

By: Representatives Flaggs, Holland

To: Judiciary A;  
Appropriations

## HOUSE BILL NO. 995

1 AN ACT TO TRANSFER THE CHILD SUPPORT UNIT AND THE OFFICE OF  
 2 CHILD SUPPORT ENFORCEMENT OF THE DEPARTMENT OF HUMAN SERVICES TO  
 3 THE ATTORNEY GENERAL'S OFFICE, AND PROVIDE THAT THE ATTORNEY  
 4 GENERAL'S OFFICE SHALL PERFORM ALL OF THE DUTIES RELATING TO THE  
 5 COLLECTION AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS THAT WERE  
 6 FORMERLY PERFORMED BY THE OFFICE OF CHILD SUPPORT ENFORCEMENT OF  
 7 THE DEPARTMENT OF HUMAN SERVICES; TO AMEND SECTIONS 25-3-25,  
 8 27-7-45, 27-7-83, 41-57-14, 43-1-2, 43-1-3, 43-1-7, 43-13-303,  
 9 43-19-31, 43-19-33, 43-19-34, 43-19-35, 43-19-37, 43-19-39,  
 10 43-19-41, 43-19-44, 43-19-46, 43-19-47, 43-19-48, 43-19-49,  
 11 43-19-51, 43-19-53, 43-19-55, 43-19-57, 43-19-58, 43-19-59,  
 12 43-19-101, 71-3-129, 81-5-55, 93-9-9, 93-9-17, 93-9-21, 93-9-23,  
 13 93-9-28, 93-9-31, 93-11-64, 93-11-65, 93-11-69, 93-11-71,  
 14 93-11-101, 93-11-103, 93-11-105, 93-11-111, 93-11-113, 93-11-115,  
 15 93-11-117, 93-11-118, 93-11-153, 93-11-155, 93-11-157, 93-11-161,  
 16 93-12-17 AND 93-25-45, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 17 PRECEDING PROVISIONS; TO REPEAL SECTION 93-25-41, MISSISSIPPI CODE  
 18 OF 1972, WHICH AUTHORIZES THE ATTORNEY GENERAL TO ORDER THE CHILD  
 19 SUPPORT ENFORCEMENT AGENCY TO PERFORM ITS DUTIES UNDER THE UNIFORM  
 20 INTERSTATE FAMILY SUPPORT ACT OR TO PROVIDE THE SERVICES ITSELF;  
 21 AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** (1) The Child Support Unit and the Office of  
 24 Child Support Enforcement of the Department of Human Services are  
 25 transferred to the Attorney General's Office, and the Attorney  
 26 General's Office shall perform all of the duties relating to the  
 27 collection and enforcement of child support obligations that were  
 28 formerly performed by the Office of Child Support Enforcement of  
 29 the Department of Human Services.

30 (2) All records, property, funds, other assets and personnel  
 31 of the Child Support Unit and the Office of Child Support  
 32 Enforcement of the Department of Human Services shall be  
 33 transferred to the Attorney General's Office.

34 **SECTION 2.** Section 25-3-25, Mississippi Code of 1972, is  
 35 amended as follows:

36           25-3-25. (1) Except as otherwise provided in subsections  
37 (2) through (9), the salaries of sheriffs of the various counties  
38 are \* \* \* fixed as full compensation for their services.

39           From and after October 1, 1998, the annual salary for each  
40 sheriff shall be based upon the total population of his county  
41 according to the latest federal decennial census in the following  
42 categories and for the following amounts; however, no sheriff  
43 shall be paid less than the salary authorized under this section  
44 to be paid the sheriff based upon the population of the county  
45 according to the 1980 federal decennial census:

46           (a) For counties with a total population of more than  
47 two hundred thousand (200,000), a salary of Seventy-five Thousand  
48 Dollars (\$75,000.00).

49           (b) For counties with a total population of more than  
50 one hundred thousand (100,000) and not more than two hundred  
51 thousand (200,000), a salary of Seventy Thousand Dollars  
52 (\$70,000.00).

53           (c) For counties with a total population of more than  
54 forty-five thousand (45,000) and not more than one hundred  
55 thousand (100,000), a salary of Sixty-five Thousand Dollars  
56 (\$65,000.00).

57           (d) For counties with a total population of more than  
58 thirty-four thousand (34,000) and not more than forty-five  
59 thousand (45,000), a salary of Sixty Thousand Dollars  
60 (\$60,000.00).

61           (e) For counties with a total population of more than  
62 twenty-five thousand (25,000) and not more than thirty-four  
63 thousand (34,000), a salary of Fifty-two Thousand Dollars  
64 (\$52,000.00).

65           (f) For counties with a total population of more than  
66 fifteen thousand (15,000) and not more than twenty-five thousand  
67 (25,000), a salary of Fifty Thousand Dollars (\$50,000.00).

68 (g) For counties with a total population of more than  
69 nine thousand five hundred (9,500) and not more than fifteen  
70 thousand (15,000), a salary of Forty-seven Thousand Dollars  
71 (\$47,000.00).

72 (h) For counties with a total population of more than  
73 seven thousand five hundred (7,500) and not more than nine  
74 thousand five hundred (9,500), a salary of Forty-five Thousand  
75 Dollars (\$45,000.00).

76 (i) For counties with a total population of not more  
77 than seven thousand five hundred (7,500), a salary of Forty-two  
78 Thousand Dollars (\$42,000.00).

79 (2) In addition to the salary provided for in subsection (1)  
80 of this section, the Board of Supervisors of Leflore County may,  
81 in its discretion, pay an annual supplement to the sheriff of the  
82 county in an amount not to exceed Ten Thousand Dollars  
83 (\$10,000.00). The Legislature finds and declares that the annual  
84 supplement authorized by this subsection is justified in such  
85 county for the following reasons:

86 (a) The Mississippi Department of Corrections operates  
87 and maintains a restitution center within the county;

88 (b) The Mississippi Department of Corrections operates  
89 and maintains a community work center within the county;

90 (c) There is a resident circuit court judge in the  
91 county whose office is located at the Leflore County Courthouse;

92 (d) There is a resident chancery court judge in the  
93 county whose office is located at the Leflore County Courthouse;

94 (e) The Magistrate for the Fourth Circuit Court  
95 District is located in the county and maintains his office at the  
96 Leflore County Courthouse;

97 (f) The Region VI Mental Health-Mental Retardation  
98 Center, which serves a multicounty area, calls upon the sheriff to  
99 provide security for out-of-town mental patients, as well as  
100 patients from within the county;

101           (g) The increased activity of the Child Support Unit of  
102 the Attorney General's Office in enforcing in the courts parental  
103 obligations has imposed additional duties on the sheriff; and

104           (h) The dispatchers of the enhanced E-911 system in  
105 place in Leflore County has been placed under the direction and  
106 control of the sheriff.

107           (3) In addition to the salary provided for in subsection (1)  
108 of this section, the Board of Supervisors of Rankin County may, in  
109 its discretion, pay an annual supplement to the sheriff of the  
110 county in an amount not to exceed Ten Thousand Dollars  
111 (\$10,000.00). The Legislature finds and declares that the annual  
112 supplement authorized by this subsection is justified in such  
113 county for the following reasons:

114           (a) The Mississippi Department of Corrections operates  
115 and maintains the Central Mississippi Correctional Facility within  
116 the county;

117           (b) The State Hospital is operated and maintained  
118 within the county at Whitfield;

119           (c) Hudspeth Regional Center, a facility maintained for  
120 the care and treatment of the mentally retarded, is located within  
121 the county;

122           (d) The Mississippi Law Enforcement Officers Training  
123 Academy is operated and maintained within the county;

124           (e) The State Fire Academy is operated and maintained  
125 within the county;

126           (f) The Pearl River Valley Water Supply District,  
127 ordinarily known as the "Reservoir District," is located within  
128 the county;

129           (g) The Jackson International Airport is located within  
130 the county;

131           (h) The patrolling of the state properties located  
132 within the county has imposed additional duties on the sheriff;  
133 and

134           (i) The sheriff, in addition to providing security to  
135 the nearly one hundred thousand (100,000) residents of the county,  
136 has the duty to investigate, solve and assist in the prosecution  
137 of any misdemeanor or felony committed upon any state property  
138 located in Rankin County.

139           (4) In addition to the salary provided for in subsection (1)  
140 of this section, the Board of Supervisors of Neshoba County shall  
141 pay an annual supplement to the sheriff of the county an amount  
142 equal to Ten Thousand Dollars (\$10,000.00).

143           (5) In addition to the salary provided for in subsection (1)  
144 of this section, the Board of Supervisors of Tunica County may, in  
145 its discretion, pay an annual supplement to the sheriff of the  
146 county an amount equal to Ten Thousand Dollars (\$10,000.00),  
147 payable beginning April 1, 1997.

148           (6) In addition to the salary provided for in subsection (1)  
149 of this section, the Board of Supervisors of Hinds County shall  
150 pay an annual supplement to the sheriff of the county in an amount  
151 equal to Fifteen Thousand Dollars (\$15,000.00). The Legislature  
152 finds and declares that the annual supplement authorized by this  
153 subsection is justified in such county for the following reasons:

154           (a) Hinds County has the greatest population of any  
155 county, two hundred fifty-four thousand four hundred forty-one  
156 (254,441) by the 1990 census, being almost one hundred thousand  
157 (100,000) more than the next most populous county;

158           (b) Hinds County is home to the State Capitol and the  
159 seat of all state government offices;

160           (c) Hinds County is the third largest county in  
161 geographic area, containing eight hundred seventy-five (875)  
162 square miles;

163           (d) Hinds County is comprised of two (2) judicial  
164 districts, each having a courthouse and county office buildings;

165           (e) There are four (4) resident circuit judges, four  
166 (4) resident chancery judges, and three (3) resident county judges

167 in Hinds County, the most of any county, with the sheriff acting  
168 as chief executive officer and provider of bailiff services for  
169 all;

170 (f) The main offices for the clerk and most of the  
171 judges and magistrates for the United States District Court for  
172 the Southern District of Mississippi are located within the  
173 county;

174 (g) The state's only urban university, Jackson State  
175 University, is located within the county;

176 (h) The University of Mississippi Medical Center,  
177 combining the medical school, dental school, nursing school and  
178 hospital, is located within the county;

179 (i) Mississippi Veterans Memorial Stadium, the state's  
180 largest sports arena, is located within the county;

181 (j) The Mississippi State Fairgrounds, including the  
182 Coliseum and Trade Mart, are located within the county;

183 (k) Hinds County has the largest criminal population in  
184 the state, such that the Hinds County Sheriff's Department  
185 operates the largest county jail system in the state, housing  
186 almost one thousand (1,000) inmates in three (3) separate  
187 detention facilities;

188 (l) The Hinds County Sheriff's Department handles more  
189 mental and drug and alcohol commitments cases than any other  
190 sheriff's department in the state;

191 (m) The Mississippi Department of Corrections maintains  
192 a restitution center within the county;

193 (n) The Mississippi Department of Corrections regularly  
194 houses as many as one hundred (100) state convicts within the  
195 Hinds County jail system; and

196 (o) The Hinds County Sheriff's Department is regularly  
197 asked to provide security services not only at the Fairgrounds and  
198 Memorial Stadium, but also for events at the Mississippi Museum of  
199 Art and Jackson City Auditorium.

200           (7) In addition to the salary provided for in subsection (1)  
201 of this section, the Board of Supervisors of Wilkinson County, in  
202 its discretion, may pay an annual supplement to the sheriff of the  
203 county in an amount not to exceed Ten Thousand Dollars  
204 (\$10,000.00). The Legislature finds and declares that the annual  
205 supplement authorized by this subsection is justified in such  
206 county because the Mississippi Department of Corrections contracts  
207 for the private incarceration of state inmates at a private  
208 correctional facility within the county.

209           (8) In addition to the salary provided for in subsection (1)  
210 of this section, the Board of Supervisors of Marshall County, in  
211 its discretion, may pay an annual supplement to the sheriff of the  
212 county in an amount not to exceed Ten Thousand Dollars  
213 (\$10,000.00). The Legislature finds and declares that the annual  
214 supplement authorized by this subsection is justified in such  
215 county because the Mississippi Department of Corrections contracts  
216 for the private incarceration of state inmates at a private  
217 correctional facility within the county.

218           (9) In addition to the salary provided in subsection (1) of  
219 this section, the Board of Supervisors of Greene County, in its  
220 discretion, may pay an annual supplement to the sheriff of the  
221 county in an amount not to exceed Ten Thousand Dollars  
222 (\$10,000.00). The Legislature finds and declares that the annual  
223 supplement authorized by this subsection is justified in such  
224 county for the following reasons:

225                   (a) The Mississippi Department of Corrections operates  
226 and maintains the South Mississippi Correctional Facility within  
227 the county;

228                   (b) In 1996, additional facilities to house another one  
229 thousand four hundred sixteen (1,416) male offenders were  
230 constructed at the South Mississippi Correctional Facility within  
231 the county; and

232 (c) The patrolling of the state properties located  
233 within the county has imposed additional duties on the sheriff  
234 justifying additional compensation.

235 (10) The salaries herein provided shall be payable monthly  
236 on the first day of each calendar month by chancery clerk's  
237 warrant drawn on the general fund of the county; however, the  
238 board of supervisors, by resolution duly adopted and entered on  
239 its minutes, may provide that such salaries shall be paid  
240 semimonthly on the first and fifteenth day of each month. If a  
241 pay date falls on a weekend or legal holiday, salary payments  
242 shall be made on the workday immediately preceding the weekend or  
243 legal holiday.

244 **SECTION 3.** Section 27-7-45, Mississippi Code of 1972, is  
245 amended as follows:

246 27-7-45. (1) The tax levied by this article shall be paid  
247 when the return is due except as hereinafter provided.

248 (2) If any officer or employee of the State of Mississippi,  
249 or any political subdivision thereof, does not pay his state  
250 income tax on or before August 15 after such income tax becomes  
251 due and payable, or is in arrears in child support payments for  
252 thirty (30) days after such payments become due and payable, his  
253 wages, salary or other compensation shall be withheld and paid to  
254 the tax commission or the Attorney General's Office, as the case  
255 may be, in satisfaction of the income tax, interest, and penalty,  
256 if any, and any child support arrearage until paid in full. This  
257 provision shall apply to any installments of income tax or child  
258 support due, after the first installment, to require payment of  
259 the entire balance of child support tax due, plus interest and  
260 penalty, if any, before an officer or employee of the State of  
261 Mississippi, or any political subdivision thereof, is eligible to  
262 draw any salary or other emoluments of office. The Tax  
263 Commissioner is required to furnish the State Fiscal Officer,  
264 chancery clerk, city clerk or other appropriate fiscal officer of



265 a political subdivision, as the case may be, with notice that  
266 income taxes have not been paid. The Attorney General's Office is  
267 required to furnish the officer's or the employee's employer, or  
268 other appropriate officer of the State of Mississippi or its  
269 political subdivision, as the case may be, with notice that child  
270 support payments have not been made. This notice shall serve as a  
271 lien or attachment upon any salary or compensation due any  
272 employee or officer, disregard of this notice creating personal  
273 liability against such officer for the full amount of the income  
274 tax due, plus interest and penalty. The State Tax Commission may,  
275 in its discretion by order entered upon its minutes, waive the  
276 provisions of this subsection on behalf of any public officer or  
277 employee in the event of an extended personal illness, an extended  
278 illness in his immediate family or other emergency. Regardless of  
279 the amount designated in the Attorney General's Office's notice  
280 for withholding and regardless of other fees imposed or amounts  
281 withheld pursuant to this section, the payor shall not deduct from  
282 the income of the officer or employee in excess of the amounts  
283 allowed under Section 303(b) of the Consumer Credit Protection  
284 Act, being 15 USCS 1673, as amended.

285 (3) The tax or child support payment may be paid with  
286 uncertified check during such time and under such regulations as  
287 the commissioner or the Attorney General's Office shall prescribe,  
288 but if the check so received is not paid by the bank on which it  
289 is drawn, the officer or employee for whom such check is tendered  
290 shall remain liable for the payment of the tax, child support  
291 payment and for all penalties, the same as if such check had not  
292 been tendered.

293 (4) If a corporation is subject to LIFO recapture pursuant  
294 to Section 1363(d) of the Code, then

295 (a) Any increase in the tax imposed by Section 27-7-5  
296 by reason of the inclusion of the LIFO recapture amount in its  
297 income shall be payable in four (4) equal installments;

298           (b) The first installment shall be paid on or before  
299 the due date (determined without regard to extensions) for filing  
300 the return for the first taxable year for which the corporation  
301 was subject to the LIFO recapture;

302           (c) The three (3) succeeding installments shall be paid  
303 on or before the due date (determined without regard to  
304 extensions) for filing the corporation's return for the three (3)  
305 succeeding taxable years; and

306           (d) For purposes of computing interest on  
307 underpayments, the last three (3) installments shall not be  
308 considered underpayments until after the payment due date  
309 specified above.

310           (5) For purposes of this section, a political subdivision  
311 includes, but is not limited to, a county or separate school  
312 district, institution of higher learning, state college or  
313 university, or state community college.

314           **SECTION 4.** Section 27-7-83, Mississippi Code of 1972, is  
315 amended as follows:

316           27-7-83. (1) Returns and return information filed or  
317 furnished under the provisions of this chapter shall be  
318 confidential, and except in accordance with proper judicial order,  
319 or as otherwise authorized by this section, it shall be unlawful  
320 for members of the State Tax Commission or members of the  
321 Mississippi Department of Information Technology Services, any  
322 deputy, agent, clerk or other officer or employee thereof, or any  
323 former employee thereof, to divulge or make known in any manner  
324 the amount of income or any particulars set forth or disclosed in  
325 any report or return required. The provisions of this section  
326 shall apply fully to any federal return, a copy of any portion of  
327 a federal return, or any information reflected on a federal return  
328 which is attached to or made a part of the state tax return.  
329 Likewise, the provisions of this section shall apply to any  
330 federal return or portion thereof, or to any federal return

331 information data which is acquired from the Internal Revenue  
332 Service for state tax administration purposes pursuant to the  
333 Federal-State Exchange Program cited at Section 6103, Federal  
334 Internal Revenue Code. The term "proper judicial order" as used  
335 in this section shall not include subpoenas or subpoenas duces  
336 tecum, but shall include only those orders entered by a court of  
337 record in this state after furnishing notice and a hearing to the  
338 taxpayer and the State Tax Commission. The court shall not  
339 authorize the furnishing of such information unless it is  
340 satisfied that the information is needed to pursue pending  
341 litigation wherein the return itself is in issue, or the judge is  
342 satisfied that the need for furnishing the information outweighs  
343 the rights of the taxpayer to have such information secreted.

344 (2) Returns and return information with respect to taxes  
345 imposed by this chapter shall be open to inspection by or  
346 disclosure to the Commissioner of the Internal Revenue Service of  
347 the United States, or the proper officer of any state imposing an  
348 income tax similar to that imposed by this chapter, or the  
349 authorized representatives of such agencies. Such inspection  
350 shall be permitted, or such disclosure made, only upon written  
351 request by the head of such agencies, or the district director in  
352 the case of the Internal Revenue Service, and only to the  
353 representatives of such agencies designated in a written statement  
354 to the commissioner as the individuals who are to inspect or to  
355 receive the return or return information on behalf of such agency.  
356 The commissioner is authorized to enter into agreements with the  
357 Internal Revenue Service and with other states for the exchange of  
358 returns and return information data, or the disclosure of returns  
359 or return information data to such agencies, only to the extent  
360 that the statutes of the United States or of such other state, as  
361 the case may be, grant substantially similar privileges to the  
362 proper officer of this state charged with the administration of  
363 the tax laws of this state.

364 (3) (a) The return of a person shall, upon written request,  
365 be open to inspection by or disclosure to:

366 (i) In the case of the return of an individual,  
367 that individual;

368 (ii) In the case of an income tax return filed  
369 jointly, either of the individuals with respect to whom the return  
370 is filed;

371 (iii) In the case of the return of a partnership,  
372 any person who was a member of such partnership during any part of  
373 the period covered by the return;

374 (iv) In the case of the return of a corporation or  
375 a subsidiary thereof, any person designated by resolution of its  
376 board of directors or other similar governing body, or any officer  
377 or employee of such corporation upon written request signed by any  
378 principal officer and attested to by the secretary or other  
379 officer;

380 (v) In the case of the return of an estate, the  
381 administrator, executor or trustee of such estate, and any heir at  
382 law, next of kin or beneficiary under the will, of the decedent,  
383 but only to the extent that such latter persons have a material  
384 interest which will be affected by information contained therein;

385 (vi) In the case of the return of a trust, the  
386 trustee or trustees, jointly or separately, and any beneficiary of  
387 such trust, but only to the extent that such beneficiary has a  
388 material interest which will be affected by information contained  
389 therein;

390 (vii) In the case of the return of an individual  
391 or a return filed jointly, any claimant agency seeking to collect  
392 a debt through the set-off procedure established in Sections  
393 27-7-701 through 27-7-713 and Sections 27-7-501 through 27-7-519,  
394 from an individual with respect to whom the return is filed.

