

By: Representative Holland

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 806

1 AN ACT TO AMEND SECTION 93-11-111, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE AUTOMATIC REPEALER ON THE STATUTE AUTHORIZING AN  
3 ADMINISTRATIVE FEE ON WITHHOLDING ORDERS FOR CHILD SUPPORT  
4 ENFORCEMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-11-111, Mississippi Code of 1972, is  
7 amended as follows:

8 93-11-111. (1) It shall be the duty of any payor who has  
9 been served with a copy of the order for withholding and an  
10 attached affidavit of accounting, a certified record of payments,  
11 or judgment for delinquency to deduct and pay over income as  
12 provided in this section. The payor shall deduct the amount  
13 designated in the order for withholding beginning with the next  
14 payment of income that is payable to the obligor after fourteen  
15 (14) days following service of the order and notice. The payor  
16 shall pay the amounts withheld to the department within seven (7)  
17 days of the date the obligor is paid in accordance with the order  
18 for withholding and in accordance with any later notification  
19 received redirecting payments. The department shall then forward  
20 those amounts to the obligee.

21 (2) For each intrastate withholding of income, the payor  
22 shall be entitled to receive a fee of Two Dollars (\$2.00) to be  
23 withheld from the income of the obligor in addition to the support  
24 payments, regardless of the number of payments the payor makes to  
25 the department. However, in all interstate withholding, the rules  
26 and laws of the state where the obligor works shall determine the  
27 payor's processing fee.

28           (3) The payor shall, unless otherwise notified by the  
29 department, withhold from the income of the obligor and forward to  
30 the department each month, an amount specified by the department  
31 not to exceed Fifteen Dollars (\$15.00) per month to defray the  
32 department's administrative costs incurred in receiving and  
33 distributing money withheld under Sections 93-11-101 through  
34 93-11-119. The payor may pay such amount to the department in any  
35 manner determined by the payor to be convenient and may include  
36 that amount in checks to the department for amounts withheld  
37 pursuant to the order for withholding. \* \* \*

38           (4) Regardless of the amount designated in the order for  
39 withholding and regardless of other fees imposed or amounts  
40 withheld under this section, the payor shall not deduct from the  
41 income of the obligor in excess of the amounts allowed under  
42 Section 303(b) of the Consumer Credit Protection Act, being 15  
43 USCS 1673, as amended.

44           (5) A payor may combine all amounts that he is required to  
45 withhold and pay to the department in one (1) payment; however,  
46 the payor must send to the department a list showing the amount of  
47 the payment attributable to each obligor.

48           (6) Whenever the obligor is no longer receiving income from  
49 the payor, the payor shall return a copy of the order for  
50 withholding to the department and shall forward the obligor's last  
51 known address and name and address of the obligor's new employer,  
52 if known, to the department. The payor shall cooperate in  
53 providing further information for the purpose of enforcing  
54 Sections 93-11-101 through 93-11-119.

55           (7) Withholding of income under this section shall be made  
56 without regard to any prior or subsequent garnishments,  
57 attachments, wage assignments or any other claims of creditors.  
58 Payment as required by the order for withholding shall be a  
59 complete defense by the payor against any claims of the obligor or  
60 his creditors as to the sum so paid.

61           (8) In cases in which the payor has been served more than  
62 one (1) order for withholding for the same obligor, the payor  
63 shall honor the orders on a pro rata basis to result in  
64 withholding an amount for each order that is in direct proportion  
65 to the percentage of the obligor's adjusted gross income that the  
66 order represents, and the payor shall honor all those withholdings  
67 to the extent that the total amount withheld does not exceed the  
68 maximum amount specified in subsection (1) of this section.

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

72           **SECTION 2.** This act shall take effect and be in force from  
73 and after June 30, 2005.