

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2259

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

26 child-support award guidelines shall be a rebuttable presumption

27 in all judicial or administrative proceedings regarding the

28 awarding or modifying of child-support awards in this state:

29 Low-income child-support guidelines

30	<u>Number Of Children</u>	<u>Percentage Of Adjusted Gross Income</u>
31	<u>Due Support</u>	<u>That Should Be Awarded For Support</u>
32	<u>1</u>	<u>14%</u>
33	<u>2</u>	<u>22%</u>
34	<u>3</u>	<u>26%</u>
35	<u>4</u>	<u>29%</u>
36	<u>5</u>	<u>32%</u>
37	<u>6 or more</u>	<u>An additional 2% for</u>
38		<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, 2024.