395 (b) If an individual described in paragraph (a) is  
396 legally incompetent, the applicable return shall, upon written

397 request, be open to inspection by or disclosure to the committee,  
398 trustee or guardian of his estate.

399 (c) If substantially all of the property of the person  
400 with respect to whom the return is filed is in the hands of a  
401 trustee in bankruptcy or receiver, such return or returns for  
402 prior years of such person shall, upon written request, be open to  
403 inspection by or disclosure to such trustee or receiver, but only  
404 if the commissioner finds that such receiver or trustee, in his  
405 fiduciary capacity, has a material interest which will be affected  
406 by information contained therein.

407 (d) Any return to which this section applies shall,  
408 upon written request, also be open to inspection by or disclosure  
409 to the attorney in fact duly authorized in writing by any of the  
410 persons described in paragraph (a) of this subsection to inspect  
411 the return or receive the information on his behalf, subject to  
412 the conditions provided in paragraph (a).

413 (e) Return information with respect to any taxpayer may  
414 be open to inspection by or disclosure to any person authorized by  
415 this subsection to inspect any return of such taxpayer if the  
416 commissioner determines that such disclosure would not seriously  
417 impair state tax administration.

418 (4) The State Auditor and the employees of his office shall  
419 have the right to examine only such tax returns as are necessary  
420 for auditing the State Tax Commission, and the same prohibitions  
421 against disclosure which apply to the State Tax Commission shall  
422 apply to the State Auditor and his employees or former employees.

423 (5) Nothing herein shall be construed to prohibit the  
424 publication of statistics, so classified as to prevent the  
425 identification of particular reports or returns and the items  
426 thereof, or the inspection by the Attorney General, or any other  
427 attorney representing the state, of the report or return of any  
428 taxpayer who shall bring action to set aside the tax thereon, or

429 against whom any action or proceeding has been instituted to  
430 recover any tax or penalty imposed.

431 (6) Nothing in this section shall prohibit the chairman of  
432 the commission from making available information necessary to  
433 recover taxes owing the state pursuant to the authority granted in  
434 Section 27-75-16, Mississippi Code of 1972.

435 (7) Reports and returns required under the provisions of  
436 this chapter shall be preserved in accordance with approved  
437 records control schedules. No records, however, may be destroyed  
438 without the approval of the Director of the Department of Archives  
439 and History.

440 (8) The commission is authorized to disclose to the Child  
441 Support Unit of the Attorney General's Office the name, address,  
442 social security number, amount of income, source of income and  
443 assets for individuals who are delinquent in the payment of any  
444 child support as defined in Section 93-11-101.

445 **SECTION 5.** Section 41-57-14, Mississippi Code of 1972, is  
446 amended as follows:

447 41-57-14. (1) If the mother was married at the time of  
448 either conception or birth, or at any time between conception and  
449 birth, the name of the husband shall be entered on the certificate  
450 of birth as the father of the child. The social security number  
451 of each parent of a child born within this state shall be  
452 furnished to the local registrar of vital records at the time of  
453 filing the certificate of birth, but such information shall not  
454 appear on the portion of the certificate to be issued as a  
455 certified copy. Such information shall be sent to the Office of  
456 Vital Records Registration of the State Department of Health along  
457 with the certificate of birth and shall be retained by the office.  
458 The information shall not be disclosed to any person except as  
459 authorized by paragraph (2) of this section or as allowed by  
460 Section 41-57-2.

461 (2) The Office of Vital Records Registration shall make  
462 available to the \* \* \* Child Support Unit of the Attorney  
463 General's Office information concerning the names and social  
464 security numbers of the parents obtained under the requirements of  
465 paragraph (1) for the use in establishing paternity or enforcing  
466 child support obligations. Information obtained by the \* \* \*  
467 Child Support Unit under this section may be used in any action or  
468 proceeding before any court, administrative tribunal, or other  
469 proceeding for the purpose of establishing paternity, establishing  
470 a child support obligation, collecting child support or locating  
471 persons owing such an obligation.

472 **SECTION 6.** Section 43-1-2, Mississippi Code of 1972, is  
473 amended as follows:

474 43-1-2. (1) There is created the Mississippi Department of  
475 Human Services, whose offices shall be located in Jackson,  
476 Mississippi, and which shall be under the policy direction of the  
477 Governor.

478 (2) The chief administrative officer of the department shall  
479 be the Executive Director of Human Services. The Governor shall  
480 appoint the Executive Director of Human Services with the advice  
481 and consent of the Senate, and he shall serve at the will and  
482 pleasure of the Governor, and until his successor is appointed and  
483 qualified. The Executive Director of Human Services shall possess  
484 the following qualifications:

485 (a) A bachelor's degree from an accredited institution  
486 of higher learning and ten (10) years' experience in management,  
487 public administration, finance or accounting; or

488 (b) A master's or doctoral degree from an accredited  
489 institution of higher learning and five (5) years' experience in  
490 management, public administration, finance or accounting.

491 Those qualifications shall be certified by the State  
492 Personnel Board.

493           (3) There shall be a Joint Oversight Committee of the  
494 Department of Human Services composed of the respective chairmen  
495 of the Senate Public Health and Welfare Committee, the Senate  
496 Appropriations Committee, the House Public Health and Welfare  
497 Committee and the House Appropriations Committee, two (2) members  
498 of the Senate appointed by the Lieutenant Governor to serve at the  
499 will and pleasure of the Lieutenant Governor, and two (2) members  
500 of the House of Representatives appointed by the Speaker of the  
501 House to serve at the will and pleasure of the Speaker. The  
502 chairmanship of the committee shall alternate for twelve-month  
503 periods between the Senate members and the House members, with the  
504 Chairman of the Senate Public Health and Welfare Committee serving  
505 as the first chairman. The committee shall meet once each month,  
506 or upon the call of the chairman at such times as he deems  
507 necessary or advisable, and may make recommendations to the  
508 Legislature pertaining to any matter within the jurisdiction of  
509 the Mississippi Department of Human Services. The appointing  
510 authorities may designate an alternate member from their  
511 respective houses to serve when the regular designee is unable to  
512 attend such meetings of the oversight committee. For attending  
513 meetings of the oversight committee, such legislators shall  
514 receive per diem and expenses which shall be paid from the  
515 contingent expense funds of their respective houses in the same  
516 amounts as provided for committee meetings when the Legislature is  
517 not in session; however, no per diem and expenses for attending  
518 meetings of the committee will be paid while the Legislature is in  
519 session. No per diem and expenses will be paid except for  
520 attending meetings of the oversight committee without prior  
521 approval of the proper committee in their respective houses.

522           (4) The State Department of Human Services shall provide the  
523 services authorized by law to every individual determined to be  
524 eligible therefor, and in carrying out the purposes of the  
525 department, the executive director is authorized:



526 (a) To formulate the policy of the department regarding  
527 human services within the jurisdiction of the department;

528 (b) To adopt, modify, repeal and promulgate, after due  
529 notice and hearing, and where not otherwise prohibited by federal  
530 or state law, to make exceptions to and grant exemptions and  
531 variances from, and to enforce rules and regulations implementing  
532 or effectuating the powers and duties of the department under any  
533 and all statutes within the department's jurisdiction, all of  
534 which shall be binding upon the county departments of human  
535 services;

536 (c) To apply for, receive and expend any federal or  
537 state funds or contributions, gifts, devises, bequests or funds  
538 from any other source;

539 (d) Except as limited by Section 43-1-3, to enter into  
540 and execute contracts, grants and cooperative agreements with any  
541 federal or state agency or subdivision thereof, or any public or  
542 private institution located inside or outside the State of  
543 Mississippi, or any person, corporation or association in  
544 connection with carrying out the programs of the department; and

545 (e) To discharge such other duties, responsibilities  
546 and powers as are necessary to implement the programs of the  
547 department.

548 (5) The executive director shall establish the  
549 organizational structure of the Mississippi Department of Human  
550 Services which shall include the creation of any units necessary  
551 to implement the duties assigned to the department and consistent  
552 with specific requirements of law, including, but not limited to:

553 (a) Office of Family and Children's Services;

554 (b) Office of Youth Services;

555 (c) Office of Economic Assistance.

556 \* \* \*

557 (6) The Executive Director of Human Services shall appoint  
558 heads of offices, bureaus and divisions, as defined in Section

559 7-17-11, who shall serve at the pleasure of the executive  
560 director. The salary and compensation of such office, bureau and  
561 division heads shall be subject to the rules and regulations  
562 adopted and promulgated by the State Personnel Board as created  
563 under Section 25-9-101 et seq. The executive director shall have  
564 the authority to organize offices as deemed appropriate to carry  
565 out the responsibilities of the department. The organization  
566 charts of the department shall be presented annually with the  
567 budget request of the Governor for review by the Legislature.

568 (7) This section shall stand repealed on July 1, 2004.

569 **SECTION 7.** Section 43-1-3, Mississippi Code of 1972, is  
570 amended as follows:

571 43-1-3. Notwithstanding the authority granted under  
572 subsection (4)(d) of Section 43-1-2, the Department of Human  
573 Services or the Executive Director of Human Services shall not be  
574 authorized to delegate, privatize or otherwise enter into a  
575 contract with a private entity for the operation of any office,  
576 bureau or division of the department, as defined in Section  
577 7-17-11, without specific authority to do so by general act of the  
578 Legislature. However, nothing in this section shall be construed  
579 to invalidate (i) any contract of the department that is in place  
580 and operational before January 1, 1994; or (ii) the continued  
581 renewal of any such contract with the same entity upon the  
582 expiration of the contract; or (iii) the execution of a contract  
583 with another legal entity as a replacement of any such contract  
584 that is expiring, provided that the replacement contract is  
585 substantially the same as the expiring contract. \* \* \*

586 This section shall stand repealed on July 1, 2004.

587 **SECTION 8.** Section 43-1-7, Mississippi Code of 1972, is  
588 amended as follows:

589 43-1-7. (1) The Department of Human Services may establish  
590 family resource centers to help families who are receiving or are  
591 eligible to receive assistance from government agencies to

592 facilitate their access to services and resources that will lead  
593 to increased family independence.

594 (2) The department shall carry out an intense public  
595 information campaign to inform low-income workers, and especially  
596 public assistance recipients, of the availability of and  
597 application rules for the federal Earned Income Tax Credit (EITC),  
598 in order to maximize the refund of federal income tax withheld  
599 from those persons. The information campaign shall include  
600 publishing and circulating bulletins or notices to recipients of  
601 Temporary Assistance for Needy Families (TANF) benefits and other  
602 public assistance that publicize and explain the EITC and the  
603 criteria for family eligibility for the EITC. The department also  
604 shall carry out an intense information campaign to inform  
605 employers of the availability of and the criteria for eligibility  
606 for the Work Opportunity Tax Credit (WOTC), which offers employers  
607 a credit against their federal tax liability for hiring people  
608 from certain target groups, including TANF recipients, and to  
609 inform employers of the availability of and the criteria for  
610 eligibility for the state income tax credit for employers who hire  
611 persons receiving TANF benefits as authorized under Section  
612 27-7-22.1.

613 (3) The department shall establish and maintain a statewide  
614 incoming wide area telephone service hot line for the purpose of  
615 reporting suspected cases of welfare eligibility fraud, food stamp  
616 fraud and Medicaid fraud. The department is authorized, subject  
617 to the extent of appropriations available, to offer financial  
618 incentives to individuals for reporting such suspected cases of  
619 public assistance fraud.

620 (4) Any applicant for or recipient of TANF benefits or Food  
621 Stamps shall be required to agree that, as a condition of  
622 eligibility for those benefits, the person will cooperate with the  
623 Attorney General's Office in determining paternity for the  
624 purposes of enforcing child support obligations. The Attorney

625 General's Office shall utilize methods and procedures provided for  
626 by state or federal law in determining paternity and enforcing  
627 child support obligations.

628 **SECTION 9.** Section 43-13-303, Mississippi Code of 1972, is  
629 amended as follows:

630 43-13-303. (1) The Attorney General's Office, in  
631 administering its child support enforcement program on behalf of  
632 Medicaid and non-Medicaid recipients, or any other attorney  
633 representing a Medicaid recipient, shall include a prayer for  
634 medical support in complaints and other pleadings in obtaining a  
635 child support order whenever health-care coverage is available to  
636 the absent parent at a reasonable cost. Nothing in this section  
637 shall be construed to contradict the provisions of Section  
638 43-19-101(6).

639 (2) Health insurance enrollment shall be on the form  
640 prescribed by the Attorney General's Office unless a court or  
641 administrative order stipulates an alternative form of health-care  
642 coverage other than employer-based coverage. Employers must  
643 complete the employer response and return to the Attorney  
644 General's Office within twenty (20) days. Employers must transfer  
645 the Medical Support Notice to Plan Administrator Part B to the  
646 appropriate group health plan providing any such health-care  
647 coverage for which the child(ren) is eligible within twenty (20)  
648 business days after the date of the notice. Employers must  
649 withhold any obligation of the employee for employee contributions  
650 necessary for coverage of the child(ren) and send any amount  
651 withheld directly to the plan. Employees may contest the  
652 withholding based on a mistake of fact. If the employee contests  
653 such withholding, the employer must initiate withholding until  
654 such time as the employer receives notice that the contest is  
655 resolved. Employers must notify the Attorney General's Office  
656 promptly whenever the noncustodial parent's employment is

657 terminated in the same manner as required for income withholding  
658 cases.

659 (3) Health insurers, including, but not limited to, ERISA  
660 plans, preferred provider organizations, and HMO's, shall not have  
661 contracts that limit or exclude payments if the individual is  
662 eligible for Medicaid, is not claimed as a dependent on the  
663 federal income tax return, or does not reside with the parent or  
664 in the insurer's service area.

665 Health insurers and employers shall honor court or  
666 administrative orders by permitting enrollment of a child or  
667 children at any time and by allowing enrollment by the custodial  
668 parent, the Division of Medicaid, or the Child Support Enforcement  
669 Agency if the absent parent fails to enroll the child(ren).

670 The health insurer and the employer shall not disenroll a  
671 child unless written documentation substantiates that the court  
672 order is no longer in effect, the child will be enrolled through  
673 another insurer, or the employer has eliminated family health  
674 coverage for all of its employees.

675 The employer shall allow payroll deduction for the insurance  
676 premium from the absent parent's wages and pay the insurer. The  
677 health insurer and the employer shall not impose requirements on  
678 the Medicaid recipient that are different from those applicable to  
679 any other individual. The health insurer shall provide pertinent  
680 information to the custodial parent to allow the child to obtain  
681 benefits and shall permit custodial parents to submit claims to  
682 the insurer.

683 The health insurer and employer shall notify the Division of  
684 Medicaid and the Attorney General's Office when lapses in coverage  
685 occur in court-ordered insurance. If the noncustodial parent has  
686 provided such coverage and has changed employment, and the new  
687 employer provides health-care coverage, the Attorney General's  
688 Office shall transfer notice of the provision to the employer,  
689 which notice shall operate to enroll the child in the noncustodial

690 parent's health plan, unless the noncustodial parent contests the  
691 notice. The health insurer and employer shall allow payments to  
692 the provider of medical services, shall honor the assignment of  
693 rights to third-party sources by the Medicaid recipient and the  
694 subrogation rights of the Division of Medicaid as set forth in  
695 Section 43-13-305, and shall permit payment to the custodial  
696 parent.

697 The employer shall allow the Division of Medicaid to garnish  
698 wages of the absent parent when such parent has received payment  
699 from the third party for medical services rendered to the insured  
700 child and such parent has failed to reimburse the Division of  
701 Medicaid to the extent of the medical service payment.

702 Any insurer or the employer who fails to comply with the  
703 provisions of this subsection shall be liable to the Division of  
704 Medicaid to the extent of payments made to the provider of medical  
705 services rendered to a recipient to which the third party or  
706 parties, is, are, or may be liable.

707 (4) The Division of Medicaid shall report to the Mississippi  
708 State Tax Commission an absent parent who has received third-party  
709 payment(s) for medical services rendered to the insured child and  
710 who has not reimbursed the Division of Medicaid for the related  
711 medical service payment(s). The Mississippi State Tax Commission  
712 shall withhold from the absent parent's state tax refund, and pay  
713 to the Division of Medicaid, the amount of the third-party  
714 payment(s) for medical services rendered to the insured child and  
715 not reimbursed to the Division of Medicaid for the related medical  
716 service payment(s).

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

719 43-19-31. The Attorney General's Office shall establish a  
720 single and separate Child Support Unit for the following purposes:

721 (a) To develop and implement a nonsupport and paternity  
722 program and institute proceedings in the name of the Attorney

723 General's Office or in the name of the recipient in any court of  
724 competent jurisdiction in any county where the mother of the child  
725 resides or is found, in the county where the father resides or is  
726 found, or in the county where the child resides or is found;

727 (b) To secure and collect support by any method  
728 authorized under state law and establish paternity for any child  
729 or children receiving aid from the Department of Human Services  
730 any form of public assistance, including, but not limited to,  
731 medical assistance, foster care, food stamps, TANF, or any other  
732 program under the federal Social Security Act, from a parent or  
733 any other person legally liable for such support who has either  
734 failed or refused to provide support, deserted, neglected or  
735 abandoned the child or children, including cooperating with other  
736 states in establishing paternity, locating absent parents and  
737 securing compliance with court orders for support of Temporary  
738 Assistance for Needy Families (TANF) children; the Attorney  
739 General's Office may petition the court for the inclusion of  
740 health insurance as part of any child support order on behalf of  
741 any child receiving aid from the Department of Human Services  
742 unless good cause for noncooperation, as defined by the Social  
743 Security Act or the Attorney General's Office, is established.  
744 Unless notified to the contrary, whenever a child or children for  
745 whom child support services have been provided ceases to receive  
746 public assistance, the Department of Human Services will continue  
747 to provide services and the Attorney General's Office shall  
748 establish paternity, secure and collect such support payments from  
749 a parent or any other person legally liable for such support in  
750 accordance with the standards prescribed pursuant to the federal  
751 Social Security Act;

752 (c) To accept applications for child support  
753 enforcement services to establish paternity, secure and collect  
754 support from any proper party or person as defined by Title IV-D  
755 of the federal Social Security Act notwithstanding the fact that

756 the child or children do not currently receive or have never  
757 received public assistance. The Attorney General's Office shall  
758 have the authority to secure and collect support by any method  
759 authorized under state law and establish paternity for any child  
760 or children on behalf of a recipient of child support services,  
761 including individuals who do not currently receive or have never  
762 received public assistance from a parent or any other person  
763 legally liable for such support who has either failed or refused  
764 to provide support, deserted, neglected or abandoned the child or  
765 children, including cooperating with other states in establishing  
766 paternity, locating absent parents and securing compliance with  
767 court orders for support; the Attorney General's Office may  
768 petition the court for the inclusion of health insurance as part  
769 of any child support order on behalf of such recipients of child  
770 support services. The proceeds of any collections resulting from  
771 such application shall be distributed in accordance with the  
772 standards prescribed in the federal Social Security Act;

773 (d) The Attorney General's Office shall seek to recover  
774 from the individual who owes a support obligation to any  
775 individual who is a recipient of Title IV-D services as set forth  
776 in paragraph (b) or (c) on whose behalf the Department of Human  
777 Services is providing services, upon judicial proceedings  
778 conducted thereon after advance notice to such obligor, reasonable  
779 attorney's fees and court costs, in excess of any administrative  
780 fees collected and in excess of amounts of current support owed by  
781 the obligor, which the Attorney General's Office incurs in  
782 recovering and collecting the support obligation, such costs and  
783 fees as the Attorney General's Office recovers to be deposited in  
784 the Special Fund of the Attorney General's Office, which is \* \* \*  
785 established for the pursuit and collection of child support;

786 (e) To initiate contempt of court proceedings or any  
787 other remedial proceedings necessary to enforce (i) any order or  
788 decree of court relating to child support, and (ii) any order or



789 decree of court relating to the maintenance and/or alimony of a  
790 parent where support collection services on his or her child's  
791 behalf are being provided by the Attorney General's Office;

792 (f) To secure and collect by any method authorized  
793 under state law any maintenance and/or alimony on behalf of a  
794 parent whose child or children's support is being collected by the  
795 Attorney General's Office. The Attorney General's Office shall  
796 collect only such maintenance and/or alimony as is ordered or  
797 decreed by the court, and only in the event that the minor child  
798 and parent to whom such maintenance and/or alimony has been  
799 ordered are living in the same household;

800 (g) To obtain restitution of monies expended for public  
801 assistance from a parent or any other person legally liable for  
802 the support of any child or children receiving aid from the  
803 Department of Human Services; the action for restitution shall  
804 arise from the payment of public assistance for the dependent  
805 child or children and shall be for the amount of the public  
806 assistance paid. The action for restitution shall not arise  
807 against the parent or other person legally responsible who  
808 receives public assistance for the benefit of any dependent child  
809 or children. When a court order of support has been issued, the  
810 amount recoverable shall be limited to the amount of the court  
811 order;

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

815 (i) To have full responsibility in the aforementioned  
816 cases for initiating actions under the Uniform Interstate Family  
817 Support Act and for responding to the actions of other  
818 jurisdictions under that law when Mississippi is the responding  
819 state; however, this shall not impair private litigants' rights to  
820 proceed under any applicable interstate enforcement mechanisms;

821           (j) To enter into contracts for the purpose of  
822 performing any test which the Attorney General's Office may, from  
823 time to time, require;

824           (k) To maintain a Central Receipting and Disbursement  
825 Unit to which all payments required by withholding orders and  
826 orders for support in all actions to which the Attorney General's  
827 Office is a party shall be forwarded, and from which child support  
828 payments ordered by the court in actions to which the Attorney  
829 General's Office is a party shall be disbursed to the custodial  
830 parent or other such party as may be designated by the court  
831 order. The Central Receipting and Disbursement Unit shall be  
832 operated by the Attorney General's Office or any financial  
833 institution having operations and qualified to do business in  
834 Mississippi, whose deposits are insured by the Federal Deposit  
835 Insurance Corporation. The Attorney General's Office shall  
836 conduct cost-benefit analyses to determine and utilize the more  
837 cost efficient manner of operating the unit;

838           (l) To maintain an Attorney General's Office Case  
839 Registry containing records with respect to:

840                   (i) Each case in which services are being provided  
841 by the Attorney General's Office under this section; and

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

844                   (iii) The Administrative Office of Courts, as  
845 established by Section 9-21-1, in consultation with the Attorney  
846 General's Office, shall devise, promulgate and require the use of  
847 a Uniform Child Support Order Tracking System.

