

By: Senator(s) Michel, Younger

To: Gaming

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2132

1 AN ACT TO AMEND SECTION 43-19-31 AND TO CODIFY SECTION
2 43-19-63, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE
3 MISSISSIPPI GAMING COMMISSION AND THE MISSISSIPPI DEPARTMENT OF
4 HUMAN SERVICES TO PROMULGATE RULES AND REGULATIONS PROVIDING FOR
5 THE WITHHOLDING OF GAMING WINNINGS OF PERSONS WHO HAVE OUTSTANDING
6 CHILD SUPPORT ARREARAGES; TO AUTHORIZE GAMING LICENSEES TO CHARGE
7 AN ADMINISTRATIVE FEE UPON THE WINNINGS OF PERSONS WHO HAVE
8 OUTSTANDING CHILD SUPPORT ARREARAGES; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 43-19-31, Mississippi Code of 1972, is
11 amended as follows:

12 43-19-31. The Department of Human Services is hereby
13 authorized and empowered to establish a single and separate Child
14 Support Unit for the following purposes:

15 (a) To develop and implement a nonsupport and paternity
16 program and institute proceedings in the name of the Department of
17 Human Services or in the name of the recipient in any court of
18 competent jurisdiction in any county where the mother of the child
19 resides or is found, in the county where the father resides or is
20 found, or in the county where the child resides or is found;



21 (b) To secure and collect support by any method
22 authorized under state law and establish paternity for any child
23 or children receiving aid from the department any form of public
24 assistance, including, but not limited to, medical assistance,
25 foster care, food stamps, TANF, or any other program under the
26 federal Social Security Act, from a parent or any other person
27 legally liable for such support who has either failed or refused
28 to provide support, deserted, neglected or abandoned the child or
29 children, including cooperating with other states in establishing
30 paternity, locating absent parents and securing compliance with
31 court orders for support of Temporary Assistance for Needy
32 Families (TANF) children; the department may petition the court
33 for the inclusion of health insurance as part of any child support
34 order on behalf of any child receiving aid from the department
35 unless good cause for noncooperation, as defined by the Social
36 Security Act or the Mississippi Department of Human Services, is
37 established. Unless notified to the contrary, whenever a child or
38 children for whom child support services have been provided ceases
39 to receive public assistance, the department will continue to
40 provide services and establish paternity, secure and collect such
41 support payments from a parent or any other person legally liable
42 for such support in accordance with the standards prescribed
43 pursuant to the federal Social Security Act;

44 (c) To accept applications for child support
45 enforcement services to establish paternity, secure and collect



46 support from any proper party or person as defined by Title IV-D
47 of the federal Social Security Act notwithstanding the fact that
48 the child or children do not currently receive or have never
49 received public assistance. The department shall have the
50 authority to secure and collect support by any method authorized
51 under state law and establish paternity for any child or children
52 on behalf of a recipient of child support services, including
53 individuals who do not currently receive or have never received
54 public assistance from a parent or any other person legally liable
55 for such support who has either failed or refused to provide
56 support, deserted, neglected or abandoned the child or children,
57 including cooperating with other states in establishing paternity,
58 locating absent parents and securing compliance with court orders
59 for support; the department may petition the court for the
60 inclusion of health insurance as part of any child support order
61 on behalf of such recipients of child support services. The
62 proceeds of any collections resulting from such application shall
63 be distributed in accordance with the standards prescribed in the
64 federal Social Security Act;

65 (d) The department shall seek to recover from the
66 individual who owes a support obligation to any individual who is
67 a recipient of Title IV-D services as set forth in paragraph (b)
68 or (c) on whose behalf the department is providing services, upon
69 judicial proceedings conducted thereon after advance notice to
70 such obligor, reasonable attorney's fees and court costs, in



71 excess of any administrative fees collected and in excess of
72 amounts of current support owed by the obligor, which the
73 department incurs in recovering and collecting the support
74 obligation, such costs and fees as the department recovers to be
75 deposited in the Special Fund of the Mississippi Department of
76 Human Services which is hereby established for the pursuit and
77 collection of child support;

78 (e) To initiate contempt of court proceedings or any
79 other remedial proceedings necessary to enforce (i) any order or
80 decree of court relating to child support, and (ii) any order or
81 decree of court relating to the maintenance and/or alimony of a
82 parent where support collection services on his or her child's
83 behalf are being provided by the department;

84 (f) To secure and collect by any method authorized
85 under state law any maintenance and/or alimony on behalf of a
86 parent whose child or children's support is being collected by the
87 department. The department shall collect only such maintenance
88 and/or alimony as is ordered or decreed by the court, and only in
89 the event that the minor child and parent to whom such maintenance
90 and/or alimony has been ordered are living in the same household;

