

Adopted  
 COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2150

BY: Committee

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.

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

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

(b) Subtract the following legally mandated deductions:

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

(ii) Social security contributions;

(iii) Retirement and disability contributions 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  
64 amount by twelve (12) to obtain the monthly amount of adjusted  
65 gross income.

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

70       (4) In cases in which the adjusted gross income as defined  
71 in this section is more than Fifty Thousand Dollars (\$50,000.00)  
72 or less than Five Thousand Dollars (\$5,000.00), the court shall  
73 make a written finding in the record as to whether or not the  
74 application of the guidelines established in this section is  
75 reasonable.

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

84       (6) All orders involving support of minor children, as a  
85 matter of law, shall include reasonable medical support. Notice  
86 to the noncustodial parent's employer that medical support has

87 been ordered shall be on a form as prescribed by the Department of  
88 Human Services. In any case in which the support of any child is  
89 involved, the court shall make the following findings either on  
90 the record or in the judgment:

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

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

95 The court shall then make appropriate provisions in the  
96 judgment for the provision of health insurance coverage for the  
97 child(ren) in the manner that is in the best interests of the  
98 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.