848                   1. Information collected from case filing  
849 forms shall be furnished to the Attorney General's Office, in  
850 order that compliance with court-ordered obligations of support  
851 may be tracked with specificity throughout the duration of those  
852 obligations and any subsequent proceedings.

853                   2. Such tracking system shall include: a.  
854 the names, residential and mailing addresses, telephone numbers,  
855 social security numbers, driver's license numbers and dates of  
856 birth of each child and parent named in or subject to the court  
857 order; b. the court cause number of the action; c. name, address  
858 and telephone number of employer; d. any restraining or protective  
859 order indicating domestic violence; and e. any other information  
860 which may be used for the purpose of identifying any person named  
861 in or subject to the order or for the purposes of establishing,  
862 enforcing or modifying a child support order; and

863                   (m) To take administrative actions relating to genetic  
864 testing, determine paternity, establish child support orders,  
865 modification of child support orders, income withholding, liens  
866 and subpoenas without the necessity of obtaining an order from any  
867 judicial or other administrative tribunal with respect to cases  
868 initiated or enforced by the Attorney General's Office pursuant to  
869 Title IV-D of the Social Security Act;

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

874                   (o) To provide any child support enforcement or other  
875 service as may be required by the United States of America,  
876 Department of Health and Human Services, Family Support  
877 Administration, Office of Child Support Enforcement or their  
878 successor pursuant to federal law or regulation.

879                   **SECTION 11.** Section 43-19-33, Mississippi Code of 1972, is  
880 amended as follows:

881                   43-19-33. (1) In lieu of legal proceedings instituted to  
882 obtain support for a dependent child from the responsible parent,  
883 a written stipulated agreement to support the child by periodic  
884 payments executed by the responsible parent when acknowledged  
885 before a clerk of the court having jurisdiction over such matters

886 or a notary public and filed with and approved by the judge of the  
887 court shall have the same force and effect, retroactively and  
888 prospectively, in accordance with the terms of the agreement as an  
889 order of support entered by the court, and shall be enforceable  
890 and subject to modification in the same manner as is provided by  
891 law for orders of the court in such cases.

892 (2) In lieu of legal proceedings instituted to establish  
893 paternity, a written admission of paternity containing a  
894 stipulated agreement of support executed by the putative father of  
895 the dependent child, when accompanied by a written affirmation of  
896 paternity executed and sworn to by the mother of the dependent  
897 child, when acknowledged by the putative father before a clerk of  
898 the court having jurisdiction over such matters or a notary public  
899 and filed with and approved by the judge of the court, shall have  
900 the same force and effect, retroactively and prospectively, in  
901 accordance with the terms of the agreement, as an order of  
902 filiation and support entered by the court, and shall be  
903 enforceable and subject to modification in the same manner as is  
904 provided by law for orders of the court in such cases.

905 (3) At any time after filing with the court having  
906 continuing jurisdiction of such matters of an acknowledgment of  
907 paternity in which a provision of support has not been entered,  
908 upon notice the defendant shall be required to appear in court at  
909 any time and place named therein, to show cause, if any he can,  
910 why the court should not enter an order for the support of the  
911 child by periodic payments. The order may include provisions for  
912 reimbursement for medical expenses incident to the pregnancy and  
913 the birth of the child, accrued maintenance and reasonable  
914 expenses of the action under this subsection on the acknowledgment  
915 of paternity previously filed with the court. Notice by the  
916 Attorney General's Office to the defendant shall be given by  
917 certified mail, restricted delivery, return receipt requested at  
918 his last known mailing address and without the requirement of a

919 summons being issued, and shall be deemed complete as of the date  
920 of delivery as evidenced by the return receipt. The required  
921 notice may also be delivered by personal service in accordance  
922 with Rule 4 of the Mississippi Rules of Civil Procedure insofar as  
923 service of an administrative order or notice is concerned.

924 However, in the case of a child who, upon reaching the age of  
925 twenty-one (21) years, is mentally or physically incapable of  
926 self-support, the putative father shall not be relieved of the  
927 duty of support unless the child is a long-term patient in a  
928 facility owned or operated by the State of Mississippi. The prior  
929 judgment as to paternity shall be res judicata as to that issue  
930 and shall not be reconsidered by the court.

931 (4) Such agreements of support, acknowledgments and  
932 affirmations of paternity and support shall be sworn to and shall  
933 be binding on the person executing the same whether he be an adult  
934 or a minor and may include provisions for the reimbursement of  
935 medical expenses incident to the pregnancy and birth of the child,  
936 accrued maintenance and reasonable expenses of any action  
937 previously filed before the court.

938 (5) In lieu of legal proceedings instituted to enforce an  
939 order for support, a written stipulated agreement for the  
940 provision of periodic payments towards an arrearage executed by  
941 the defendant when acknowledged before a clerk of the court having  
942 jurisdiction over such matters or a notary public and filed with  
943 and approved by the judge of the court shall have the same force  
944 and effect, retroactively and prospectively, in accordance with  
945 the terms of the agreement as a judgment for overdue support  
946 entered by the court, and shall be enforceable and subject to  
947 modification in the same manner as is provided by law for orders  
948 of the court in such cases.

949 (6) All agreements entered into under the provisions as set  
950 forth hereinabove shall be filed by the clerk of the court having

951 jurisdiction over such matters in the county in which they are  
952 entered and filing fees shall be taxed to the responsible parent.

953         **SECTION 12.** Section 43-19-34, Mississippi Code of 1972, is  
954 amended as follows:

955         43-19-34. (1) In lieu of legal proceedings instituted to  
956 obtain a modification for an order for support, a written  
957 stipulated agreement for modification executed by the responsible  
958 parent when acknowledged before a clerk of the court having  
959 jurisdiction over such matters or a notary public and filed with  
960 and approved by the judge of the court shall have the same force  
961 and effect, retroactively and prospectively, in accordance with  
962 the terms of the agreement as an order for modification of support  
963 entered by the court, and shall be enforceable and subject to  
964 subsequent modification in the same manner as is provided by law  
965 for orders of the court in such cases.

966         (2) With respect to a child support order in cases initiated  
967 or enforced by the Attorney General's Office pursuant to Title  
968 IV-D of the Social Security Act, wherein the Attorney General's  
969 Office has determined that a modification is appropriate, the  
970 Attorney General's Office shall send a motion and notice of intent  
971 to modify the order, together with the proposed modification of  
972 the order under this section to the last known mailing address of  
973 the defendant. Such notice shall specify the date and time  
974 certain of the hearing and shall be sent by certified mail,  
975 restricted delivery, return receipt requested; notice shall be  
976 deemed complete as of the date of delivery as evidenced by the  
977 return receipt. The required notice may also be delivered by  
978 personal service in accordance with Rule 4 of the Mississippi  
979 Rules of Civil Procedure insofar as it may be applied to service  
980 of an administrative order or notice. The defendant may accept  
981 the proposed modification by signing and returning it to the  
982 Attorney General's Office prior to the date of hearing for  
983 presentation to the court for approval. In the event that the

984 defendant does not sign and return the proposed modification, the  
985 court shall on the date and time previously set for hearing review  
986 the proposal and make a determination as to whether it should be  
987 approved in whole or in part.

988 (3) Every three (3) years, upon the request of either  
989 parent, or if there is an assignment under Section 43-19-35, upon  
990 the request of the Attorney General's Office or of either parent,  
991 the Attorney General's Office shall review and, if appropriate,  
992 seek to adjust a support order being enforced under Section  
993 43-19-31 in accordance with the guidelines established pursuant to  
994 Section 43-19-101, if the amount of the child support award under  
995 the order differs from the amount that would be awarded in  
996 accordance with the guidelines, taking into account the best  
997 interests of the child involved. No proof of a material change in  
998 circumstances is necessary in the three-year review for adjustment  
999 pursuant to this subsection (3). Proof of a material change in  
1000 circumstances is necessary for modification outside the three-year  
1001 cycle.

1002 (4) Any order for the support of minor children, whether  
1003 entered through the judicial system or through an expedited  
1004 process, shall not be subject to a downward retroactive  
1005 modification. An upward retroactive modification may be ordered  
1006 back to the date of the event justifying the upward modification.

1007 **SECTION 13.** Section 43-19-35, Mississippi Code of 1972, is  
1008 amended as follows:

1009 43-19-35. (1) By currently or previously accepting public  
1010 assistance or making application for child support services for  
1011 and on behalf of a child or children, the recipient shall be  
1012 deemed to have made an assignment to the Attorney General's Office  
1013 of any and all rights and interests in any cause of action, past,  
1014 present or future, that the recipient or the children may have  
1015 against any parent failing to provide for the support and  
1016 maintenance of the minor child or children; the Attorney General's

1017 Office shall be subrogated to any and all rights, title and  
1018 interest the recipient or the children may have against any and  
1019 all property belonging to the absent or nonsupporting parent in  
1020 the enforcement of any claim for child or spousal support, whether  
1021 liquidated through court order or not. The recipient of Title  
1022 IV-D services shall also be deemed, without the necessity of  
1023 signing any document, to have appointed the Attorney General's  
1024 Office to act in his or her, as well as the children's, name,  
1025 place, and stead to perform the specific act of instituting suit  
1026 to establish paternity or secure support, collecting any and all  
1027 amounts due and owing for child or spousal support or any other  
1028 service as required or permitted under Title IV-D of the federal  
1029 Social Security Act, and endorsing any and all drafts, checks,  
1030 money orders or other negotiable instruments representing child or  
1031 spousal support payments which are received on behalf of the  
1032 recipient or the children, and retaining any portion thereof  
1033 permitted under federal and state statutes as reimbursement for  
1034 public assistance monies previously paid to the recipient or  
1035 children.

1036 (2) Court orders of support for any child or children  
1037 receiving services through Title IV-D of the federal Social  
1038 Security Act shall be amended, by operation of law, and without  
1039 the necessity of a motion by the Child Support Unit and a hearing  
1040 thereon to provide that the payment of support shall be directed  
1041 by the absent parent to the Attorney General's Office Central  
1042 Receipting and Disbursement Unit as provided in Section 43-19-37  
1043 and not to the recipient. The absent parent shall be notified of  
1044 such amendment prior to it taking effect.

1045 (3) Any attorney authorized by the state to initiate any  
1046 action pursuant to Title IV-D of the federal Social Security Act,  
1047 including, but not limited to, any action initiated pursuant to  
1048 Sections 43-19-31 et seq. and 93-25-1 et seq. shall be deemed to  
1049 represent the interest of the Attorney General's Office



1050 exclusively; no attorney-client relationship shall exist between  
1051 the attorney and any recipient of services pursuant to Title IV-D  
1052 of the federal Social Security Act for and on behalf of a child or  
1053 children, regardless of the name in which the legal proceedings  
1054 are initiated. The attorney representing the state in a Title  
1055 IV-D case is only authorized to appear and prosecute and/or defend  
1056 issues of support and cannot in a Title IV-D case address or  
1057 provide representation to the Title IV-D recipient on any other  
1058 ancillary issues raised or presented in that action.

1059 (4) The assignment to the Attorney General's Office shall be  
1060 free of any legal or equitable defense to the payment of child  
1061 support that may accrue to any person legally liable for the  
1062 support of any child or children receiving aid from the State  
1063 Department of Human Services, as a result of the conduct of the  
1064 person who is accepting public assistance for and on behalf of the  
1065 child or children.

1066 **SECTION 14.** Section 43-19-37, Mississippi Code of 1972, is  
1067 amended as follows:

1068 43-19-37. (1) Court orders of support in all cases brought  
1069 under the provisions of Sections 43-19-31 through 43-19-53 shall  
1070 specify that the payment of court costs shall be directed by the  
1071 absent parent to the Attorney General's Office Central Receipting  
1072 and Disbursement Unit for further disbursement in the manner as  
1073 prescribed by Title IV-D of the federal Social Security Act. The  
1074 court shall assess attorney's fees to recover the costs associated  
1075 with preparing and prosecuting the case, which shall be paid  
1076 directly to the Attorney General's Office solely for the support  
1077 of the legal division of the Child Support Unit, in a manner  
1078 separate and distinct from the payment of child support. The  
1079 court may allow the defendant to pay the attorney's fee over a  
1080 period not to exceed four (4) months. The state portion of  
1081 attorney's fees paid to the Attorney General's Office shall be  
1082 used to match federal funds for the support of the legal division

1083 of the Child Support Unit \* \* \*. Any payments made by the absent  
1084 parent directly to the recipient or applicant in violation of the  
1085 court order shall not be deemed to be a support payment or an  
1086 attorney's fee and shall not be credited to the court-ordered  
1087 obligation of the absent parent or to the court-ordered obligation  
1088 for the payment of the attorney's fee. Failure of the absent  
1089 parent to comply with an order of support or for payment of an  
1090 attorney's fee for a period of thirty (30) days shall be directed  
1091 to the court having jurisdiction of the matter for contempt  
1092 proceedings or execution issued in the manner and form prescribed  
1093 by statute. Should civil proceedings become ineffective in  
1094 producing support or attorney's fees in any case involving a  
1095 legitimate child or a child wherein paternity has been established  
1096 by law or acknowledged in writing, the case shall promptly be  
1097 referred to the district attorney for prosecution as a violation  
1098 of Section 97-5-3.

1099 (2) Each application, petition, order or filing made under  
1100 this section shall include the social security number(s) of the  
1101 applicant or father, mother and child(ren), as applicable, in  
1102 accordance with Section 93-11-64.

1103 **SECTION 15.** Section 43-19-39, Mississippi Code of 1972, is  
1104 amended as follows:

1105 43-19-39. (1) All child support payments collected by the  
1106 Child Support Unit pursuant to Section 43-19-35 shall be  
1107 distributed in the manner as prescribed by the federal Social  
1108 Security Act and any amendments adopted thereto. Nothing  
1109 contained herein shall preclude the Child Support Unit in  
1110 processing a paternity or support action for and on behalf of a  
1111 child or children receiving Temporary Assistance to Needy Families  
1112 (TANF) benefits wherein the applicant or recipient has refused  
1113 cooperation. If a parent of any child receiving public assistance  
1114 fails or refuses to cooperate with the local county department or  
1115 Child Support Unit in locating and securing support from the

1116 nonsupporting responsible parent, this parent may be cited to  
1117 appear before the judge of any court having jurisdiction over such  
1118 matter and compelled to disclose such information under oath. Any  
1119 parent who, having been cited to appear before a judge of the  
1120 court having jurisdiction over such matter, fails or refuses to  
1121 appear or fails or refuses to provide the information requested  
1122 may be found to be in contempt of the court and may be fined not  
1123 more than One Hundred Dollars (\$100.00) or imprisoned not more  
1124 than six (6) months or both.

1125 (2) In a manner which is consistent with the federal Social  
1126 Security Act, any amendments thereto and its implementing  
1127 regulations, the Child Support Unit is \* \* \* authorized to  
1128 withhold from distribution any payment or portion thereof which it  
1129 may receive on behalf of a child or children for whom it is  
1130 providing services if reimbursement is needed for any payments  
1131 which may have been mistakenly or erroneously advanced on behalf  
1132 of that child or children. The Child Support Unit shall adopt  
1133 policies that minimize any hardship that is caused by withholding  
1134 from distribution any current support payments to reimburse past  
1135 mistaken or erroneous advancements.

1136 **SECTION 16.** Section 43-19-41, Mississippi Code of 1972, is  
1137 amended as follows:

1138 43-19-41. Any applicant or recipient who refuses to provide  
1139 reasonable assistance to the local county department or to the  
1140 Child Support Unit established by the Attorney General's Office in  
1141 identifying and locating the absent parent of a dependent child or  
1142 otherwise refuses to cooperate with the Attorney General's Office  
1143 in securing support or in establishing paternity shall be  
1144 ineligible for Temporary Assistance to Needy Families (TANF)  
1145 benefits, shall not be considered a needy relative and shall not  
1146 be entitled to receive or use any part of the benefits nor shall  
1147 be eligible for medical assistance under the Mississippi Medical  
1148 Assistance Act; \* \* \* however, benefits for the support of the

1149 child of such applicant or recipient shall not be denied or  
1150 terminated as a result of such refusal to provide assistance or  
1151 cooperation, but that the Department of Human Services may provide  
1152 benefits to the child in the form of protective vendor payments.

1153 **SECTION 17.** Section 43-19-44, Mississippi Code of 1972, is  
1154 amended as follows:

1155 43-19-44. For purposes of this section, an "authorized  
1156 person" shall mean:

1157 (a) Any agent or attorney of any state having in effect  
1158 a plan approved under federal law, who has the duty or authority  
1159 under such plan to seek to recover any amounts owed as child and  
1160 spousal support (including, when authorized under the state plan,  
1161 any official of a political subdivision);

1162 (b) The court which has authority to issue an order or  
1163 to serve as the initiating court in an action to seek an order  
1164 against a noncustodial parent of the support and maintenance of a  
1165 child, or any agent of such court;

1166 (c) The resident parent, legal guardian, attorney or  
1167 agent of a child (other than a child receiving federal assistance  
1168 as determined by federal regulation) without regard to the  
1169 existence of a court order against a noncustodial parent who has a  
1170 duty to support and maintain any such child;

1171 (d) A state agency that is administering a program  
1172 operated under a state plan approved under federal law;

1173 (e) Any agent or attorney of any state having an  
1174 agreement under this section, who has the duty or authority under  
1175 the law of such state to enforce a child custody or visitation  
1176 determination;

1177 (f) Any court having jurisdiction to make or enforce  
1178 such a child custody or visitation determination, or any agent of  
1179 such court; and

1180 (g) Any agent or attorney of the United States, or of a  
1181 state having an agreement under this section, who has the duty or

1182 authority to investigate, enforce or bring a prosecution with  
1183 respect to the unlawful taking or restraint of a child.

