

By: Senator(s) Michel, Brumfield, Jordan,  
Norwood, Boyd

To: Gaming

## SENATE BILL NO. 2043

1 AN ACT TO AMEND SECTION 43-19-31 AND CODIFY SECTION 43-19-63,  
2 MISSISSIPPI CODE OF 1972, TO DIRECT THE MISSISSIPPI DEPARTMENT OF  
3 HUMAN SERVICES TO ESTABLISH RULES AND REGULATIONS WITH THE  
4 MISSISSIPPI GAMING COMMISSION PROVIDING FOR THE WITHHOLDING OF  
5 CASH GAME WINNINGS, SLOT MACHINE ANNUITIES, SPORTS BETTING AND  
6 OTHER REPORTABLE CASH WINNINGS OF PERSONS WHO HAVE OUTSTANDING  
7 CHILD SUPPORT ARREARAGES, AND TO DIRECT CASINOS TO EXCHANGE  
8 CERTAIN INFORMATION WITH THE DEPARTMENT OF HUMAN SERVICES IN  
9 COMPLIANCE WITH THESE REQUIREMENTS; AND FOR RELATED PURPOSES.

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

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

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

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



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

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



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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

(a) "Cash gaming winnings" means only the cash gaming  
winnings for which the gaming licensee is required to file Form





W2-G, or a substantially equivalent form, with the United States Internal Revenue Service.

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

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

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

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

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

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

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



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

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

235           (4) If any gaming licensee determines that the winner of a  
236 progressive slot machine annuity or cash gaming winnings is a  
237 person who has outstanding child support arrearages, the gaming  
238 licensee shall deduct the child support arrearage from the payment  
239 of the progressive slot machine annuity or cash gaming winnings.  
240 The gaming licensee shall forward the deducted amount to the  
241 Department of Human Services within seven (7) days. The gaming  
242 licensee shall pay the remainder to the person who has outstanding



child support arrearages. If the remainder is equal to or less than zero, the person who has an outstanding child support arrearage shall not receive a payment.

(5) The Department of Human Services shall release the encumbered game winnings to the obligee after either:

(a) A thirty-day period beginning the day the funds are encumbered; or

(b) Until such time as the issue of child support arrearage is resolved, provided that the obligor has filed a written request for an administrative hearing with the Mississippi Department of Human Services Administrative Hearing Division prior to the end of the thirty-day period.

(6) Grounds for the written request for an administrative hearing challenging the encumbrance of game winnings shall be limited to the following:

(a) Mistakes of identity; or

(b) Mistakes in amount of child support arrearages.

(7) Any gaming licensee may deduct an administrative fee from each payment of a progressive slot machine annuity, beginning with the second annuity payment, or cash gaming winnings, of persons who have outstanding child support arrearages per singular or periodic payment, not to exceed Thirty-five Dollars (\$35.00).

(8) If the winner of a progressive slot machine annuity or cash gaming winnings is determined not to owe child support arrearages, then the gaming licensee is not required to access the



268 electronic database for that winner on a subsequent progressive  
269 slot machine annuity or cash gaming winnings for an additional  
270 twenty-four (24) hours.

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

278 (10) Not later than January 1, 2026, the commission and  
279 Department of Human Services shall institute all policies,  
280 procedures, and processes as necessary to implement the provisions  
281 of this section.

282 **SECTION 3.** This act shall take effect and be in force from  
283 and after January 1, 2026.