91 (g) To obtain restitution of monies expended for public
92 assistance from a parent or any other person legally liable for
93 the support of any child or children receiving aid from the
94 department; said action for restitution shall arise from the
95 payment of public assistance for the dependent child or children



96 and shall be for the amount of the public assistance paid. Said
97 action for restitution shall not arise against the parent or other
98 person legally responsible who receives public assistance for the
99 benefit of any dependent child or children. When a court order of
100 support has been issued, the amount recoverable shall be limited
101 to the amount of the court order;

102 (h) Setting off against a debtor's income tax refund or
103 rebate any debt which is in the form of a liquidated sum due and
104 owing for the care, support or maintenance of a child;

105 (i) To have full responsibility in the aforementioned
106 cases for initiating actions under the Uniform Interstate Family
107 Support Act and for responding to the actions of other
108 jurisdictions under said law when Mississippi is the responding
109 state; however, this shall not impair private litigants' rights to
110 proceed under any applicable interstate enforcement mechanisms;

111 (j) To enter into contracts for the purpose of
112 performing any test which the department may, from time to time,
113 require;

114 (k) To maintain a Central Receipting and Disbursement
115 Unit to which all payments required by withholding orders and
116 orders for support in all actions to which the Department of Human
117 Services is a party shall be forwarded, and from which child
118 support payments ordered by the court in actions to which the
119 Department of Human Services is a party shall be disbursed to the
120 custodial parent or other such party as may be designated by the



121 court order. The Central Receipting and Disbursement Unit shall
122 be operated by the Department of Human Services or any financial
123 institution having operations and qualified to do business in
124 Mississippi, whose deposits are insured by the Federal Deposit
125 Insurance Corporation. The department shall conduct cost-benefit
126 analyses to determine and utilize the more cost efficient manner
127 of operating the unit;

128 (1) To maintain a Mississippi Department of Human
129 Services Case Registry containing records with respect to:

130 (i) Each case in which services are being provided
131 by the department under this section;

132 (ii) Each support order established or modified in
133 Mississippi on or after October 1, 1998; and

134 (iii) The Administrative Office of Courts, as
135 established by Section 9-21-1, Mississippi Code of 1972, in
136 consultation with the Mississippi Department of Human Services,
137 shall devise, promulgate and require the use of a Uniform Child
138 Support Order Tracking System.

139 1. Information collected from case filing
140 forms shall be furnished to the Mississippi Department of Human
141 Services, Division of Child Support Enforcement, in order that
142 compliance with court-ordered obligations of support may be
143 tracked with specificity throughout the duration of said
144 obligations and any subsequent proceedings.



145 2. Such tracking system shall include: a.
146 the names, residential and mailing addresses, telephone numbers,
147 Social Security numbers, driver's license numbers and dates of
148 birth of each child and parent named in or subject to the court
149 order; b. the court cause number of the action; c. name, address
150 and telephone number of employer; d. any restraining or protective
151 order indicating domestic violence; and e. any other information
152 which may be used for the purpose of identifying any person named
153 in or subject to the order or for the purposes of establishing,
154 enforcing or modifying a child support order;

155 (m) To take administrative actions relating to genetic
156 testing, determine paternity, establish child support orders,
157 modification of child support orders, income withholding, liens
158 and subpoenas without the necessity of obtaining an order from any
159 judicial or other administrative tribunal with respect to cases
160 initiated or enforced by the department pursuant to Title IV-D of
161 the Social Security Act;

162 (n) To have the authority to use high-volume automated
163 administrative enforcement in interstate cases to the same extent
164 as used for intrastate cases, in response to a request made by
165 another state to enforce support orders;

166 (o) To provide any child support enforcement or other
167 service as may be required by the United States of America,
168 Department of Health and Human Services, Family Support



169 Administration, Office of Child Support Enforcement or their
170 successor pursuant to federal law or regulation; * * *

171 (p) To collaborate with the Office of the State
172 Treasurer in order to identify persons presumed to have unclaimed
173 property and intercept eligible unclaimed property to satisfy,
174 fully or partially, the person's child support arrearage * * *;
175 and

176 (q) To collaborate with the Mississippi Gaming
177 Commission in order to establish rules and regulations providing
178 for the withholding of cash game winnings, including, but not
179 limited to, slot machine annuities, sports betting, and/or other
180 reportable cash winnings of persons who have outstanding child
181 support arrearages.

182 **SECTION 2.** The following shall be codified as Section
183 43-19-63, Mississippi Code of 1972:

184 43-19-63. **Casinos to exchange certain information with the**
185 **Mississippi Department of Human Services (MDHS) for noncustodial**
186 **parents delinquent in child support; participation requirement and**
187 **duties of casinos and Mississippi Department of Human Services.**

188 (1) The Legislature hereby finds and declares it to be the public
189 policy of this state, that because children are adversely affected
190 when parents who have outstanding child support obligations divert
191 their financial support to gaming, a parent's winnings should be
192 applied to the parent's outstanding support obligations.