1184       The Attorney General's Office shall safeguard personal data  
1185 if the Attorney General's Office is provided with reasonable  
1186 evidence of a risk of harm. A state agency, court, Attorney  
1187 General's Office of another state, obligor, obligee and such other  
1188 persons or entities as the Attorney General's Office may specify  
1189 may provide the Attorney General's Office with reasonable evidence  
1190 of a risk of harm in such manner as the Attorney General's Office  
1191 may require. The Attorney General's Office shall not be required  
1192 to safeguard personal data in intrastate cases for longer than one  
1193 (1) year unless the Attorney General's Office is provided with  
1194 reasonable evidence of a continued risk of harm in such manner as  
1195 the Attorney General's Office may require. The Attorney General's  
1196 Office shall notify individuals whose personal data is safeguarded  
1197 under this section that in order for the safeguards to remain in  
1198 effect, such individuals must provide the Attorney General's  
1199 Office annually with reasonable evidence of a continued risk of  
1200 harm. For the purposes of this section "reasonable evidence of a  
1201 risk of harm" shall mean reasonable evidence that the release of  
1202 information may result in physical harm to the parent or child,  
1203 that the release of information may result in emotional harm to  
1204 the parent or child which would significantly reduce the parent's  
1205 capacity to care for the child, or would significantly reduce the  
1206 parent or child's ability to function adequately, or that a  
1207 protective order or restraining order has been issued on behalf of  
1208 the parent or child.

1209       If the Attorney General's Office is provided with reasonable  
1210 evidence of a risk of harm, the Attorney General's Office, its  
1211 employees and its contractors shall not disclose any personal data  
1212 that could otherwise be disclosed about the location of a parent  
1213 or child, including residential address, telephone number and  
1214 name, address and telephone number of employer, and shall not

1215 disclose the social security number of a parent or child; \* \* \*  
1216 however, \* \* \* such personal data may be shared by and between  
1217 employees of the Attorney General's Office and its contractors;  
1218 and the Attorney General's Office may disclose such personal data  
1219 to the Federal Parent Locator Service, to the court, or agent of a  
1220 court that is authorized to receive information from the Federal  
1221 Parent Locator Service established pursuant to Title IV-D of the  
1222 Social Security Act.

1223 \* \* \* The Attorney General's Office may disclose the social  
1224 security number of a child receiving IV-D services for the  
1225 purposes directly connected to obtaining health care coverage for  
1226 such child to an employer or provider of health care coverage.

1227 If the Attorney General's Office is provided with reasonable  
1228 evidence of a risk of harm pursuant to this section, the Attorney  
1229 General's Office shall notify the Federal Parent Locator Service  
1230 established pursuant to Title IV-D of the Social Security Act that  
1231 a risk of harm exists. Upon order of the court in an intrastate  
1232 matter, the Attorney General's Office shall release personal data,  
1233 which may include location information and social security  
1234 numbers, to such court or agent, as required by \* \* \* Title IV-D  
1235 of the Social Security Act; \* \* \* however, \* \* \* if the Attorney  
1236 General's Office has been provided with reasonable evidence of a  
1237 risk of harm, the Attorney General's Office shall notify the court  
1238 or agent that the Attorney General's Office has received such  
1239 information; before making any disclosure of such personal data,  
1240 the court is required to determine whether such disclosure to any  
1241 other person could be harmful to the parent or child. A person or  
1242 agency seeking disclosure of personal data which the Attorney  
1243 General's Office is prohibited from disclosing because of a risk  
1244 of harm, but which could otherwise be disclosed, may file a  
1245 petition with the chancery court to request disclosure of such  
1246 personal data.

1247           Upon an order by the court in interstate cases to override  
1248 nondisclosure procedures in cases dealing with domestic violence,  
1249 the court shall order the Attorney General's Office to release  
1250 this information within thirty (30) days of the order. Whereupon,  
1251 the Attorney General's Office shall transmit the court order to  
1252 the Federal Office of Child Support Enforcement (OCSE), Federal  
1253 Parent Locator Service (FPLS), whereby OCSE will notify the  
1254 Attorney General's Office of its decision to remove the  
1255 nondisclosure code. Upon notification from OCSE, the Attorney  
1256 General's Office shall release the information unto the court.

1257           Any unauthorized disclosure or unauthorized willful  
1258 inspection made in a good faith effort to comply with this section  
1259 shall not be considered a violation of this section.

1260           A person or agency, including the Attorney General's Office,  
1261 seeking personal data which the Attorney General's Office is  
1262 prohibited from disclosing because of a risk of harm, but which  
1263 could otherwise be disclosed or which the Federal Parent Locator  
1264 Service established pursuant to Title IV-D of the Social Security  
1265 Act is prohibited from disclosing because the Secretary of the  
1266 Federal Department of Health and Human Services has been notified  
1267 that there is a reasonable evidence of domestic violence or child  
1268 abuse, may file a petition with the court where the person resides  
1269 to request disclosure of such personal data. The petition shall  
1270 specify the purpose for which such personal data is required.  
1271 When a petition is filed, or when the court receives notice from  
1272 the Attorney General's Office that the Attorney General's Office  
1273 has been notified of a risk of harm, the court shall determine  
1274 whether disclosure of personal data could be harmful to the parent  
1275 or child before releasing such data to any other person or agency.  
1276 In making such determination, the court shall notify the parent  
1277 that the court has received a request to release personal data and  
1278 shall provide a specific date by which the parent must object to  
1279 release of the information and provide the basis for objection.

1280 The parent may provide such information in writing and shall not  
1281 be required to appear in person to contest the release of  
1282 information. The court shall also notify the Attorney General's  
1283 Office of any petition filed pursuant to this section and the  
1284 Attorney General's Office shall release to the court any  
1285 information which it has been provided regarding the risk of harm;  
1286 however, the Attorney General's Office shall not be made a party  
1287 to the action. Further, the attorney for the Attorney General's  
1288 Office, in any proceeding herein, shall not be deemed to be  
1289 appearing in a representative capacity for any party. The court  
1290 may also request information directly from the Federal Parent  
1291 Locator Service from the child support collection agency of  
1292 another state, and from any other source.

1293 In determining whether disclosure of personal data could be  
1294 harmful to the parent or child, the court shall consider any  
1295 relevant information provided by the parent or child, any  
1296 information provided by the Attorney General's Office or by the  
1297 child support collection agency of another state, and any evidence  
1298 provided by the person seeking the personal data. Documentary  
1299 evidence transmitted to the court by facsimile, telecopier or  
1300 other means that do not provide an original writing may not be  
1301 excluded from evidence on an objection based on the means of  
1302 transmission. The court may permit a party or witness to be  
1303 deposed or to testify by telephone, audiovisual means, or other  
1304 electronic means.

1305 The court may enter an order (1) impounding the personal data  
1306 and prohibiting any disclosure by the court or its agents, (2)  
1307 permitting disclosure by the court or its agents to a specific  
1308 person or persons, or (3) removing any restrictions on disclosure  
1309 by the court and its agents. An order permitting disclosure of  
1310 personal data may specify the purposes for which the data may be  
1311 used and may prohibit a person to whom the data is disclosed from  
1312 making further disclosures to any other person. The court shall



1313 notify the Attorney General's Office of any order entered pursuant  
1314 to this section. Any person or agency who violates an order  
1315 issued pursuant to this section may be held in contempt of court  
1316 and subject to the penalties provided herein.

1317 The court may disclose location information about a parent  
1318 for the limited purpose of notifying the parent of a proceeding  
1319 under this section or of any other proceeding in court, provided  
1320 that such information shall not be disclosed to another party  
1321 unless the court issues an order pursuant to this section  
1322 permitting such disclosure.

1323 **SECTION 18.** Section 43-19-46, Mississippi Code of 1972, is  
1324 amended as follows:

1325 43-19-46. (1) Each employer, as defined in Section  
1326 93-11-101, doing business in Mississippi shall report to the  
1327 Directory of New Hires within the Attorney General's Office:

1328 (a) The hiring of any person who resides or works in  
1329 this state to whom the employer anticipates paying wages; and

1330 (b) The hiring or return to work of any employee who  
1331 was laid off, furloughed, separated, granted leave without pay or  
1332 was terminated from employment.

1333 (2) Employers shall report, by mailing or by other means  
1334 authorized by the Attorney General's Office, a copy of the  
1335 employee's W-4 form or its equivalent which will result in timely  
1336 reporting. Each employer shall submit reports within fifteen (15)  
1337 days of the hiring, rehiring or return to work of the employee.  
1338 The report shall contain:

1339 (a) The employee's name, address, social security  
1340 number and the date of birth;

1341 (b) The employer's name, address, and federal and state  
1342 withholding tax identification numbers; and

1343 (c) The date upon which the employee began or resumed  
1344 employment, or is scheduled to begin or otherwise resume  
1345 employment.

1346           (3) The Attorney General's Office shall retain the  
1347 information, which shall be forwarded to the federal registry of  
1348 new hires.

1349           (4) The Attorney General's Office may operate the program,  
1350 may enter into a mutual agreement with the Mississippi Employment  
1351 Security Commission or the State Tax Commission, or both, for the  
1352 operation of the Directory of New Hires Program, or the Attorney  
1353 General's Office may contract for such service, in which case the  
1354 Attorney General's Office shall maintain administrative control of  
1355 the program.

1356           (5) In cases in which an employer fails to report  
1357 information, as required by this section, an administratively  
1358 levied civil penalty in an amount not to exceed Five Hundred  
1359 Dollars (\$500.00) shall apply if the failure is the result of a  
1360 conspiracy between the employer and employee to not supply the  
1361 required report or to supply a false or incomplete report. The  
1362 penalty shall otherwise not exceed Twenty-five Dollars (\$25.00).  
1363 Appeal shall be as provided in Section 43-19-58.

1364           **SECTION 19.** Section 43-19-47, Mississippi Code of 1972, is  
1365 amended as follows:

1366           43-19-47. (1) The Child Support Unit of the Attorney  
1367 General's Office may appoint at least one (1) full-time staff  
1368 attorney in or for each chancery court district for the purpose of  
1369 initiating proceedings under the provisions of Sections 43-19-31  
1370 through 43-19-53 in securing child support and establishing  
1371 paternity. The qualifications and annual salary of each of the  
1372 attorneys appointed by the Child Support Unit \* \* \* under the  
1373 provisions of Sections 43-19-31 through 43-19-53 shall be fixed at  
1374 such sums as may be deemed proper in accordance with the salaries  
1375 of other full-time employed state attorneys with the Attorney  
1376 General's Office. Such salaries, inclusive of all reimbursable  
1377 travel and other expenses, inclusive of financial arrangements  
1378 perfected with the appropriate courts, the law enforcement

1379 officials and the district attorneys, shall be paid monthly from  
1380 the funds appropriated to the Child Support Unit \* \* \* and from  
1381 the special fund for the \* \* \* Child Support Unit in which the  
1382 interest from its accounts and all attorney's fees and other fees  
1383 is placed. The Mississippi Personnel Board shall survey the  
1384 salaries of other Mississippi attorneys with the Attorney  
1385 General's Office each year and shall raise the start step of the  
1386 staff and senior attorneys accordingly and the minimum shall never  
1387 go below Forty Thousand Dollars (\$40,000.00) for staff attorneys  
1388 or Fifty Thousand Dollars (\$50,000.00) for senior attorneys.

1389 (2) To assist in the implementation of the provisions of  
1390 Sections 43-19-31 through 43-19-53, the Attorney General's Office  
1391 is empowered to enter into cooperative agreements with district  
1392 attorneys, county attorneys and attorneys employed by the county  
1393 boards of supervisors \* \* \*. Those cooperative agreements shall  
1394 be made in compliance with the regulations established by the  
1395 Secretary of the Department of Health and Human Services, and may  
1396 be funded either by funds appropriated to the Child Support  
1397 Unit \* \* \* or funds appropriated by any county board of  
1398 supervisors in this state for their respective county. Attorneys  
1399 may be hired contractually to be paid in amounts commensurate with  
1400 the Attorney General's Office's staff attorneys.

1401 **SECTION 20.** Section 43-19-48, Mississippi Code of 1972, is  
1402 amended as follows:

1403 43-19-48. (1) The Attorney General's Office and financial  
1404 institutions doing business in the state are required to enter  
1405 into agreements:

1406 (a) To develop and operate a data match system, using  
1407 automated data exchanges, in which each such financial institution  
1408 is required to provide for each calendar quarter the name, record  
1409 address, social security number or other taxpayer identification  
1410 number, and other identifying information for each noncustodial  
1411 parent who maintains an account at such institution and who owes

1412 past-due support, as identified by the Attorney General's Office  
1413 by name and social security number or other taxpayer  
1414 identification number;

1415 (b) To encumber or surrender, as the case may be,  
1416 assets held by such institution on behalf of any noncustodial  
1417 parent who is subject to a child support lien; and

1418 (c) To provide for payment of reasonable fees to  
1419 financial institutions for conducting data matches, and for  
1420 responding to other requests made pursuant to this section, with  
1421 such fees not to exceed the actual costs incurred by such  
1422 financial institutions.

1423 (2) When the operation of such data match system results in  
1424 the location of an account of a noncustodial parent who owes  
1425 past-due support, or when such account is located through any  
1426 means, the Attorney General's Office may request and shall receive  
1427 additional financial or other information including account  
1428 numbers, names and social security numbers on record for accounts,  
1429 and account balances, from any financial institution needed to  
1430 establish, modify or enforce a support order.

1431 (3) The Attorney General's Office shall have the authority  
1432 to encumber and seize assets held by an obligor in a financial  
1433 institution doing business in Mississippi. Such assets shall be  
1434 encumbered for either:

1435 (a) A forty-five-day period; or

1436 (b) Until such time as the issue of overdue support is  
1437 resolved, provided the obligor has filed a petition for hearing  
1438 with a court of appropriate jurisdiction and the financial  
1439 institution receives written notice thereof from the Attorney  
1440 General's Office before the end of the \* \* \* forty-five-day  
1441 period.

1442 (4) Notice of such encumbrance initiated by the Attorney  
1443 General's Office shall be provided to the financial institution  
1444 and to the obligor:

1445 (a) The Attorney General's Office shall send, by  
1446 certified mail, notice to the financial institution with which the  
1447 account is placed, directing that the financial institution shall:

1448 (i) Immediately encumber funds in any account(s)  
1449 in which the obligor has an interest, and to the extent of the  
1450 debt indicated in the notice from the Attorney General's Office;

1451 (ii) Forward the encumbered funds to the Attorney  
1452 General's Office after either the forty-five-day period stated in  
1453 subsection 3(a) of this section, or a determination favorable to  
1454 the Attorney General's Office by a court of appropriate  
1455 jurisdiction; or

1456 (iii) In the event the obligor prevails before the  
1457 court, immediately release the funds to the obligor.

1458 (b) Notice shall be delivered to the obligor at the  
1459 current mailing address as recorded by the Attorney General's  
1460 Office. Such notice shall be sent by regular mail at the  
1461 commencement of the action described herein.

1462 (c) The financial institution shall not disclose to an  
1463 account holder or the depositor that the name of such person has  
1464 been received from or furnished to the Attorney General's Office.  
1465 The financial institution shall disclose to its account holders or  
1466 its depositors that under the data match system the Attorney  
1467 General's Office has the authority to request certain identifying  
1468 information on the account holders' or the depositor's accounts.

1469 (5) Challenges to encumbrance of an account:

1470 (a) Challenges to such levy for child support arrearage  
1471 may be initiated only by the obligor or by an account holder of  
1472 interest.

1473 (b) Challenges shall be made by the filing of a  
1474 petition for hearing by the obligor in a court of appropriate  
1475 jurisdiction under Rule 81(d)(2) of the Mississippi Rules of Civil  
1476 Procedure. Service upon the Attorney General's Office shall be as

1477 prescribed by Rule 4(d)(5) of the Mississippi Rules of Civil  
1478 Procedure.

1479 (c) Grounds for the petition challenging the  
1480 encumbrance shall be limited to:

1481 (i) Mistakes of identity; or

1482 (ii) Mistakes in amount of overdue support.

1483 (6) Liability of the financial institution and the Attorney  
1484 General's Office:

1485 (a) Neither the Attorney General's Office nor the  
1486 financial institution shall be liable for any applicable early  
1487 withdrawal penalties on the obligor's account(s).

1488 (b) A financial institution shall be absolutely immune  
1489 from any civil liability under any law or regulation to any person  
1490 for the disclosure of or failure to disclose any information  
1491 pursuant to this chapter or for the escrow, encumbrance, seizure  
1492 or surrender of any assets held by the financial institution in  
1493 response to any notice issued by the Attorney General's Office,  
1494 the Child Support Unit or any contractors or agents thereof unless  
1495 the disclosure or failure to disclose was willful or intentional,  
1496 or for any other action taken in good faith to comply with the  
1497 requirements of this chapter.

1498 (7) Any amount encumbered and forwarded by the financial  
1499 institution under this section shall not exceed the arrearage owed  
1500 by the obligor.

1501 (8) The provisions herein and any other relevant sections  
1502 shall be employed equally by authorized contractors of the  
1503 Attorney General's Office to collect delinquent support payments.

1504 (9) A financial institution shall not be liable under  
1505 federal or state law to any person:

1506 (a) For any disclosure of information to the Attorney  
1507 General's Office;

1508           (b) For encumbering or forwarding any assets held by  
1509 such financial institution in response to a notice of lien or  
1510 levy;

1511           (c) For any other action taken in good faith to comply  
1512 with the requirements of subsection (1)(a) or (b) above.

1513           (10) **Definitions.** For purposes of this section:

1514           (a) The term "financial institution" has the meaning  
1515 given to such by Section 81-12-3, and shall include, but not be  
1516 limited to, credit unions, stock brokerages, public or private  
1517 entities administering retirement, savings, annuities, life  
1518 insurance and/or pension funds;

1519           (b) The term "account" means a demand deposit account,  
1520 checking or negotiable withdrawal order account, savings account,  
1521 time deposit account or money-market mutual fund account.

1522           (11) Failure to comply with the provisions of this section  
1523 or the willful rendering of false information shall subject the  
1524 financial institution to a fine of not less than One Thousand  
1525 Dollars (\$1,000.00).

1526           **SECTION 21.** Section 43-19-49, Mississippi Code of 1972, is  
1527 amended as follows:

1528           43-19-49. There is \* \* \* authorized to be employed by the  
1529 Child Support Unit of the Attorney General's Office such other,  
1530 investigative, technical, secretarial and supportive staff as may  
1531 be necessary for the proper and necessary implementation of the  
1532 requirements of Public Law 93-647, 93rd Congress, and any  
1533 amendments adopted thereto applicable to the program as provided  
1534 under Sections 43-19-31 through 43-19-53. Those positions shall  
1535 be subject to the State Personnel Board's rules and regulations  
1536 and their salaries shall be fixed in such amounts as the Attorney  
1537 General's Office may deem proper.

1538           **SECTION 22.** Section 43-19-51, Mississippi Code of 1972, is  
1539 amended as follows:

1540 43-19-51. Nothing contained in Sections 43-19-31 through  
1541 43-19-53 shall be construed as relieving or diminishing any of the  
1542 duties, powers and functions of the \* \* \* district attorneys or  
1543 county attorneys under the statutes of this state relating to the  
1544 collection of any judgment or debt in favor of the state or the  
1545 enforcement of the criminal laws under Sections 43-19-31 through  
1546 43-19-53 or any other provisions of state law.

1547 **SECTION 23.** Section 43-19-53, Mississippi Code of 1972, is  
1548 amended as follows:

1549 43-19-53. Not later than sixty (60) days after the first day  
1550 of January of each year, (a) the \* \* \* Department of Human  
1551 Services shall cause to be published for the preceding calendar  
1552 year a detailed report showing the total number of cases in the  
1553 Temporary Assistance to Needy Families (TANF) program reported on  
1554 the basis of fraud or suspected fraud, the total number  
1555 investigated, prosecuted and disposed of civilly and/or criminally  
1556 in each county of the state; and the Attorney General's Office  
1557 shall cause to be published for the preceding calendar year a  
1558 detailed report showing the total number of support and paternity  
1559 cases reported, investigated, continued, prosecuted civilly, and  
1560 the total amount of support collected.

1561 **SECTION 24.** Section 43-19-55, Mississippi Code of 1972, is  
1562 amended as follows:

1563 43-19-55. The Attorney General's Office shall be authorized  
1564 in maintaining separate accounts with Mississippi banks to handle  
1565 funds received as incentives from the federal government earned as  
1566 a result of collecting support and also any funds maintained on  
1567 deposit as a result of federal and state income tax offsets and  
1568 any other relevant account, and to aggressively manage the float  
1569 in these accounts so as to accrue maximum interest advantage of  
1570 the funds in the account, and to retain all earned interest on  
1571 these funds to be applied to defray the expenses of the Child  
1572 Support Unit.



1573           **SECTION 25.** Section 43-19-57, Mississippi Code of 1972, is  
1574 amended as follows:

1575           43-19-57. (1) Any administrative subpoena issued by the  
1576 Attorney General's Office pursuant to the provisions of Laws,  
1577 1997, Chapter 588, shall be directed to the appropriate party or  
1578 entity and signed by the Attorney General or his designee.

