and disability contributions;



70 (c) If the obligated parent is subject to an existing  
71 court order for another child or children, subtract the amount of  
72 that court-ordered support;

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

77 (e) Compute the total annual amount of adjusted gross  
78 income based on paragraphs (a) through (d) of this subsection,  
79 then divide this amount by twelve (12) to obtain the monthly  
80 amount of adjusted gross income.

81 Upon conclusion of the calculation of paragraphs (a) through  
82 (e) of this subsection, multiply the monthly amount of adjusted  
83 gross income by the appropriate percentage designated in  
84 subsection (1) of this section to arrive at the amount of the  
85 monthly child-support award.

86 (4) In cases in which the adjusted gross income as defined  
87 in this section is more than One Hundred Thousand Dollars  
88 (\$100,000.00) or less than Ten Thousand Dollars (\$10,000.00), the  
89 court shall make a written finding in the record as to whether or  
90 not the application of the guidelines established in this section  
91 is reasonable. The court shall take into account the basic  
92 subsistence needs of the obligated parent who has a limited  
93 ability to pay.



94           (5) Imputation of income shall not be based upon a standard  
95 amount in lieu of fact-gathering. In the absence of specific  
96 sufficient evidence of past earnings and employment history to use  
97 as the measure of an obligated parent's ability to pay, the  
98 recommended child-support obligation amount should be based on  
99 available information about the specific circumstances of the  
100 obligated parent. This can include, but is not limited to, such  
101 factors as assets, residence, job skills, educational attainment,  
102 literacy, age, health, criminal record and other employment  
103 barriers, and record of seeking work, as well as the local job  
104 market, the availability of employers willing to hire the  
105 obligated parent, prevailing earnings level in the local  
106 community, and other relevant factors in the case.

107           (6) Unless extended or waived, the Department of Human  
108 Services shall review the appropriateness of these guidelines  
109 beginning January 1, 1994, and every four (4) years thereafter and  
110 report its findings to the Legislature no later than the first day  
111 of the regular legislative session of that year. The Legislature  
112 shall thereafter amend these guidelines when it finds that  
113 amendment is necessary to ensure that equitable support is being  
114 awarded in all cases involving the support of minor children.

115           (7) All orders involving support of minor children, as a  
116 matter of law, shall include reasonable medical support. Notice  
117 to the obligated parent's employer that medical support has been  
118 ordered shall be on a form as prescribed by the Department of



119 Human Services. In any case in which the support of any child is  
120 involved, the court shall make the following findings either on  
121 the record or in the judgment:

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

124 (b) The cost of health insurance coverage to all  
125 parties.

126 The court shall then make appropriate provisions in the  
127 judgment for the provision of health insurance coverage for the  
128 child(ren) in the manner that is in the best interests of the  
129 child(ren). If the court requires the custodial parent to obtain  
130 the coverage then its cost shall be taken into account in  
131 establishing the child-support award. If the court determines  
132 that health insurance coverage is not available to any party or  
133 that it is not available to either party at a cost that is  
134 reasonable as compared to the income of the parties, then the  
135 court shall make specific findings as to such either on the record  
136 or in the judgment. In that event, the court shall make  
137 appropriate provisions in the judgment for the payment of medical  
138 expenses of the child(ren) in the absence of health insurance  
139 coverage.

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

