

By: Representative Denton

To: Judiciary A

HOUSE BILL NO. 805

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, 2024.