1579           (2) A person wishing to appeal the issuance of an  
1580 administrative subpoena shall have recourse to the chancery courts  
1581 as for any subpoena.

1582           **SECTION 26.** Section 43-19-58, Mississippi Code of 1972, is  
1583 amended as follows:

1584           43-19-58. (1) Persons wishing to contest the imposition of  
1585 an administrative civil penalty under the provisions of Laws,  
1586 1997, Chapter 588, shall be entitled to a hearing before the  
1587 Attorney General or his designee by so requesting within twenty  
1588 (20) days after receiving notice of the imposition of the  
1589 administratively imposed civil penalty. The request shall  
1590 identify the civil penalty contested and legibly state the  
1591 contestant's name, mailing address and home and daytime phone  
1592 numbers. The date, time and place for the hearing shall be made  
1593 as convenient as possible for the contestant, who shall receive  
1594 notice thereof not less than seven (7) days before the hearing. A  
1595 hearing on whether to impose a civil penalty and to consider  
1596 circumstances in mitigation shall be held on the time and the  
1597 place specified in the notice. The contestant may appear in  
1598 person, through his attorney or, prior to the date set for the  
1599 hearing, submit written testimony and other evidence, subject to  
1600 the penalty for false swearing, for entry in the hearing record.

1601           (2) After the hearing, the director or his designee shall  
1602 issue his order, which may be appealed to the chancery court of  
1603 the county in which the contestant resides in the same manner as  
1604 is provided by law for appeals originating from county courts.

1605           (3) The director or his designee may file the order  
1606 assessing the penalty, or a certified copy of the order, with the  
1607 clerk of any chancery court in the state after expiration of the  
1608 time in which an appeal may be taken, or final determination of  
1609 the matter on appeal, whereupon the order assessing the penalty  
1610 shall be enrolled on the judgment roll and may be enforced in the  
1611 same manner as a judgment.

1612           **SECTION 27.** Section 43-19-59, Mississippi Code of 1972, is  
1613 amended as follows:

1614           43-19-59. (1) The Attorney General's Office, as the Title  
1615 IV-D child support enforcement agency of this state, shall use  
1616 high-volume automated administrative enforcement, to the same  
1617 extent as used for intrastate cases, in response to a request made  
1618 by another state to enforce support orders, and shall promptly  
1619 report the results of such enforcement procedure to the requesting  
1620 state.

1621           (2) In this section, "high-volume, automated administrative  
1622 enforcement" means the use of automatic data processing to search  
1623 various available state data bases, including, but not limited to,  
1624 license records, employment service data, and state new hire  
1625 registries, to determine whether information is available  
1626 regarding a parent who owes a child support obligation.

1627           (3) The Attorney General's Office may, by electronic or  
1628 other means, transmit to another state or receive from another  
1629 state a request for assistance in enforcing support orders through  
1630 high-volume, automated administrative enforcement, which request:

1631           (a) Shall include such information as will enable the  
1632 state to which the request is transmitted to compare the  
1633 information about the cases to the information in the data bases  
1634 of the state receiving the request; and

1635           (b) Shall constitute a certification by the requesting  
1636 state:

1637 (i) Of the amount of support under an order the  
1638 payment of which is in arrears; and

1639 (ii) That the requesting state has complied with  
1640 all procedural due process requirements applicable to each case.

1641 (c) If the Attorney General's Office provides  
1642 assistance to another state with respect to a case, or if another  
1643 state seeks assistance from the Attorney General's Office pursuant  
1644 to this section, neither state shall consider the case to be  
1645 transferred to the caseload of such other state.

1646 **SECTION 28.** Section 43-19-101, Mississippi Code of 1972, is  
1647 amended as follows:

1648 43-19-101. (1) The following child support award guidelines  
1649 shall be a rebuttable presumption in all judicial or  
1650 administrative proceedings regarding the awarding or modifying of  
1651 child support awards in this state:

1652	Number Of Children	Percentage Of Adjusted Gross Income
1653	Due Support	That Should Be Awarded For Support
1654	1	14%
1655	2	20%
1656	3	22%
1657	4	24%
1658	5 or more	26%

1659 (2) The guidelines provided for in subsection (1) of this  
1660 section apply unless the judicial or administrative body awarding  
1661 or modifying the child support award makes a written finding or  
1662 specific finding on the record that the application of the  
1663 guidelines would be unjust or inappropriate in a particular case  
1664 as determined under the criteria specified in Section 43-19-103.

1665 (3) The amount of "adjusted gross income" as that term is  
1666 used in subsection (1) of this section shall be calculated as  
1667 follows:

1668 (a) Determine gross income from all potential sources  
1669 that may reasonably be expected to be available to the absent

1670 parent including, but not limited to, the following: wages and  
1671 salary income; income from self employment; income from  
1672 commissions; income from investments, including dividends,  
1673 interest income and income on any trust account or property;  
1674 absent parent's portion of any joint income of both parents;  
1675 workers' compensation, disability, unemployment, annuity and  
1676 retirement benefits, including an individual retirement account  
1677 (IRA); any other payments made by any person, private entity,  
1678 federal or state government or any unit of local government;  
1679 alimony; any income earned from an interest in or from inherited  
1680 property; any other form of earned income; and gross income shall  
1681 exclude any monetary benefits derived from a second household,  
1682 such as income of the absent parent's current spouse;

1683 (b) Subtract the following legally mandated deductions:

1684 (i) Federal, state and local taxes. Contributions  
1685 to the payment of taxes over and beyond the actual liability for  
1686 the taxable year shall not be considered a mandatory deduction;

1687 (ii) Social security contributions;

1688 (iii) Retirement and disability contributions  
1689 except any voluntary retirement and disability contributions;

1690 (c) If the absent parent is subject to an existing  
1691 court order for another child or children, subtract the amount of  
1692 that court-ordered support;

1693 (d) If the absent parent is also the parent of another  
1694 child or other children residing with him, then the court may  
1695 subtract an amount that it deems appropriate to account for the  
1696 needs of the child or children;

1697 (e) Compute the total annual amount of adjusted gross  
1698 income based on paragraphs (a) through (d), then divide this  
1699 amount by twelve (12) to obtain the monthly amount of adjusted  
1700 gross income.

1701 Upon conclusion of the calculation of paragraphs (a) through  
1702 (e), multiply the monthly amount of adjusted gross income by the

1703 appropriate percentage designated in subsection (1) to arrive at  
1704 the amount of the monthly child support award.

1705 (4) In cases in which the adjusted gross income as defined  
1706 in this section is more than Fifty Thousand Dollars (\$50,000.00)  
1707 or less than Five Thousand Dollars (\$5,000.00), the court shall  
1708 make a written finding in the record as to whether or not the  
1709 application of the guidelines established in this section is  
1710 reasonable.

1711 (5) The Attorney General's Office shall review the  
1712 appropriateness of these guidelines beginning January 1, 1994, and  
1713 every four (4) years thereafter and report its findings to the  
1714 Legislature no later than the first day of the regular legislative  
1715 session of that year. The Legislature shall thereafter amend  
1716 these guidelines when it finds that amendment is necessary to  
1717 ensure that equitable support is being awarded in all cases  
1718 involving the support of minor children.

1719 (6) All orders involving support of minor children, as a  
1720 matter of law, shall include reasonable medical support. Notice  
1721 to the noncustodial parent's employer that medical support has  
1722 been ordered shall be on a form as prescribed by the Attorney  
1723 General's Office.

1724 **SECTION 29.** Section 71-3-129, Mississippi Code of 1972, is  
1725 amended as follows:

1726 71-3-129. (1) The Attorney General's Office Child Support  
1727 Unit ("the Child Support Unit") or the obligee may cause a lien  
1728 for unpaid and delinquent child or spousal support to be placed  
1729 upon any workers' compensation benefits payable to an obligor  
1730 delinquent in child support or spousal support payments where a  
1731 minor child is living with such spouse and such maintenance or  
1732 spousal support is collected in conjunction with child support.

1733 (2) The lien shall be effective upon notice being filed with  
1734 the Executive Director of the Mississippi Workers' Compensation  
1735 Commission. The notice shall contain the name and address of the

1736 delinquent obligor, the social security number of the obligor, if  
1737 known, the name of the obligee, and the amount of delinquent child  
1738 or spousal support.

1739 (3) Any person(s), firm(s), corporation(s), including an  
1740 insurance carrier, making any payment of workers' compensation  
1741 benefits to such obligor or to his attorney(s), heir(s) or legal  
1742 representative(s), after receipt of such notice, if support has  
1743 been assigned to the Child Support Unit pursuant to Section  
1744 43-19-31, shall be liable to the obligee. In such event, the lien  
1745 may be enforced by the Child Support Unit against any person(s),  
1746 firm(s), corporation(s) making the workers' compensation benefit  
1747 payment.

1748 (4) Upon the filing of a notice under this section, the  
1749 Executive Director of the Mississippi Workers' Compensation  
1750 Commission shall mail to the obligor and to all attorneys and  
1751 insurance carriers of record, a copy of the notice. The obligor,  
1752 attorneys and insurance carriers shall be deemed to have received  
1753 the notice within five (5) days of the mailing of the notice by  
1754 the Executive Director of the Mississippi Workers' Compensation  
1755 Commission. The lien described in this section shall attach to  
1756 all workers' compensation benefits which are thereafter payable.

1757 (5) In cases in which the Child Support Unit is not a party,  
1758 the obligee or his attorney shall file notice of the lien with  
1759 such payor as described in subsection (3) above. This notice  
1760 shall have attached a certified copy of the court order with all  
1761 modifications and a sworn statement by the obligee attesting to or  
1762 certifying the amount of the arrearages.

1763 (6) Notice of the lien shall be filed with the Executive  
1764 Director of the Mississippi Workers' Compensation Commission  
1765 either by serving a certified copy of the court order by first  
1766 class mail; or by transmittal of the information described in  
1767 subsection (2) via automated means.

1768 (7) Any amount deducted and withheld pursuant to subsection  
1769 (1) shall be paid by the commission to the Child Support Unit.

1770 (8) Any amount deducted and withheld pursuant to subsection  
1771 (1) shall for all purposes be treated as if it were paid to the  
1772 individual as benefits and paid by such individual to the Child  
1773 Support Unit in satisfaction of the individual's child support  
1774 obligations.

1775 (9) For purposes of this section, the term "benefits" means  
1776 any compensation payable under this chapter (including amounts  
1777 payable by the commission pursuant to an agreement under any  
1778 federal law providing for compensation, assistance or allowances  
1779 with respect to injury or death).

1780 (10) The Child Support Unit and the Mississippi Workers'  
1781 Compensation Commission may enter into agreements to carry out the  
1782 provisions of subsection (6) of this section.

1783 (11) The term "child support obligation" shall be as defined  
1784 in Section 93-11-101.

1785 **SECTION 30.** Section 81-5-55, Mississippi Code of 1972, is  
1786 amended as follows:

1787 81-5-55. In no instance shall the name of any depositor, or  
1788 the amount of his deposit, be disclosed to anyone, except to  
1789 report to approved parties, such as credit bureaus, account  
1790 verification services and others, the forcible closure of a  
1791 deposit account due to misuse, such as fraud, kiting or chronic  
1792 bad check writing or when required to be done in legal  
1793 proceedings, for verification of public assistance in cases  
1794 wherein the depositor has applied for public assistance and the  
1795 Department of Human Services submits a written authorization  
1796 executed by the depositor authorizing the receipt of such  
1797 information, for verification of the financial exploitation of a  
1798 vulnerable adult in cases wherein the Attorney General submits a  
1799 written authorization, or in case of insolvency of banks. The  
1800 parties referred to herein must be approved by the Commissioner of

1801 Banking and Consumer Finance and must satisfactorily demonstrate  
1802 their reliability and credibility of their activities. Disclosure  
1803 of depositor information to any affiliate or agent providing  
1804 services on behalf of the bank shall not be considered disclosure  
1805 of depositor information within the meaning of this section. The  
1806 term "affiliate" means a corporation or business entity that  
1807 controls, is controlled by or is under common control with the  
1808 bank. The term "agent" means anyone who has an agreement,  
1809 arrangement or understanding to transact business for the bank by  
1810 the authority and on account of the bank, provided such agreement  
1811 binds the agent to the same degree of confidentiality of  
1812 disclosure of bank records as the bank. Any violation of this  
1813 provision shall be considered a misdemeanor and, upon conviction  
1814 thereof, in any court of competent jurisdiction, such person shall  
1815 be punished by a fine of not more than One Thousand Dollars  
1816 (\$1,000.00) or imprisoned in the county jail not more than six (6)  
1817 months or both, and in addition thereto, shall be liable upon his  
1818 bond to any person damaged thereby.

1819 This section shall not be construed to prohibit the  
1820 disclosure, to the State Treasurer, State Auditor, Legislative  
1821 Budget Office, Joint Legislative Committee on Performance  
1822 Evaluation and Expenditure Review or the Department of Finance and  
1823 Administration, of any information about any type of account or  
1824 investment, including certificates of deposit, owned by any public  
1825 entity of the State of Mississippi. In addition, this section  
1826 shall not be construed to prohibit, or to impose liability for,  
1827 the disclosure of information to the Department of Human Services,  
1828 the Child Support Unit of the Attorney General's Office, or their  
1829 contractors or agents, pursuant to Chapter 19 of Title 43,  
1830 Mississippi Code of 1972.

1831 **SECTION 31.** Section 93-9-9, Mississippi Code of 1972, is  
1832 amended as follows:



1833           93-9-9. (1) Paternity may be determined upon the petition  
1834 of the mother, or father, the child or any public authority  
1835 chargeable by law with the support of the child; provided that  
1836 such an adjudication after the death of the defendant must be made  
1837 only upon clear and convincing evidence. If paternity has been  
1838 lawfully determined, or has been acknowledged in writing according  
1839 to the laws of this state, the liabilities of the noncustodial  
1840 parent may be enforced in the same or other proceedings by the  
1841 custodial parent, the child, or any public authority which has  
1842 furnished or may furnish the reasonable expenses of pregnancy,  
1843 confinement, education, necessary support and maintenance, and  
1844 medical or funeral expenses for the custodial parent or the child.  
1845 The trier of fact shall receive without the need for third-party  
1846 foundation testimony certified, attested or sworn documentation as  
1847 evidence of (a) childbirth records; (b) cost of filing fees; (c)  
1848 court costs; (d) services of process fees; (e) mailing cost; (f)  
1849 genetic tests and testing fees; (g) the Attorney General's  
1850 Office's attorney's fees; (h) in cases where the state or any of  
1851 its entities or divisions have provided medical services to the  
1852 child or the child's mother, all costs of prenatal care, birthing,  
1853 postnatal care and any other medical expenses incurred by the  
1854 child or by the mother as a consequence of the mother's pregnancy  
1855 or delivery; and (i) funeral expenses. All costs and fees shall  
1856 be ordered paid to the Attorney General's Office in all cases  
1857 successfully prosecuted with a minimum of Two Hundred Fifty  
1858 Dollars (\$250.00) in attorney's fees or an amount determined by  
1859 the court without submitting an affidavit. However, proceedings  
1860 hereunder shall not be instituted by the Attorney General's Office  
1861 after the child has reached the age of eighteen (18) years but  
1862 proceedings may be instituted by a private attorney at any time  
1863 until such child attains the age of twenty-one (21) years unless  
1864 the child has been emancipated as provided in Section 93-5-23 and  
1865 Section 93-11-65. In the event of court-determined paternity, the

1866 surname of the child shall be that of the father, unless the  
1867 judgment specifies otherwise.

1868 (2) If the alleged father in an action to determine  
1869 paternity to which the Attorney General's Office is a party fails  
1870 to appear for a scheduled hearing after having been served with  
1871 process or subsequent notice consistent with the Rules of Civil  
1872 Procedure, his paternity of the child(ren) shall be established by  
1873 the court if an affidavit sworn to by the mother averring the  
1874 alleged father's paternity of the child has accompanied the  
1875 complaint to determine paternity. The affidavit shall constitute  
1876 sufficient grounds for the court's finding of the alleged father's  
1877 paternity without the necessity of the presence or testimony of  
1878 the mother at the \* \* \* hearing. The court shall, upon motion by  
1879 the Attorney General's Office, enter a judgment of paternity. Any  
1880 person who shall willfully and knowingly file a false affidavit  
1881 shall be subject to a fine of not more than One Thousand Dollars  
1882 (\$1,000.00).

1883 (3) Upon application of both parents to the State Board of  
1884 Health and receipt by the State Board of Health of a sworn  
1885 acknowledgement of paternity executed by both parents subsequent  
1886 to the birth of a child born out of wedlock, the birth certificate  
1887 of the child shall be amended to show such paternity if paternity  
1888 is not shown on the birth certificate. Upon request of the  
1889 parents for the legitimization of a child under this section, the  
1890 surname of the child shall be changed on the certificate to that  
1891 of the father.

1892 (4) (a) A signed voluntary acknowledgment of paternity is  
1893 subject to the right of any signatory to rescind the  
1894 acknowledgment within the earlier of:

1895 (i) Sixty (60) days; or

1896 (ii) The date of a judicial proceeding relating to  
1897 the child, including a proceeding to establish a support order, in  
1898 which the signatory is a party.

1899           (b) After the expiration of the sixty-day period  
1900 specified in subsection (4)(a)(i) of this section, a signed  
1901 voluntary acknowledgment of paternity may be challenged in court  
1902 only on the basis of fraud, duress or material mistake of fact,  
1903 with the burden of proof upon the challenger; the legal  
1904 responsibilities, including child support obligations, of any  
1905 signatory arising from the acknowledgment may not be suspended  
1906 during the pendency of the challenge, except for good cause shown.

1907           **SECTION 32.** Section 93-9-17, Mississippi Code of 1972, is  
1908 amended as follows:

1909           93-9-17. (1) An action under Sections 93-9-1 through  
1910 93-9-49 may be brought in the county where the alleged father is  
1911 present or has property; or in the county where the mother  
1912 resides; or in the county where the child resides. However, if  
1913 the alleged father resides or is domiciled in this state, upon the  
1914 motion of the alleged father filed within thirty (30) days after  
1915 the date the action is served upon him, the action shall be  
1916 removed to the county where the alleged father resides or is  
1917 domiciled. If no such motion is filed by the alleged father  
1918 within thirty (30) days after the action is served upon him, the  
1919 court shall hear the action in the county in which the action was  
1920 brought.

1921           (2) Subsequent to an initial filing in an appropriate court,  
1922 any action regarding paternity, support, enforcement or  
1923 modification and to which the Attorney General's Office is a party  
1924 may be heard in any county by a court which would otherwise have  
1925 jurisdiction and is a proper venue. Upon written request by the  
1926 Attorney General's Office, the clerk of the court of the original  
1927 county shall transfer a certified copy of the court file to the  
1928 clerk of the appropriate transfer county without need for  
1929 application to the court. Such written request shall certify that  
1930 the Attorney General's Office has issued timely notification of  
1931 the transfer in writing to all interested parties. Such written

1932 request and notice shall be entered into the court file by the  
1933 transferring clerk of the transferring court. The transferred  
1934 action shall remain on the docket of the transferred court in  
1935 which the action is heard, subject to another such transfer.

1936 **SECTION 33.** Section 93-9-21, Mississippi Code of 1972, is  
1937 amended as follows:

1938 93-9-21. (1) (a) In all cases brought pursuant to Title  
1939 IV-D of the Social Security Act, upon sworn documentation by the  
1940 mother, putative father, or the Attorney General's Office alleging  
1941 paternity, the Attorney General's Office may issue an  
1942 administrative order for paternity testing which requires the  
1943 mother, putative father and minor child to submit themselves for  
1944 paternity testing. The Attorney General's Office shall send the  
1945 putative father a copy of the Administrative Order and a Notice  
1946 for Genetic Testing which shall include the date, time and place  
1947 for collection of the putative father's genetic sample. The  
1948 Attorney General's Office shall also send the putative father a  
1949 Notice and Complaint to Establish Paternity which shall specify  
1950 the date and time certain of the court hearing by certified mail,  
1951 restricted delivery, return receipt requested. Notice shall be  
1952 deemed complete as of the date of delivery as evidenced by the  
1953 return receipt. The required notice may also be delivered by  
1954 personal service upon the putative father in accordance with Rule  
1955 4 of the Mississippi Rules of Civil Procedure insofar as service  
1956 of an administrative order or notice is concerned.

1957 (b) If the putative father does not submit to genetic  
1958 testing, the court shall, without further notice, on the date and  
1959 time previously set through the notice for hearing, review the  
1960 documentation of the refusal to submit to genetic testing and make  
1961 a determination as to whether the complaint to establish paternity  
1962 should be granted. The refusal to submit to such testing shall  
1963 create a rebuttable presumption of an admission to paternity by  
1964 the putative father.

