

By: Representative Anderson (110th)

To: Judiciary A

HOUSE BILL NO. 1022

1 AN ACT TO AUTHORIZE AN UNEMANCIPATED MINOR CHILD UNDER THE
2 AGE OF EIGHTEEN TO BRING A SUIT FOR SUPPORT AGAINST THE CHILD'S
3 PARENT OR PARENTS IN THE CHANCERY COURT OF THE COUNTY IN WHICH THE
4 CHILD RESIDES; TO AUTHORIZE THE COURT TO ENTER AN ORDER FOR
5 SUPPORT AND IN CERTAIN CASES, REQUIRE A TRUSTEE TO BE NAMED FOR
6 RECEIVING PAYMENTS; TO SPECIFY WHEN THE ORDER FOR SUPPORT
7 TERMINATES; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) An unemancipated minor child under the age
10 of eighteen (18) years in the State of Mississippi may initiate a
11 suit for support in the chancery court of the county in which the
12 child resides and name as defendants the child's parent or
13 parents. In cases where a minor child has been adopted by decree
14 of the court, the adoptive parent or parents must be named as
15 defendants in lieu of the natural parents. Where the custody and
16 control of a minor child has been awarded by a decree of court to
17 one (1) of the parents, whether natural or adoptive, to the
18 exclusion of the other, the minor child, in the child's
19 determination, may name as the defendant only the parent to whom
20 the custody and control has been awarded.



21 (2) Whenever a suit is filed under subsection (1) of this
22 section, the chancery court has jurisdiction to entertain the suit
23 and to hear and determine all matters relating to the suit. If
24 the chancellor determines that it is in the best interest of the
25 minor child to issue an order of support, the order must specify
26 the sum to be paid weekly or otherwise. The court may require
27 bond, sureties or other guarantee, if need be, to secure any order
28 for periodic payments for the support of the minor child.

29 (3) If one (1) parent of the minor child has been awarded
30 custody of the minor child, the court may require the payment of
31 support to be made by the noncustodial parent to the custodial
32 parent.

33 (4) The court may require the payment of support for a minor
34 child to be made to some person or corporation to be designated by
35 the court as trustee, but if the child or parents or custodial
36 parent, if one (1) has been awarded custody, is receiving public
37 assistance, the Mississippi Department of Human Services must be
38 made the trustee.

39 (5) Where the evidence shows that both parents have separate
40 incomes, the court may require each parent to contribute to the
41 support of the minor child in proportion to the relative financial
42 ability of each.

43 (6) Unless otherwise provided in the order for support, the
44 duty of support of a minor child arising from an order issued
45 under this section terminates whenever the child:



46 (a) Attains the age of eighteen (18) years;
47 (b) Marries;
48 (c) Joins the military and serves on a full-time basis;
49 or
50 (d) Is convicted of a crime and sentenced to serve a
51 period of incarceration during which time the minor child will
52 attain eighteen (18) years of age.
53 (7) A duty to pay support arising from an order issued under
54 this section must be suspended during any period of incarceration
55 of a minor child before the child's eighteenth birthday.
56 **SECTION 2.** This act shall take effect and be in force from
57 and after July 1, 2025.