193 (2) For purposes of this section, the following words and
194 phrases shall have the meanings ascribed herein, unless the
195 context clearly indicates otherwise:

196 (a) "Cash gaming winnings" means only the cash gaming
197 winnings for which the gaming licensee is required to file Form
198 W2-G, or a substantially equivalent form, with the United States
199 Internal Revenue Service.

200 (b) "Commission" means the Mississippi Gaming
201 Commission.

202 (c) "Child support arrearages" means any obligation
203 owed for the care, support or maintenance of a child, including
204 spousal support that is enforced in conjunction with a child
205 support obligation pursuant to Section 43-19-31, Mississippi Code
206 of 1972, which is overdue, unpaid or in arrears.

207 (d) "Gaming licensee" means any entity licensed or
208 permitted to operate gaming operations under current law.

209 (e) "Obligee" means the recipient of Title IV-D
210 services of the Social Security Act to whom child support is owed.

211 (f) "Obligor" means a person who wins a progressive
212 slot machine annuity or cash gaming winnings and has those
213 winnings intercepted due to having child support arrearages.

214 (g) "Progressive slot machine annuity" means only the
215 progressive slot machine annuity winnings for which the gaming
216 licensee is required to file Form W2-G, or a substantially
217 equivalent form, with the United States Internal Revenue Service.



218 (h) "Electronic database access" means the data shared
219 by the Department of Human Services with gaming licensees
220 regarding persons who owe child support arrearages that is updated
221 daily.

222 (3) The commission shall collaborate with the Department of
223 Human Services to promulgate all rules and regulations necessary
224 to carry out the provisions of this section, including, but not
225 limited to, a procedure requiring the withholding of payments of
226 progressive slot machine annuities and reportable cash gaming
227 winnings of persons who have outstanding child support arrearages,
228 prior to the payment of a progressive slot machine annuity,
229 beginning with the second annuity payment, or cash gaming
230 winnings.

231 (4) The gaming licensee, including any of its officers,
232 employees, attorneys, accountants, or other agents, shall not be
233 civilly or criminally liable to any person, including any
234 customer, for any disclosure of information made in accordance
235 with this section, for encumbering or surrendering assets in
236 response to information provided by the Department of Human
237 Services, or for any claims for damages arising from withholding
238 or failing to withhold any progressive slot machine annuities or
239 cash gaming winnings, based upon information provided to it.

240 (5) If any gaming licensee determines that the winner of a
241 progressive slot machine annuity or cash gaming winnings is a
242 person who has outstanding child support arrearages, the gaming



243 licensee shall deduct the child support arrearage from the payment
244 of the progressive slot machine annuity or cash gaming winnings.
245 The gaming licensee shall forward the deducted amount to the
246 Department of Human Services within seven (7) days. The gaming
247 licensee shall pay the remainder to the person who has outstanding
248 child support arrearages. If the remainder is equal to or less
249 than zero, the person who has an outstanding child support
250 arrearage shall not receive a payment.

251 (6) The Department of Human Services shall release the
252 encumbering game winnings to the obligee after either:

253 (a) A twenty-day period beginning the day the funds are
254 encumbered; or

255 (b) Until such time as the issue of child support
256 arrearages is resolved, provided the obligor has filed a petition
257 for hearing with a court of appropriate jurisdiction and served
258 the Department of Human Services through the Attorney General of
259 the State of Mississippi before the end of the twenty-day period.

260 (7) Grounds for the petition challenging the encumbrance of
261 game winnings shall be limited to the following:

262 (a) Mistakes of identity; or

263 (b) Mistakes in amount of child support arrearages.

264 (8) Any gaming licensee may deduct an administrative fee
265 from each payment of a progressive slot machine annuity, beginning
266 with the second annuity payment, or cash gaming winnings, of



267 persons who have outstanding child support arrearages per singular
268 or periodic payment, not to exceed Thirty-five Dollars (\$35.00).

269 (9) If the winner of a progressive slot machine annuity or
270 cash gaming winnings is determined not to owe child support
271 arrearages, then the gaming licensee is not required to access the
272 electronic database for that winner on a subsequent progressive
273 slot machine annuity or cash gaming winnings for an additional
274 twenty-four (24) hours.

275 (10) The commission shall also require that the gaming
276 licensee adopt procedures designed to prevent employees from
277 willfully failing to withhold payments of progressive slot machine
278 annuities or cash gaming winnings from persons who have
279 outstanding child support arrearages based on the information
280 provided by the Department of Human Services that allows the
281 gaming licensee to identify such persons.

282 (11) Not later than January 1, 2026, the commission and
283 Department of Human Services shall institute all policies,
284 procedures, and processes as necessary to implement the provisions
285 of this section.

286 **SECTION 3.** This act shall take effect and be in force from
287 and after July 1, 2024.