1965                   (c) In any case in which the Attorney General's Office  
1966 orders genetic testing, the Attorney General's Office is required  
1967 to advance costs of such tests subject to recoupment from the  
1968 alleged father if paternity is established. If either party  
1969 challenges the original test results, the Attorney General's  
1970 Office shall order additional testing at the expense of the  
1971 challenging party.

1972                   (2) The court, on its own motion or on motion of the  
1973 plaintiff or the defendant, shall order the mother, the alleged  
1974 father and the child or children to submit to genetic tests and  
1975 any other tests which reasonably prove or disprove the probability  
1976 of paternity.

1977                   If any party refuses to submit to such tests, the court may  
1978 resolve the question of paternity against such party or enforce  
1979 its order for genetic testing as the rights of others and the  
1980 interest of justice require.

1981                   (3) Any party calling a witness or witnesses for the purpose  
1982 of testifying that they had sexual intercourse with the mother at  
1983 any possible time of conception of the child whose paternity is in  
1984 question shall provide all other parties with the name and address  
1985 of the witness at least twenty (20) days before the trial. If a  
1986 witness is produced at the hearing for the purpose provided in  
1987 this subsection but the party calling the witness failed to  
1988 provide the twenty-day notice, the court may adjourn the  
1989 proceeding for the purpose of taking a genetic test of the witness  
1990 before hearing the testimony of the witness if the court finds  
1991 that the party calling the witness acted in good faith.

1992                   (4) The court shall ensure that all parties are aware of  
1993 their right to request genetic tests under this section.

1994                   (5) (a) Genetic tests shall be performed by a laboratory  
1995 selected from the approved list as prepared and maintained by the  
1996 Attorney General's Office.

1997                   (b) The Attorney General's Office shall publicly issue  
1998 a request for proposals, and such requests for proposals when  
1999 issued shall contain terms and conditions relating to price,  
2000 technology and such other matters as are determined by the  
2001 Attorney General's Office to be appropriate for inclusion or  
2002 required by law. After responses to the request for proposals  
2003 have been duly received, the Attorney General's Office shall  
2004 select the lowest and best bid(s) on the basis of price,  
2005 technology and other relevant factors and from such proposals, but  
2006 not limited to the terms thereof, negotiate and enter into  
2007 contract(s) with one or more of the laboratories submitting  
2008 proposals. The Attorney General's Office shall prepare a list of  
2009 all laboratories with which it has contracted on these terms. The  
2010 list and any updates thereto shall be distributed to all chancery  
2011 clerks. To be eligible to appear on the list, a laboratory must  
2012 meet the following requirements:

2013                   (i) The laboratory is qualified to do business  
2014 within the State of Mississippi;

2015                   (ii) The laboratory can provide test results in  
2016 less than fourteen (14) days; and

2017                   (iii) The laboratory must have participated in the  
2018 competitive procurement process.

2019           **SECTION 34.** Section 93-9-23, Mississippi Code of 1972, is  
2020 amended as follows:

2021           93-9-23. (1) Genetic testing shall be made by experts  
2022 qualified as examiners of genetic tests who shall be appointed by  
2023 the court pursuant to Section 93-9-21(5). The expert shall attach  
2024 to the report of the test results an affidavit stating in  
2025 substance: (a) that the affiant has been appointed by the court  
2026 to administer the test and shall give his name, address, telephone  
2027 number, qualifications, education and experience; (b) how the  
2028 mother, child and alleged father were identified when the samples  
2029 were obtained; (c) who obtained the samples and how, when and

2030 where obtained; (d) the chain of custody of the samples from the  
2031 time obtained until the tests were completed; (e) the results of  
2032 the test and the probability of paternity as calculated by an  
2033 expert based on the test results; (f) the amount of the fee for  
2034 performing the test; and (g) the procedures performed to obtain  
2035 the test results. In cases initiated or enforced by the Attorney  
2036 General's Office pursuant to Title IV-D of the Social Security  
2037 Act, the Attorney General's Office shall be responsible for paying  
2038 the costs of any genetic testing when such testing is required by  
2039 law to establish paternity, subject to recoupment from the  
2040 defendant if paternity is established.

2041 (2) The expert or laboratory shall send all parties, or the  
2042 attorney of record if a party is represented by counsel, a copy of  
2043 the report by first class mail. The expert or laboratory shall  
2044 file the original report with the clerk of the court along with  
2045 proof of mailing to the parties or attorneys. A party may  
2046 challenge the testing procedure within thirty (30) days of the  
2047 date of mailing the results. If either party challenges the  
2048 original test results, the court shall order additional testing at  
2049 the expense of the challenging party.

2050 (3) If the court, in its discretion, finds cause to order  
2051 additional testing, then it may do so using the same or another  
2052 laboratory or expert. If there is no timely challenge to the  
2053 original test results or if the court finds no cause to order  
2054 additional testing, then the certified report shall be admitted as  
2055 evidence in the proceeding as prima facie proof of its contents.

2056 (4) Upon request or motion of any party to the proceeding,  
2057 the court may require persons making any analysis to appear as a  
2058 witness and be subject to cross-examination, provided that the  
2059 request or motion is made at least ten (10) days before the  
2060 hearing. The court may require the party making the request or  
2061 motion to pay the costs and/or fees for the expert witness'  
2062 appearance.

2063           **SECTION 35.** Section 93-9-28, Mississippi Code of 1972, is  
2064 amended as follows:

2065           93-9-28. (1) The Mississippi Department of Health in  
2066 cooperation with the Attorney General's Office shall develop a  
2067 form and procedure which may be used to secure a voluntary  
2068 acknowledgement of paternity from the mother and father of any  
2069 child born out of wedlock in Mississippi. The form shall clearly  
2070 state on its face that the execution of the acknowledgement of  
2071 paternity shall result in the same legal effect as if the father  
2072 and mother had been married at the time of the birth of the child.  
2073 When such form has been completed according to the established  
2074 procedure and the signatures of both the mother and father have  
2075 been notarized, then such voluntary acknowledgement shall  
2076 constitute a full determination of the legal parentage of the  
2077 child. The completed voluntary acknowledgement of paternity shall  
2078 be filed with the Bureau of Vital Statistics of the Mississippi  
2079 Department of Health. The name of the father shall be entered on  
2080 the certificate of birth upon receipt of the completed voluntary  
2081 acknowledgement.

2082           (2) (a) A signed voluntary acknowledgment of paternity is  
2083 subject to the right of any signatory to rescind the  
2084 acknowledgment within the earlier of:

2085                       (i) Sixty (60) days; or

2086                       (ii) The date of a judicial proceeding relating to  
2087 the child, including a proceeding to establish a support order, in  
2088 which the signatory is a party.

2089           (b) After the expiration of the sixty-day period  
2090 specified in subsection (2)(a)(i) of this section, a signed  
2091 voluntary acknowledgment of paternity may be challenged in court  
2092 only on the basis of fraud, duress, or material mistake of fact,  
2093 with the burden of proof upon the challenger; the legal  
2094 responsibilities, including child support obligations, of any



2095 signatory arising from the acknowledgment may not be suspended  
2096 during the pendency of the challenge, except for good cause shown.

2097 (3) The Mississippi Department of Health and the Attorney  
2098 General's Office shall cooperate to establish procedures to  
2099 facilitate the voluntary acknowledgement of paternity by both  
2100 father and mother at the time of the birth of any child born out  
2101 of wedlock. Such procedures shall establish responsibilities  
2102 for \* \* \* the department and the Attorney General's Office, and  
2103 for hospitals, birthing centers, midwives, and/or other birth  
2104 attendants to seek and report voluntary acknowledgements of  
2105 paternity. In establishing such procedures, the department and  
2106 the Attorney General's Office shall provide for obtaining the  
2107 social security account numbers of both the father and mother on  
2108 voluntary acknowledgements.

2109 (4) Upon the birth of a child out of wedlock, the hospital,  
2110 birthing center, midwife or other birth attendant shall provide an  
2111 opportunity for the child's mother and natural father to complete  
2112 an acknowledgement of paternity by giving the mother and natural  
2113 father the appropriate forms and information developed through the  
2114 procedures established in paragraph (3). The hospital, birthing  
2115 center, midwife or other birth attendant shall be responsible for  
2116 providing printed information, and audio visual material if  
2117 available, related to the acknowledgement of paternity, and shall  
2118 be required to provide notary services needed for the completion  
2119 of acknowledgements of paternity. The information described above  
2120 shall be provided to the mother and natural father, if present and  
2121 identifiable, within twenty-four (24) hours of birth or before the  
2122 mother is released. Such information, including forms, brochures,  
2123 pamphlets, video tapes and other media, shall be provided at no  
2124 cost to the hospital, birthing center or midwife by the  
2125 Mississippi State Department of Health, the Attorney General's  
2126 Office or other appropriate agency.

2127           **SECTION 36.** Section 93-9-31, Mississippi Code of 1972, is  
2128 amended as follows:

2129           93-9-31. (1) The court shall, if need be, require the  
2130 father to give security by bond or other security, with sufficient  
2131 sureties approved by the court, for the payment of the order of  
2132 filiation. Such security, when required, shall not exceed three  
2133 (3) times the total periodic sum the father shall be required to  
2134 pay under the terms of the order of filiation in any one (1)  
2135 calendar year. If bond or security be required, and in case the  
2136 action has been instituted by a public welfare official, the  
2137 defendant shall also be required to give security that he will  
2138 indemnify the state and the county where the child was or may be  
2139 born and every other county against any expense for the support  
2140 and education of the child, which \* \* \* undertaking shall also  
2141 require that all arrears shall be paid by the principal and  
2142 sureties. In default of such security, when required, the court  
2143 may commit him to jail, or put him on probation. At any time  
2144 within one (1) year he may be discharged from jail, but his  
2145 liability to pay the judgment shall not be thereby affected.

2146           (2) Whenever any order of filiation has been made, but no  
2147 bond or other security has been required for payment of support of  
2148 the child, and whenever such payments as have become due remain  
2149 unpaid for a period of at least thirty (30) days, the court may,  
2150 upon petition of the person to whom such payments are due, or such  
2151 person's legal representative, enter an order requiring that bond  
2152 or other security be given by the father in accordance with and  
2153 under such terms and conditions as provided for in subsection (1)  
2154 of this section. The father shall, as in other civil actions, be  
2155 served with process and shall be entitled to a hearing in such  
2156 case.

2157           (3) Where security is given and default is made in any  
2158 payment, the court shall cite the parties bound by the security  
2159 requiring them to show cause why judgment should not be given

2160 against them and execution issued thereon. If the amount due and  
2161 unpaid shall not be paid before the return day of the citation,  
2162 and no cause be shown to the contrary, judgment shall be rendered  
2163 against those served with the citation for the amount due and  
2164 unpaid together with costs, and execution shall issue therefor,  
2165 saving all remedies upon the bond for future default. The  
2166 judgment is a lien on real estate and in other respects  
2167 enforceable the same as other judgments. The amount collected on  
2168 such judgment or such sums as may have been deposited as  
2169 collateral, in lieu of bond when forfeited, may be used for the  
2170 benefit of the child, as provided for in the order of filiation.

2171 (4) If at any time after an order of filiation in paternity  
2172 proceedings shall have been made, and an undertaking given  
2173 thereon, in accordance with the provisions of Sections 93-9-1 to  
2174 93-9-49 and such undertaking shall not be complied with, or that  
2175 for any reason a recovery thereon cannot be had, or if the  
2176 original undertaking shall have been complied with, and the  
2177 sureties discharged therefrom, or if money were deposited in lieu  
2178 of bail, and the same shall have been exhausted, and the natural  
2179 child still needs support, the county department of human services  
2180 of any county where the natural child for whose support the order  
2181 of filiation was made shall be at the time, or the Attorney  
2182 General's Office upon giving proof of the making of the order of  
2183 filiation, the giving of the above-mentioned undertaking, and the  
2184 noncompliance therewith, or that the sureties have been discharged  
2185 from their liability, or that for any reason a recovery cannot be  
2186 had on such undertaking, may apply to the court in such county  
2187 having jurisdiction in filiation proceedings, for a warrant for  
2188 the arrest of the defendant against whom such order of filiation  
2189 was made, which shall be executed in the manner provided in  
2190 criminal procedure for the execution of the warrant; upon the  
2191 arrest and arraignment of the defendant in the court, and upon  
2192 proof of the making of the order of filiation, the giving of the

2193 above-mentioned undertaking, and the noncompliance therewith, or  
2194 that for any reason a recovery cannot be had on such undertaking,  
2195 the \* \* \* court shall make an order requiring him to give a new  
2196 undertaking, which \* \* \* undertaking shall also require that all  
2197 arrears shall be paid by the principal and sureties, or upon his  
2198 failure to give such new undertaking, shall commit him to jail, or  
2199 put him on probation.

2200 (5) If the child and mother die, or the father and mother be  
2201 legally married to each other, the court in which such security is  
2202 filed, on proof of such fact, may cause the security to be marked  
2203 "cancelled" and be surrendered to the obligors.

2204 **SECTION 37.** Section 93-11-64, Mississippi Code of 1972, is  
2205 amended as follows:

2206 93-11-64. (1) The Attorney General's Office and its  
2207 divisions, and any agency, office or registry established by the  
2208 department, or which works in conjunction with the Attorney  
2209 General's Office, or is authorized to supply information to the  
2210 Attorney General's Office, may use social security numbers for the  
2211 purpose of locating parents or alleged parents, establishing  
2212 parentage, and establishing the amount of, modifying, or enforcing  
2213 child support obligations.

2214 (2) This section requires that the social security number  
2215 of:

2216 (a) Any applicant for a state-issued license be  
2217 recorded on the application;

2218 (b) Any individual who is subject to a divorce decree,  
2219 support order, or paternity determination or acknowledgment be  
2220 placed in the records relating to the matter; and

2221 (c) Any individual who has died be placed in the  
2222 records relating to the death and be recorded on the death  
2223 certificate.

2224 **SECTION 38.** Section 93-11-65, Mississippi Code of 1972, is  
2225 amended as follows:

2226           93-11-65. (1) (a) In addition to the right to proceed  
2227 under Section 93-5-23, and in addition to the remedy of habeas  
2228 corpus in proper cases, and other existing remedies, the chancery  
2229 court of the proper county shall have jurisdiction to entertain  
2230 suits for the custody, care, support and maintenance of minor  
2231 children and to hear and determine all such matters, and shall, if  
2232 need be, require bond, sureties or other guarantee to secure any  
2233 order for periodic payments for the maintenance or support of a  
2234 child. In the event a legally responsible parent has health  
2235 insurance available to him or her through an employer or  
2236 organization that may extend benefits to the dependents of such  
2237 parent, any order of support issued against such parent may  
2238 require him or her to exercise the option of additional coverage  
2239 in favor of such children as he or she is legally responsible to  
2240 support. Proceedings may be brought by or against a resident or  
2241 nonresident of the State of Mississippi, whether or not having the  
2242 actual custody of minor children, for the purpose of judicially  
2243 determining the legal custody of a child. All actions herein  
2244 authorized may be brought in the county where the child is  
2245 actually residing, or in the county of the residence of the party  
2246 who has actual custody, or of the residence of the defendant.  
2247 Process shall be had upon the parties as provided by law for  
2248 process in person or by publication, if they be nonresidents of  
2249 the state or residents of another jurisdiction or are not found  
2250 therein after diligent search and inquiry or are unknown after  
2251 diligent search and inquiry; provided that the court or chancellor  
2252 in vacation may fix a date in termtime or in vacation to which  
2253 process may be returnable and shall have power to proceed in  
2254 termtime or vacation. \* \* \* However, \* \* \* if the court shall  
2255 find that both parties are fit and proper persons to have custody  
2256 of the children, and that either party is able to adequately  
2257 provide for the care and maintenance of the children, and that it  
2258 would be to the best interest and welfare of the children, then

2259 any such child who shall have reached his twelfth birthday shall  
2260 have the privilege of choosing the parent with whom he shall live.

2261 (b) An order of child support shall specify the sum to  
2262 be paid weekly or otherwise. In addition to providing for support  
2263 and education, the order shall also provide for the support of the  
2264 child prior to the making of the order for child support, and such  
2265 other expenses as the court may deem proper.

2266 (c) The court may require the payment to be made to the  
2267 custodial parent, or to some person or corporation to be  
2268 designated by the court as trustee, but if the child or custodial  
2269 parent is receiving public assistance, the Attorney General's  
2270 Office shall be made the trustee.

2271 (d) The noncustodial parent's liabilities for past  
2272 education and necessary support and maintenance and other expenses  
2273 are limited to a period of one (1) year next preceding the  
2274 commencement of an action.

2275 (2) \* \* \* Where the proof shows that both parents have  
2276 separate incomes or estates, the court may require that each  
2277 parent contribute to the support and maintenance of the children  
2278 in proportion to the relative financial ability of each.

2279 (3) Whenever the court has ordered a party to make periodic  
2280 payments for the maintenance or support of a child, but no bond,  
2281 sureties or other guarantee has been required to secure such  
2282 payments, and whenever such payments as have become due remain  
2283 unpaid for a period of at least thirty (30) days, the court may,  
2284 upon petition of the person to whom such payments are owing, or  
2285 such person's legal representative, enter an order requiring that  
2286 bond, sureties or other security be given by the person obligated  
2287 to make such payments, the amount and sufficiency of which shall  
2288 be approved by the court. The obligor shall, as in other civil  
2289 actions, be served with process and shall be entitled to a hearing  
2290 in such case.

2291 (4) When a charge of abuse or neglect of a child first  
2292 arises in the course of a custody or maintenance action pending in  
2293 the chancery court pursuant to this section, the chancery court  
2294 may proceed with the investigation, hearing and determination of  
2295 such abuse or neglect charge as a part of its hearing and  
2296 determination of the custody or maintenance issue as between the  
2297 parents, as provided in Section 43-21-151, notwithstanding the  
2298 other provisions of the Youth Court Law. The proceedings in  
2299 chancery court on the abuse or neglect charge shall be  
2300 confidential in the same manner as provided in youth court  
2301 proceedings, and the chancery court shall appoint a guardian ad  
2302 litem in such cases, as provided under Section 43-21-121 for youth  
2303 court proceedings, who shall be an attorney. Unless the chancery  
2304 court's jurisdiction has been terminated, all disposition orders  
2305 in such cases for placement with the Department of Human Services  
2306 shall be reviewed by the court or designated authority at least  
2307 annually to determine if continued placement with the department  
2308 is in the best interest of the child or the public.

2309 (5) Each party to a paternity or child support proceeding  
2310 shall notify the other within five (5) days after any change of  
2311 address. In addition, the noncustodial and custodial parent shall  
2312 file and update, with the court and with the state case registry,  
2313 information on that party's location and identity, including  
2314 social security number, residential and mailing addresses,  
2315 telephone numbers, photograph, driver's license number, and name,  
2316 address and telephone number of the party's employer. This  
2317 information shall be required upon entry of an order or within  
2318 five (5) days of a change of address.

2319 (6) In any case subsequently enforced by the Attorney  
2320 General's Office pursuant to Title IV-D of the Social Security  
2321 Act, the court shall have continuing jurisdiction.

2322 (7) In any subsequent child support enforcement action  
2323 between the parties, upon sufficient showing that diligent effort

2324 has been made to ascertain the location of a party, due process  
2325 requirements for notice and service of process shall be deemed to  
2326 be met with respect to the party upon delivery of written notice  
2327 to the most recent residential or employer address filed with the  
2328 state case registry.

2329 (8) The duty of support of a child terminates upon the  
2330 emancipation of the child. The court may determine that  
2331 emancipation has occurred and no other support obligation exists  
2332 when the child:

2333 (a) Attains the age of twenty-one (21) years, or

2334 (b) Marries, or

2335 (c) Discontinues full-time enrollment in school and  
2336 obtains full-time employment prior to attaining the age of  
2337 twenty-one (21) years, or

2338 (d) Voluntarily moves from the home of the custodial  
2339 parent or guardian and establishes independent living arrangements  
2340 and obtains full-time employment prior to attaining the age of  
2341 twenty-one (21) years.

2342 (9) Upon motion of a party requesting temporary child  
2343 support pending a determination of parentage, temporary support  
2344 shall be ordered if there is clear and convincing evidence of  
2345 paternity on the basis of genetic tests or other evidence, unless  
2346 the court makes written findings of fact on the record that the  
2347 award of temporary support would be unjust or inappropriate in a  
2348 particular case.

2349 **SECTION 39.** Section 93-11-69, Mississippi Code of 1972, is  
2350 amended as follows:

2351 93-11-69. (1) As used in this section:

2352 (a) "Noncustodial parent" means a parent from whom the  
2353 Attorney General's Office is collecting support payments, and  
2354 shall have the same meaning as "absent parent."

