

House Amendments to Senate Bill No. 2150

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section 43-19-101, Mississippi Code of 1972, is amended as follows:

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

Number Of Children	Percentage Of Adjusted Gross Income
Due Support	That Should Be Awarded For Support
1	14%
2	20%
3	22%
4	24%
5 or more	26%

(2) These are guidelines. They are not intended to supplant the duty of the court to make child support awards that are just and in the best interests of the child or children. The court should depart from the guidelines when the best interests of the child or children would be promoted, the Legislature finding and declaring that the best interests of the child or children must be the polestar consideration. The judicial or administrative body awarding or modifying the child support award must make a written finding or specific finding on the record or in the support order as to whether or not the guidelines were applied in determining the support award and the specific reasons why such action promotes the best interests of the child or children.

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

33 (a) Determine gross income from all potential sources
34 that may reasonably be expected to be available to the absent
35 parent including, but not limited to, the following: wages and
36 salary income; income from self employment; income from
37 commissions; income from investments, including dividends,
38 interest income and income on any trust account or property;
39 absent parent's portion of any joint income of both parents;
40 workers' compensation, disability, unemployment, annuity and
41 retirement benefits, including an individual retirement account
42 (IRA); any other payments made by any person, private entity,
43 federal or state government or any unit of local government;
44 alimony; any income earned from an interest in or from inherited
45 property; any other form of earned income; and gross income shall
46 exclude any monetary benefits derived from a second household,
47 such as income of the absent parent's current spouse;

48 (b) Subtract the following legally mandated deductions:

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

52 (ii) Social security contributions;

53 (iii) Retirement and disability contributions
54 except any voluntary retirement and disability contributions;

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

58 (d) If the absent parent is also the parent of another
59 child or other children residing with him, then the court may
60 subtract an amount that it deems appropriate to account for the
61 needs of said child or children;

62 (e) Compute the total annual amount of adjusted gross
63 income based on paragraphs (a) through (d), then divide this

amount by twelve (12) to obtain the monthly amount of adjusted gross income.

Upon conclusion of the calculation of paragraphs (a) through (e), multiply the monthly amount of adjusted gross income by the appropriate percentage designated in subsection (1) to arrive at the amount of the monthly child support award.

(4) In cases in which the adjusted gross income as defined in this section is more than Seventy-five Thousand Dollars (\$75,000.00) or less than Five Thousand Dollars (\$5,000.00), the court shall make a written finding in the record as to whether or not the application of the guidelines established in this section is reasonable.

(5) The Department of Human Services shall review the appropriateness of these guidelines beginning January 1, 1994, and every four (4) years thereafter and report its findings to the Legislature no later than the first day of the regular legislative session of that year. The Legislature shall thereafter amend these guidelines when it finds that amendment is necessary to ensure that equitable support is being awarded in all cases involving the support of minor children.

(6) All orders involving support of minor children, as a matter of law, shall include reasonable medical support. Notice to the noncustodial parent's employer that medical support has been ordered shall be on a form as prescribed by the Department of Human Services. In any case in which the support of any child is involved, the court shall make the following findings either on the record or in the judgment:

(a) The availability to all parties of health insurance coverage for the child(ren);

(b) The cost of health insurance coverage to all parties.

The court shall then make appropriate provisions in the judgment for the provision of health insurance coverage for the child(ren) in the manner that is in the best interests of the child(ren). If the court requires the custodial parent to obtain

99 the coverage then this burden shall be taken into account in
100 establishing the amount of child support the noncustodial parent
101 must pay. If the court determines that health insurance coverage
102 is not available to any party or that it is not available to
103 either party at a cost that is reasonable as compared to the
104 income of the parties, then the court shall make specific findings
105 as to such either on the record or in the judgment. In that
106 event, the court shall make appropriate provisions in the judgment
107 for the payment of medical expenses of the child(ren) in the
108 absence of health insurance coverage, taking into account the
109 relative income earning ability and financial position of the
110 parties.

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 43-19-101, MISSISSIPPI CODE OF 1972,
2 TO REVISE PROVISIONS REGARDING CHILD SUPPORT AWARD GUIDELINES; AND
3 FOR RELATED PURPOSES.

HR40\SB2150PH.J

Don Richardson
Clerk of the House of Representatives