2355 (b) "Consumer reporting agency" means any person who,  
2356 for monetary fees, dues, or on a cooperative nonprofit basis,



2357 regularly engages in whole or in part in the practice of  
2358 assembling or evaluating consumer credit information or other  
2359 information on consumers for the purpose of furnishing consumer  
2360 reports to third parties, and who uses any means or facility of  
2361 interstate commerce for the purpose of preparing or furnishing  
2362 consumer reports.

2363 \* \* \*

2364           (c) "Overdue support" means any payments that are  
2365 ordered by any court to be paid by an absent parent for the  
2366 support of a child that have remained unpaid for at least thirty  
2367 (30) days after payment is due. Overdue support shall also  
2368 include payments that are ordered by any court to be paid for  
2369 maintenance of a spouse in cases in which the Attorney General's  
2370 Office is collecting such support in conjunction with child  
2371 support.

2372           (2) The Attorney General's Office shall make available to  
2373 any consumer reporting agency a report of the amount of overdue  
2374 support owed by an absent parent.

2375           (3) Before any information regarding an absent parent's  
2376 overdue support may be made available pursuant to subsection (2)  
2377 of this section, a copy of the report shall be mailed to the  
2378 absent parent at such parent's last known address and the absent  
2379 parent shall be given the opportunity to contest the information  
2380 contained in the report as follows:

2381           (a) The absent parent may, within fifteen (15) days  
2382 after such notice is mailed, contest the accuracy of the  
2383 information contained in the report by filing with the Attorney  
2384 General's Office a brief written statement concerning the nature  
2385 of the alleged inaccuracies.

2386           (b) Upon receipt of such statement the Attorney  
2387 General's Office shall, within a reasonable amount of time,  
2388 reexamine the information contained in the report.

2389 (c) If upon such reexamination the information in the  
2390 report is found to be inaccurate, the Attorney General's Office  
2391 shall correct the information and send a copy of such corrected  
2392 information to the absent parent.

2393 (d) If upon such reexamination the information  
2394 contained in the report is found to be accurate, the Attorney  
2395 General's Office shall notify the absent parent of this fact.

2396 (e) Within ten (10) days after a copy of the reexamined  
2397 information contained in the report is mailed to the absent  
2398 parent, such absent parent may again contest the accuracy of such  
2399 information by filing a brief written statement concerning the  
2400 alleged inaccuracies and the Attorney General's Office shall  
2401 clearly note in any report to the consumer reporting agency the  
2402 fact that the information is disputed unless there are reasonable  
2403 grounds to believe that the statement filed by the absent parent  
2404 is frivolous or irrelevant.

2405 (4) The fee charged by the Attorney General's Office for  
2406 furnishing a report pursuant to this section shall not exceed the  
2407 actual cost of furnishing such report.

2408 (5) The Child Support Unit of the Attorney General's Office  
2409 may provide overdue support information to consumer reporting  
2410 agencies through an automated computer system free of charge and  
2411 with notice to the defendant as required by Title IV-D of the  
2412 Social Security Act and the implementing regulations.

2413 **SECTION 40.** Section 93-11-71, Mississippi Code of 1972, is  
2414 amended as follows:

2415 93-11-71. (1) Whenever a court orders any person to make  
2416 periodic payments of a sum certain for the maintenance or support  
2417 of a child, and whenever such payments as have become due remain  
2418 unpaid for a period of at least thirty (30) days, a judgment by  
2419 operation of law shall arise against the obligor in an amount  
2420 equal to all payments which are then due and owing.

2421 (a) A judgment arising under this section shall have  
2422 the same effect and be fully enforceable as any other judgment  
2423 entered in this state. A judicial or administrative action to  
2424 enforce the judgment may be commenced at any time; and

2425 (b) Such judgments arising in other states by operation  
2426 of law shall be given full faith and credit in this state.

2427 (2) Any judgment arising under the provisions of this  
2428 section shall operate as a lien upon all the property of the  
2429 judgment debtor, both real and personal, which lien shall be  
2430 perfected as to third parties without actual notice thereof only  
2431 upon enrollment on the judgment roll. The Attorney General's  
2432 Office or the attorney representing the party to whom support is  
2433 owed shall furnish an abstract of the judgment for periodic  
2434 payments for the maintenance and support of a child, along with  
2435 sworn documentation of the delinquent child support, to the  
2436 circuit clerk of the county where the judgment is rendered, and it  
2437 shall be the duty of the circuit clerk to enroll the judgment on  
2438 the judgment roll. Liens arising under the provisions of this  
2439 section may be executed upon and enforced in the same manner and  
2440 to the same extent as any other judgment.

2441 (3) Notwithstanding the provisions in paragraph (2), any  
2442 judgment arising under the provisions of this section shall  
2443 subject the following assets to interception or seizure without  
2444 regard to the entry of the judgment on the judgment roll of the  
2445 situs district or jurisdiction:

2446 (a) Periodic or lump-sum payments from a federal, state  
2447 or local agency, including unemployment compensation, workers'  
2448 compensation and other benefits;

2449 (b) Winnings from lotteries and gaming winnings which  
2450 are received in periodic payments made over a period in excess of  
2451 thirty (30) days;

2452 (c) Assets held in financial institutions;

2453 (d) Settlements and awards resulting from civil  
2454 actions; and

2455 (e) Public and private retirement funds, only to the  
2456 extent that the obligor is qualified to receive and receives a  
2457 lump sum or periodic distribution from the funds.

2458 (4) In any case in which a child receives assistance from  
2459 block grants for Temporary Assistance for Needy Families (TANF),  
2460 and the obligor owes past-due child support, the obligor, if not  
2461 incapacitated, may be required by the court to participate in any  
2462 work programs offered by any state agency.

2463 **SECTION 41.** Section 93-11-101, Mississippi Code of 1972, is  
2464 amended as follows:

2465 93-11-101. As used in Sections 93-11-101 through 93-11-119,  
2466 the following words shall have the meaning ascribed to them herein  
2467 unless the context clearly requires otherwise:

2468 (a) "Order for support" means any order of the  
2469 chancery, circuit, county or family court, which provides for  
2470 periodic payment of funds for the support of a child, whether  
2471 temporary or final, and includes any such order which provides  
2472 for:

2473 (i) Modification or resumption of, or payment of  
2474 arrearage accrued under, a previously existing order; or

2475 (ii) Reimbursement of support.

2476 "Order for support" shall also mean:

2477 (i) An order for support and maintenance of a  
2478 spouse if a minor child is living with such spouse; or

2479 (ii) In actions to which the Attorney General's  
2480 Office is a party, an order for support and maintenance of a  
2481 spouse if a minor child is living with such spouse and such  
2482 maintenance is collected in conjunction with child support.

2483 (b) "Court" means the court that enters an order for  
2484 withholding pursuant to Section 93-11-103(1).

2485           (c) "Clerk of the court" means the clerk of the court  
2486 that enters an order for withholding pursuant to Section  
2487 93-11-103(1).

2488           (d) "Arrearage" means the total amount of unpaid  
2489 support obligations.

2490           (e) "Delinquency" means any payments that are ordered  
2491 by any court to be paid by a noncustodial parent for the support  
2492 of a child that have remained unpaid for at least thirty (30) days  
2493 after payment is due. Delinquency shall also include payments  
2494 that are ordered by any court to be paid for maintenance of a  
2495 spouse in cases in which the Attorney General's Office is  
2496 collecting such support in conjunction with child support.  
2497 "Delinquency" shall be synonymous with "overdue support."

2498       \* \* \*

2499           (f) "Employer" means a person who has control of the  
2500 payment of wages to an individual.

2501           (g) "Income" means any form of periodic payment to an  
2502 individual, regardless of source, including, but not limited to:  
2503 wages, salary, commission, compensation as an independent  
2504 contractor, workers' compensation, disability, annuity and  
2505 retirement benefits, and any other payments made by any person,  
2506 private entity, federal or state government or any unit of local  
2507 government, notwithstanding any other provisions of state or local  
2508 law which limit or exempt income or the amount or percentage of  
2509 income that can be withheld; \* \* \* however, \* \* \* income excludes:

2510                   (i) Any amounts required by law to be withheld,  
2511 other than creditor claims, including, but not limited to,  
2512 federal, state and local taxes, social security and other  
2513 retirement and disability contributions;

2514                   (ii) Any amounts exempted by federal law;

2515                   (iii) Public assistance payments; and

2516                   (iv) Unemployment insurance benefits except as  
2517 provided by law.

2518 (i) "Obligor" means the individual who owes a duty to  
2519 make payments under an order for support.

2520 (j) "Obligee" means:

2521 (i) An individual to whom a duty of support is or  
2522 is alleged to be owed or in whose favor a support order has been  
2523 issued or a judgment determining parentage has been rendered;

2524 (ii) A state or political subdivision to which the  
2525 rights under a duty of support or support order have been assigned  
2526 or which independent claims based on financial assistance provided  
2527 to an individual obligee; or

2528 (iii) An individual seeking a judgment determining  
2529 parentage of the individual's child.

2530 (k) "Payor" means any payor of income to an obligor.

2531 **SECTION 42.** Section 93-11-103, Mississippi Code of 1972, is  
2532 amended as follows:

2533 93-11-103. (1) Upon entry of any order for support by a  
2534 court of this state where the custodial parent is a recipient of  
2535 services under Title IV-D of the federal Social Security Act,  
2536 issued on or after October 1, 1996, the court entering such order  
2537 shall enter a separate order for withholding which shall take  
2538 effect immediately without any requirement that the obligor be  
2539 delinquent in payment. All such orders for support issued prior  
2540 to October 1, 1996, shall, by operation of law, be amended to  
2541 conform with the provisions contained herein. All such orders for  
2542 support issued shall:

2543 (a) Contain a provision for monthly income withholding  
2544 procedures to take effect in the event the obligor becomes  
2545 delinquent in paying the order for support without further  
2546 amendment to the order or further action by the court; and

2547 (b) Require that the payor withhold any additional  
2548 amount for delinquency specified in any order if accompanied by an  
2549 affidavit of accounting, a notarized record of overdue payments,  
2550 official payment record or an attested judgment for delinquency or

2551 contempt. Any person who willfully and knowingly files a false  
2552 affidavit, record or judgment shall be subject to a fine of not  
2553 more than One Thousand Dollars (\$1,000.00). The Attorney  
2554 General's Office shall be the designated agency to receive  
2555 payments made by income withholding in child support orders  
2556 enforced by the Attorney General's Office. All withholding orders  
2557 shall be on a form as prescribed by the Attorney General's Office.

2558 (2) Upon entry of any order for support by a court of this  
2559 state where the custodial parent is not a recipient of services  
2560 under Title IV-D of the federal Social Security Act, issued or  
2561 modified or found to be in arrears on or after January 1, 1994,  
2562 the court entering such order shall enter a separate order for  
2563 withholding which shall take effect immediately. Such orders  
2564 shall not be subject to immediate income withholding under this  
2565 subsection: (a) if one (1) of the parties (i.e., noncustodial or  
2566 custodial parent) demonstrates, and the court finds, that there is  
2567 good cause not to require immediate income withholding, or (b) if  
2568 both parties agree in writing to an alternative arrangement. The  
2569 Attorney General's Office or any other person or entity may be the  
2570 designated agency to receive payments made by income withholding  
2571 in all child support orders. Withholding orders shall be on a  
2572 form as prescribed by the Attorney General's Office.

2573 (3) If a child support order is issued or modified in the  
2574 state but is not subject to immediate income withholding, it  
2575 automatically becomes so if the court finds that a support payment  
2576 is thirty (30) days past due. If the support order was issued or  
2577 modified in another state but is not subject to immediate income  
2578 withholding, it becomes subject to immediate income withholding on  
2579 the date on which child support payments are at least thirty (30)  
2580 days in arrears, or (a) the date as of which the noncustodial  
2581 parent requests that withholding begin, (b) the date as of which  
2582 the custodial parent requests that withholding begin, or (c) an  
2583 earlier date chosen by the court whichever is earlier.

2584           (4) The clerk of the court shall submit copies of such  
2585 orders to the obligor's payor, any additional or subsequent payor,  
2586 and to the Attorney General's Office Case Registry. The clerk of  
2587 the court, the obligee's attorney, or the Attorney General's  
2588 Office may serve such immediate order for withholding by first  
2589 class mail or personal delivery on the obligor's payor,  
2590 superintendent, manager, agent or subsequent payor, as the case  
2591 may be. In a case where the obligee's attorney or the Attorney  
2592 General's Office serves such immediate order, the clerk of the  
2593 court shall be notified in writing, which notice shall be placed  
2594 in the court file. There shall be no need for further notice,  
2595 hearing, order, process or procedure before service of the order  
2596 on the payor or any additional or subsequent payor. The obligor  
2597 may contest, if grounds exist, service of the order of withholding  
2598 on additional or subsequent payors, by filing an action with the  
2599 issuing court. Such filing shall not stay the obligor's duty to  
2600 support pending judicial determination of the obligor's claim.  
2601 Nothing herein shall be construed to restrict the authority of the  
2602 courts of this state from entering any order it deems appropriate  
2603 to protect the rights of any parties involved.

2604           (5) The order for withholding shall:

2605                   (a) Direct any payor to withhold an amount equal to the  
2606 order for current support;

2607                   (b) Direct any payor to withhold an additional amount,  
2608 not less than fifteen percent (15%) of the order for support,  
2609 until payment in full of any delinquency; and

2610                   (c) Direct the payor not to withhold in excess of the  
2611 amounts allowed under Section 303(b) of the Consumer Credit  
2612 Protection Act, being 15 USCS 1673, as amended.

2613           (6) All orders for withholding may permit the Attorney  
2614 General's Office to withhold through the withholding order  
2615 additional amounts to recover costs incurred through its efforts  
2616 to secure the support order, including, but not limited to, all



2617 filing fees, court costs, service of process fees, mailing costs,  
2618 birth certificate certification fee, genetic testing fees, the  
2619 Attorney General's Office's attorney's fees; and, in cases where  
2620 the state or any of its entities or divisions have provided  
2621 medical services to the child or the child's mother, all medical  
2622 costs of prenatal care, birthing, postnatal care and any other  
2623 medical expenses incurred by the child or by the mother as a  
2624 consequence of her pregnancy or delivery.

2625 (7) At the time the order for withholding is entered, the  
2626 clerk of the court shall provide copies of the order for  
2627 withholding and the order for support to the obligor, which shall  
2628 be accompanied by a statement of the rights, remedies and duties  
2629 of the obligor under Sections 93-11-101 through 93-11-119. The  
2630 clerk of the court shall make copies available to the obligee and  
2631 to the Attorney General's Office or its local attorney.

2632 (8) The order for withholding shall remain in effect for as  
2633 long as the order for support upon which it is based.

2634 (9) The failure of an order for withholding to state an  
2635 arrearage is not conclusive of the issue of whether an arrearage  
2636 is owing.

2637 (10) Any order for withholding entered pursuant to this  
2638 section shall not be considered a garnishment.

2639 (11) All existing orders for support shall become subject to  
2640 additional withholding if arrearages occur, subject to court  
2641 hearing and order. The Attorney General's Office or the obligee  
2642 or his agent or attorney must send to each delinquent obligor  
2643 notice that:

2644 (a) The withholding on the delinquency has commenced;

2645 (b) The information along with the required affidavit

2646 of accounting, notarized record of overdue payment or attested

2647 judgment of delinquency or contempt has been sent to the employer;

2648 and

2649 (c) The obligor may file an action with the issuing  
2650 court on the grounds of mistake of fact. Such filing must be made  
2651 within thirty (30) days of receipt of the notice and shall not  
2652 stay the obligor's duty to support pending judicial determination  
2653 of the obligor's claim.

2654 (12) An employer who complies with an income withholding  
2655 notice that is regular on its face and which is accompanied by the  
2656 required accounting affidavit, notarized record of overdue  
2657 payments or attested judgment of delinquency or contempt shall not  
2658 be subject to civil liability to any individual or agency for  
2659 conduct in compliance with the notice.

2660 **SECTION 43.** Section 93-11-105, Mississippi Code of 1972, is  
2661 amended as follows:

2662 93-11-105. (1) Notwithstanding the provisions of Section  
2663 93-11-103, the Attorney General's Office shall be authorized to  
2664 implement administrative orders for withholding without the  
2665 necessity of obtaining an order through judicial proceedings. The  
2666 administrative order for withholding shall be implemented pursuant  
2667 to a previously rendered order for support and shall be on a form  
2668 prescribed by the Attorney General's Office. Unless inconsistent  
2669 with the provisions of this section, the order for withholding  
2670 shall be subject to the same requirements as provided in Sections  
2671 93-11-101 through 93-11-118.

2672 (2) The administrative order shall be filed with the clerk  
2673 by the Attorney General's Office and a copy shall be transmitted  
2674 to the obligor by regular mail to the last known address of the  
2675 obligor.

2676 (3) The order for withholding shall:

2677 (a) Direct any payor to withhold an amount equal to the  
2678 order for the current support obligation;

2679 (b) Direct any payor to withhold an additional amount  
2680 equal to twenty percent (20%) of the current support obligation,

2681 unless a different amount has been previously ordered by the  
2682 court, until payment in full of any delinquency; and

2683 (c) Direct the payor not to withhold in excess of the  
2684 amounts allowed under Section 303(b) of the Consumer Credit  
2685 Protection Act, being 15 USCS 1673, as amended.

2686 **SECTION 44.** Section 93-11-111, Mississippi Code of 1972, is  
2687 amended as follows:

2688 93-11-111. (1) It shall be the duty of any payor who has  
2689 been served with a copy of the order for withholding and an  
2690 attached affidavit of accounting, a certified record of payments,  
2691 or judgment for delinquency to deduct and pay over income as  
2692 provided in this section. The payor shall deduct the amount  
2693 designated in the order for withholding beginning with the next  
2694 payment of income which is payable to the obligor after fourteen  
2695 (14) days following service of the order and notice. The payor  
2696 shall pay the amounts withheld to the Attorney General's Office  
2697 within seven (7) days of the date the obligor is paid in  
2698 accordance with the order for withholding and in accordance with  
2699 any subsequent notification received redirecting payments. The  
2700 Attorney General's Office shall then forward such amounts to the  
2701 obligee.

2702 (2) For each intrastate withholding of income, the payor  
2703 shall be entitled to receive a fee of Two Dollars (\$2.00) to be  
2704 withheld from the income of the obligor in addition to the support  
2705 payments, regardless of the number of payments the payor makes to  
2706 the Attorney General's Office. However, in all interstate  
2707 withholding, the rules and laws of the state where the obligor  
2708 works shall determine the payor's processing fee.

2709 (3) The payor shall, unless otherwise notified by the  
2710 Attorney General's Office, withhold from the income of the obligor  
2711 and forward to the Attorney General's Office each month, an amount  
2712 specified by the Attorney General's Office not to exceed Five  
2713 Dollars (\$5.00) per month to defray the Attorney General's

2714 Office's administrative costs incurred in receiving and  
2715 distributing money withheld pursuant to Sections 93-11-101 through  
2716 93-11-119. The payor may pay such amount to the Attorney  
2717 General's Office in any manner determined by the payor to be  
2718 convenient and may include such amount in checks to the Attorney  
2719 General's Office for amounts withheld pursuant to the order for  
2720 withholding.

2721 (4) Regardless of the amount designated in the order for  
2722 withholding and regardless of other fees imposed or amounts  
2723 withheld pursuant to this section, the payor shall not deduct from  
2724 the income of the obligor in excess of the amounts allowed under  
2725 Section 303(b) of the Consumer Credit Protection Act, being 15  
2726 USCS 1673, as amended.

2727 (5) A payor may combine all amounts that he is required to  
2728 withhold and pay to the Attorney General's Office in one (1)  
2729 payment; \* \* \* however, the payor must send to the Attorney  
2730 General's Office a list showing the amount of the payment  
2731 attributable to each obligor.

2732 (6) Whenever the obligor is no longer receiving income from  
2733 the payor, the payor shall return a copy of the order for  
2734 withholding to the Attorney General's Office and shall forward the  
2735 obligor's last known address and name and address of the obligor's  
2736 new employer, if known, to the Attorney General's Office. The  
2737 payor shall cooperate in providing further information for the  
2738 purpose of enforcing Sections 93-11-101 through 93-11-119.

2739 (7) Withholding of income under this section shall be made  
2740 without regard to any prior or subsequent garnishments,  
2741 attachments, wage assignments or any other claims of creditors.  
2742 Payment as required by the order for withholding shall be a  
2743 complete defense by the payor against any claims of the obligor or  
2744 his creditors as to the sum so paid.

2745 (8) In cases in which the payor has been served more than  
2746 one (1) order for withholding for the same obligor, the payor

2747 shall honor the orders on a pro rata basis to result in  
2748 withholding an amount for each order that is in direct proportion  
2749 to the percentage of the obligor's adjusted gross income that the  
2750 order represents, and the payor shall honor all such withholdings  
2751 to the extent that the total amount withheld does not exceed the  
2752 maximum amount specified in subsection (1) of this section.

2753 (9) No payor shall discharge, discipline, refuse to hire or  
2754 otherwise penalize any obligor because of the duty to withhold  
2755 income.

2756 **SECTION 45.** Section 93-11-113, Mississippi Code of 1972, is  
2757 amended as follows:

2758 93-11-113. (1) At any time, an obligor, obligee, the  
2759 Attorney General's Office or clerk of the court may petition the  
2760 court to:

2761 (a) Modify, suspend or terminate the order for  
2762 withholding because of a modification, suspension or termination  
2763 of the underlying order for support; or

2764 (b) Modify the amount of income to be withheld to  
2765 reflect payment in full of the delinquency by income withholding  
2766 or otherwise; or

2767 (c) Suspend the order for withholding because of  
2768 inability to deliver income withheld to the obligee due to the  
2769 obligee's failure to provide a mailing address or other means of  
2770 delivery.

2771 (2) The clerk shall serve on the payor, by first class mail  
2772 or personal delivery, a copy of any order entered pursuant to this  
2773 section that affects the duties of the payor.

2774 (3) The order for withholding shall continue to be binding  
2775 upon the payor until service of any order of the court entered  
2776 under this section.

2777 **SECTION 46.** Section 93-11-115, Mississippi Code of 1972, is  
2778 amended as follows:

2779           93-11-115. (1) An obligee who is receiving income  
2780 withholding payments under Sections 93-11-101 through 93-11-119  
2781 shall notify the Attorney General's Office of any change of  
2782 address within seven (7) days of such change.

2783           (2) An obligee who is a recipient of public aid shall send a  
2784 copy of any notice filed pursuant to Section 93-11-103 to the  
2785 Attorney General's Office.

2786           (3) An obligor whose income is being withheld pursuant to  
2787 Sections 93-11-101 through 93-11-119 shall notify the Attorney  
2788 General's Office and the clerk of the court of any new payor,  
2789 within seven (7) days.

2790           (4) When the Attorney General's Office is no longer  
2791 authorized to receive payments for the obligee, it shall, within  
2792 seven (7) days, notify the payor and the clerk of the court.

2793           (5) The Attorney General's Office shall provide notice to  
2794 the payor and the clerk of the court of any other support payment  
2795 made, including, but not limited to, a set-off under federal and  
2796 state law or partial payment of the delinquency.

2797           (6) The Attorney General's Office shall maintain complete,  
2798 accurate and clear records of all payments and their  
2799 disbursements. Certified copies of payment records maintained by  
2800 the Attorney General's Office shall, without further proof, be  
2801 admitted into evidence in any legal proceedings under Sections  
2802 93-11-101 through 93-11-119.

2803           (7) The Attorney General's Office shall design suggested  
2804 legal forms for proceeding under Sections 93-11-101 through  
2805 93-11-119 and shall make available to the courts such forms and  
2806 informational materials which describe the procedures and remedies  
2807 set forth herein for distribution to all parties in support  
2808 actions.

2809           **SECTION 47.** Section 93-11-117, Mississippi Code of 1972, is  
2810 amended as follows:

2811           93-11-117. (1) In cases in which a payor willfully fails to  
2812 withhold or pay over income pursuant to a valid order for  
2813 withholding, the following penalties shall apply:

2814           (a) The payor shall be liable for a civil penalty of  
2815 not more than:

2816                   (i) One Hundred Dollars (\$100.00); or

2817                   (ii) Five Hundred Dollars (\$500.00) in an instance  
2818 where the failure to comply is the result of collusion between the  
2819 payor and the obligor; and

2820           (b) The court, upon due notice and hearing, shall enter  
2821 judgment and direct the issuance of an execution for the total  
2822 amount that the payor willfully failed to withhold or pay over.

2823           (2) In cases in which a payor discharges, disciplines,  
2824 refuses to hire or otherwise penalizes an obligor as prohibited by  
2825 subsection (9) of Section 93-11-111, the court, upon due notice  
2826 and hearing, shall fine the payor in an amount not to exceed Fifty  
2827 Dollars (\$50.00).

2828           (3) Any obligee, the Attorney General's Office or obligor  
2829 who willfully initiates a false proceeding under Sections  
2830 93-11-101 through 93-11-119 or who willfully fails to comply with  
2831 the requirements of Sections 93-11-101 through 93-11-119 shall be  
2832 punished as in cases of contempt of court.

2833           **SECTION 48.** Section 93-11-118, Mississippi Code of 1972, is  
2834 amended as follows:

2835           93-11-118. (1) Indicia of fraud which create a prima facie  
2836 case that an obligor transferred income or property to avoid  
2837 payment of child support to an obligee or the Attorney General's  
2838 Office on behalf of an obligee shall be as stated in Section  
2839 15-3-3, Mississippi Code of 1972.

2840           (2) Remedies for such fraudulent conveyance shall include,  
2841 but not be limited to, the setting aside of such conveyance.

2842           (3) Penalties for such fraudulent conveyance shall be a fine  
2843 of not more than One Thousand Dollars (\$1,000.00).

2844           **SECTION 49.** Section 93-11-153, Mississippi Code of 1972, is  
2845 amended as follows:

2846           93-11-153. As used in Sections 93-11-151 through 93-11-163,  
2847 the following words and terms shall have the meanings ascribed  
2848 herein:

2849           (a) "Licensing entity" or "entity" means any entity  
2850 specified in Title 73, Professions and Vocations, of the  
2851 Mississippi Code, and includes the Mississippi Department of  
2852 Public Safety with respect to driver's licenses, the Mississippi  
2853 State Tax Commission with respect to licenses for the sale of  
2854 alcoholic beverages and other licenses or registration authorizing  
2855 a person to engage in a business, the Mississippi Department of  
2856 Wildlife, Fisheries and Parks with respect to hunting and fishing  
2857 licenses, and any other state agency that issues a license  
2858 authorizing a person to engage in a business, occupation or  
2859 profession. For the purposes of this article, the Supreme Court  
2860 shall be considered to be the licensing entity for attorneys.

2861           (b) "License" means a license, certificate, permit,  
2862 credential, registration, or any other authorization issued by a  
2863 licensing entity that allows a person to engage in a business,  
2864 occupation or profession, to operate a motor vehicle, to sell  
2865 alcoholic beverages, or to hunt and fish.

2866           (c) "Licensee" means any person holding a license  
2867 issued by a licensing entity.

2868           (d) "Order for support" means any judgment or order  
2869 that provides for payments of a sum certain for the support of a  
2870 child, whether it is temporary or final, and includes, but is not  
2871 limited to, an order for reimbursement for public assistance or an  
2872 order for making periodic payments on a support arrearage, or a  
2873 sum certain due for a support arrearage.

2874           (e) "Out of compliance with an order for support" means  
2875 that the obligor is at least thirty (30) days in arrears or



2876 delinquent in making payments in full for current support, or in  
2877 making periodic payments on a support arrearage.

2878 \* \* \*

2879 (f) "Delinquency" means any payments of a sum certain  
2880 ordered by any court to be paid by a noncustodial parent for the  
2881 support of a child that have remained unpaid for at least thirty  
2882 (30) days after payment is due. Delinquency shall also include  
2883 payments of a sum certain ordered by any court to be paid for  
2884 maintenance of a spouse that have remained unpaid for at least  
2885 thirty (30) days.

2886 **SECTION 50.** Section 93-11-155, Mississippi Code of 1972, is  
2887 amended as follows:

2888 93-11-155. (1) In the manner and form prescribed by the  
2889 Attorney General's Office, all licensing entities shall provide to  
2890 the Attorney General's Office, on at least a quarterly basis,  
2891 information on licensees for use in the establishment, enforcement  
2892 and collection of child support obligations including, but not  
2893 limited to: name, address, social security number, sex, date of  
2894 birth, employer's name and address, type of license, effective  
2895 date of the license, expiration date of the license, and active or  
2896 inactive license status. Whenever technologically feasible, the  
2897 Attorney General's Office and licensing entities shall seek to  
2898 reach agreements to provide the information required by this  
2899 section by way of electronic data media, including, but not  
2900 limited to, on-line access and records on magnetic/optical disk or  
2901 tape. In lieu of providing the licensing information to the  
2902 Attorney General's Office as outlined above and in the discretion  
2903 of the licensing entity, the Attorney General's Office shall  
2904 provide the identity of the individual who is delinquent in  
2905 support payments to the licensing entity who will then match that  
2906 information with their records and provide the Attorney General's  
2907 Office with all necessary information for those individuals  
2908 licensed by that entity.

2909           (2) Any licensed attorney representing the party to whom  
2910 support is due may submit to the Attorney General's Office the  
2911 name and record of accounting showing an arrearage of an  
2912 individual who is out of compliance with an order for support  
2913 which is not being enforced by the Attorney General's Office under  
2914 Title IV-D, and the Attorney General's Office shall submit the  
2915 name of such individual to the licensing entities who will match  
2916 the name with their records in the same manner as provided in  
2917 subsection (1) to provide the attorney with necessary information  
2918 regarding licensees. The attorney applying for such information  
2919 shall pay a fee not to exceed Twenty-five Dollars (\$25.00) for  
2920 such service.

2921           **SECTION 51.** Section 93-11-157, Mississippi Code of 1972, is  
2922 amended as follows:

2923           93-11-157. (1) The Attorney General's Office shall review  
2924 the information received under Section 93-11-155 and any other  
2925 information available to the Attorney General's Office, and shall  
2926 determine if a licensee is out of compliance with an order for  
2927 support. If a licensee is out of compliance with the order for  
2928 support, the Attorney General's Office shall notify the licensee  
2929 by first class mail that ninety (90) days after the licensee  
2930 receives the notice of being out of compliance with the order, the  
2931 licensing entity will be notified to immediately suspend the  
2932 licensee's license unless the licensee pays the arrearage owing,  
2933 according to the accounting records of the Attorney General's  
2934 Office or the attorney representing the party to whom support is  
2935 due, as the case may be, or enters into a stipulated agreement and  
2936 agreed judgment establishing a schedule for the payment of the  
2937 arrearage. The licensee shall be presumed to have received the  
2938 notice five (5) days after it is deposited in the mail.

2939           (2) Upon receiving the notice provided in subsection (1) of  
2940 this section the licensee may:

2941           (a) Request a review with the Attorney General's  
2942 Office; however, the issues the licensee may raise at the review  
2943 are limited to whether the licensee is the person required to pay  
2944 under the order for support and whether the licensee is out of  
2945 compliance with the order for support; or

2946           (b) Request to participate in negotiations with the  
2947 Attorney General's Office for the purpose of establishing a  
2948 payment schedule for the arrearage.

2949           (3) The Attorney General's Office may and, upon request of a  
2950 licensee, shall negotiate with a licensee to establish a payment  
2951 schedule for the arrearage. Payments made under the payment  
2952 schedule shall be in addition to the licensee's ongoing obligation  
2953 under the latest entered periodic order for support.

2954           (4) Should the Attorney General's Office and the licensee  
2955 reach an agreement on a payment schedule for the arrearage, the  
2956 Attorney General's Office shall submit to the court the stipulated  
2957 agreement and agreed judgment containing the payment schedule  
2958 which, upon the court's approval, is enforceable as any order of  
2959 the court. If the court does not approve the stipulated agreement  
2960 and agreed judgment, the court may require a hearing on a  
2961 case-by-case basis for the judicial review of the payment schedule  
2962 agreement.

2963           (5) If the licensee and the Attorney General's Office do not  
2964 reach an agreement on a payment schedule for the arrearage, the  
2965 licensee may move the court to establish a payment schedule.  
2966 However, this action does not stay the license suspension.

2967           (6) The notice given to a licensee that the licensee's  
2968 license will be suspended in ninety (90) days must clearly state  
2969 the remedies and procedures that are available to a licensee under  
2970 this section.

2971           (7) If at the end of the ninety (90) days the licensee has  
2972 an arrearage according to the accounting records of the Attorney  
2973 General's Office or the attorney representing the party to whom

2974 support is due, as the case may be, and the licensee has not  
2975 entered into a stipulated agreement and agreed judgment  
2976 establishing a payment schedule for the arrearage, the Attorney  
2977 General's Office shall immediately notify all applicable licensing  
2978 entities in writing to suspend the licensee's license, and the  
2979 licensing entities shall immediately suspend the license and shall  
2980 within three (3) business days notify the licensee and the  
2981 licensee's employer, where known, of the license suspension and  
2982 the date of such suspension by certified mail return receipt  
2983 requested. Within forty-eight (48) hours of receipt of a request  
2984 in writing delivered personally, by mail or by electronic means,  
2985 the Attorney General's Office shall furnish to the licensee,  
2986 licensee's attorney or other authorized representative a copy of  
2987 the Attorney General's Office's accounting records of the  
2988 licensee's payment history. A licensing entity shall immediately  
2989 reinstate the suspended license upon the Attorney General's  
2990 Office's notification of the licensing entities in writing that  
2991 the licensee no longer has an arrearage or that the licensee has  
2992 entered into a stipulated agreement and agreed judgment.

2993 (8) Within thirty (30) days after a licensing entity  
2994 suspends the licensee's license at the direction of the Attorney  
2995 General's Office under subsection (7) of this section, the  
2996 licensee may appeal the license suspension to the chancery court  
2997 of the county in which the licensee resides or to the Chancery  
2998 Court of the First Judicial District of Hinds County, Mississippi,  
2999 upon giving bond with sufficient sureties in the amount of Two  
3000 Hundred Dollars (\$200.00), approved by the clerk of the chancery  
3001 court and conditioned to pay any costs that may be adjudged  
3002 against the licensee. Notice of appeal shall be filed in the  
3003 office of the clerk of the chancery court. If there is an appeal,  
3004 the appeal may, in the discretion of and on motion to the chancery  
3005 court, act as a supersedeas of the license suspension. The  
3006 Attorney General's Office shall be the appellee in the appeal, and

3007 the licensing entity shall not be a party in the appeal. The  
3008 chancery court shall dispose of the appeal and enter its decision  
3009 within thirty (30) days of the filing of the appeal. The hearing  
3010 on the appeal may, in the discretion of the chancellor, be tried  
3011 in vacation. The decision of the chancery court may be appealed  
3012 to the Supreme Court in the manner provided by the rules of the  
3013 Supreme Court. In the discretion of and on motion to the chancery  
3014 court, no person shall be allowed to practice any business,  
3015 occupation or profession or take any other action under the  
3016 authority of any license the suspension of which has been affirmed  
3017 by the chancery court while an appeal to the Supreme Court from  
3018 the decision of the chancery court is pending.

3019 (9) If a licensee who has entered a stipulated agreement and  
3020 agreed judgment for the payment of an arrearage under this section  
3021 subsequently is out of compliance with an order for support, the  
3022 Attorney General's Office shall immediately notify the licensing  
3023 entity to suspend the licensee's license, and the licensing entity  
3024 shall immediately suspend the license without a hearing and shall  
3025 within three (3) business days notify the licensee in writing of  
3026 the license suspension. In the case of a license suspension under  
3027 the provisions of this subsection, the procedures provided for  
3028 under subsections (1) and (2) of this section are not required;  
3029 however, the appeal provisions of subsection (8) of this section  
3030 still apply. After suspension of the license, if the licensee  
3031 subsequently enters into a stipulated agreement and agreed  
3032 judgment or the licensee otherwise informs the Attorney General's  
3033 Office of compliance with the order for support, the Attorney  
3034 General's Office shall within seven (7) days notify in writing the  
3035 licensing entity that the licensee is in compliance. Upon receipt  
3036 of that notice from the Attorney General's Office, a licensing  
3037 entity shall immediately reinstate the license of the licensee and  
3038 shall within three (3) business days notify the licensee of the  
3039 reinstatement.

3040           (10) Nothing in this section prohibits a licensee from  
3041 filing a motion for the modification of an order for support or  
3042 for any other applicable relief. However, no such action shall  
3043 stay the license suspension procedure, except as may be allowed  
3044 under subsection (8) of this section.

3045           (11) If a license is suspended under the provisions of this  
3046 section, the licensing entity is not required to refund any fees  
3047 paid by a licensee in connection with obtaining or renewing a  
3048 license.

3049           (12) The requirement of a licensing entity to suspend a  
3050 license under this section does not affect the power of the  
3051 licensing entity to deny, suspend, revoke or terminate a license  
3052 for any other reason.

3053           (13) The procedure for suspension of a license for being out  
3054 of compliance with an order for support, and the procedure for the  
3055 reissuance or reinstatement of a license suspended for that  
3056 purpose, shall be governed by this section and not by the general  
3057 licensing and disciplinary provisions applicable to a licensing  
3058 entity. Actions taken by a licensing entity in suspending a  
3059 license when required by this section are not actions from which  
3060 an appeal may be taken under the general licensing and  
3061 disciplinary provisions applicable to the licensing entity. Any  
3062 appeal of a license suspension that is required by this section  
3063 shall be taken in accordance with the appeal procedure specified  
3064 in subsection (8) of this section rather than any procedure  
3065 specified in the general licensing and disciplinary provisions  
3066 applicable to the licensing entity. If there is any conflict  
3067 between any provision of this section and any provision of the  
3068 general licensing and disciplinary provisions applicable to a  
3069 licensing entity, the provisions of this section shall control.

3070           (14) No license shall be suspended under this section until  
3071 ninety (90) days after July 1, 1996. This ninety-day period shall  
3072 be a one-time amnesty period in which any person who may be

3073 subject to license suspension under this article may comply with  
3074 an order of support in order to avoid the suspension of any  
3075 license.

3076 (15) Any individual who fails to comply with a subpoena or  
3077 warrant relating to paternity or child support proceedings after  
3078 receiving appropriate notice may be subject to suspension or  
3079 withholding of issuance of a license under this section.

3080 **SECTION 52.** Section 93-11-161, Mississippi Code of 1972, is  
3081 amended as follows:

3082 93-11-161. The Attorney General's Office shall adopt  
3083 regulations as necessary to carry out the provisions of Sections  
3084 93-11-151 through 93-11-161 and shall consult with licensing  
3085 entities in developing these regulations.

3086 **SECTION 53.** Section 93-12-17, Mississippi Code of 1972, is  
3087 amended as follows:

3088 93-12-17. Any person who is the obligor in a support order  
3089 of another jurisdiction may obtain a voluntary order of  
3090 withholding by filing with the court a request for such  
3091 withholding and a certified copy of the support order of a sister  
3092 state. The court shall issue an order for withholding pursuant to  
3093 Sections 93-12-1 et seq. Payment shall be made to the Attorney  
3094 General's Office.

3095 **SECTION 54.** Section 93-25-45, Mississippi Code of 1972, is  
3096 amended as follows:

3097 93-25-45. (1) The Attorney General's Office is the state  
3098 information agency under this chapter.

3099 (2) The state information agency shall:

3100 (a) Compile and maintain a current list, including  
3101 addresses, of the tribunals in this state which have jurisdiction  
3102 under this chapter and any support enforcement agencies in this  
3103 state, and transmit a copy to the state information agency of  
3104 every other state;

3105 (b) Maintain a register of tribunals and support  
3106 enforcement agencies received from other states;

3107 (c) Forward to the appropriate tribunal in the place in  
3108 this state in which the individual obligee or the obligor resides,  
3109 or in which the obligor's property is believed to be located, all  
3110 documents concerning a proceeding under this chapter received from  
3111 an initiating tribunal or the state information agency of the  
3112 initiating state; and

3113 (d) Obtain information concerning the location of the  
3114 obligor and the obligor's property within this state not exempt  
3115 from execution, by such means as postal verification and federal  
3116 or state locator services, examination of telephone directories,  
3117 requests for the obligor's address from employers, and examination  
3118 of governmental records, including, to the extent not prohibited  
3119 by other law, those relating to real property, vital statistics,  
3120 law enforcement, taxation, motor vehicles, driver's licenses and  
3121 social security.

3122 **SECTION 55.** Section 93-25-41, Mississippi Code of 1972,  
3123 which authorizes the Attorney General to order the child support  
3124 enforcement agency to perform its duties under the Uniform  
3125 Interstate Family Support Act or to provide the services itself,  
3126 is repealed.

3127 **SECTION 56.** This act shall take effect and be in force from  
3128 and after July 1, 2004.