

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2452: Child support; create presumption that support continues past the age of majority for a disabled child.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

7           **SECTION 1.** Section 93-11-65, Mississippi Code of 1972, is  
8 amended as follows:  
9           93-11-65. (1) (a) In addition to the right to proceed  
10 under Section 93-5-23, Mississippi Code of 1972, and in addition  
11 to the remedy of habeas corpus in proper cases, and other existing  
12 remedies, the chancery court of the proper county shall have  
13 jurisdiction to entertain suits for the custody, care, support and  
14 maintenance of minor children and to hear and determine all such  
15 matters, and shall, if need be, require bond, sureties or other  
16 guarantee to secure any order for periodic payments for the  
17 maintenance or support of a child. \* \* \* If a legally responsible  
18 parent has health insurance available \* \* \* through an employer or  
19 organization that may extend benefits to the dependents of \* \* \*  
20 the parent, any order of support issued against \* \* \* the parent



21 may require him or her to exercise the option of additional  
22 coverage in favor of \* \* \* any children \* \* \* he or she is legally  
23 responsible to support. Proceedings may be brought by or against  
24 a resident or nonresident of the State of Mississippi, whether or  
25 not having the actual custody of minor children, for the purpose  
26 of judicially determining the legal custody of a child. All  
27 actions herein authorized may be brought in the county where the  
28 child is actually residing, or in the county of the residence of  
29 the party who has actual custody, or of the residence of the  
30 defendant. Process shall be had upon the parties as provided by  
31 law for process in person or by publication, if they \* \* \* are  
32 nonresidents of the state or residents of another jurisdiction or  
33 are not found therein after diligent search and inquiry or are  
34 unknown after diligent search and inquiry; provided that the court  
35 or chancellor in vacation may fix a date in termtime or in  
36 vacation to which process may be returnable and shall have power  
37 to proceed in termtime or vacation. \* \* \* If the court \* \* \*  
38 finds that both parties are fit and proper persons to have custody  
39 of the children, and that either party is able to adequately  
40 provide for the care and maintenance of the children, the  
41 chancellor may consider the preference of a child of twelve (12)  
42 years of age or older as to the parent with whom the child would  
43 prefer to live in determining what would be in the best interest  
44 and welfare of the child. The chancellor shall place on the  
45 record the reason or reasons for which the award of custody was



46 made and explain in detail why the wishes of any child were or  
47 were not honored.

48 (b) An order of child support shall specify the sum to  
49 be paid weekly or otherwise. In addition to providing for support  
50 and education, the order shall also provide for the support of the  
51 child prior to the making of the order for child support, and such  
52 other expenses as the court may deem proper.

53 (c) The court may require the payment to be made to the  
54 custodial parent, or to some person or corporation to be  
55 designated by the court as trustee, but if the child or custodial  
56 parent is receiving public assistance, the Department of Human  
57 Services shall be made the trustee.

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

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

66 (3) Whenever the court has ordered a party to make periodic  
67 payments for the maintenance or support of a child, but no bond,  
68 sureties or other guarantee has been required to secure \* \* \* the  
69 payments, and whenever such payments as have become due remain  
70 unpaid for a period of at least thirty (30) days, the court may,



71 upon petition of the person to whom such payments are owing, or  
72 such person's legal representative, enter an order requiring that  
73 bond, sureties or other security be given by the person obligated  
74 to make such payments, the amount and sufficiency of which shall  
75 be approved by the court. The obligor shall, as in other civil  
76 actions, be served with process and shall be entitled to a hearing  
77 in such case.

78 (4) When a charge of abuse or neglect of a child first  
79 arises in the course of a custody or maintenance action pending in  
80 the chancery court pursuant to this section, the chancery court  
81 may proceed with the investigation, hearing and determination  
82 of \* \* \* the abuse or neglect charge as a part of its hearing and  
83 determination of the custody or maintenance issue as between the  
84 parents, as provided in Section 43-21-151, notwithstanding the  
85 other provisions of the Youth Court Law. The proceedings in  
86 chancery court on the abuse or neglect charge shall be  
87 confidential in the same manner as provided in youth court  
88 proceedings, and the chancery court shall appoint a guardian ad  
89 litem in such cases, as provided under Section 43-21-121 for youth  
90 court proceedings, who shall be an attorney. In determining  
91 whether any portion of a guardian ad litem's fee shall be assessed  
92 against any party or parties as a cost of court for reimbursement  
93 to the county, the court shall consider each party's individual  
94 ability to pay. Unless the chancery court's jurisdiction has been  
95 terminated, all disposition orders in such cases for placement



96 with the Department of Human Services shall be reviewed by the  
97 court or designated authority at least annually to determine if  
98 continued placement with the department is in the best interest of  
99 the child or the public.

100 (5) Each party to a paternity or child support proceeding  
101 shall notify the other within five (5) days after any change of  
102 address. In addition, the noncustodial and custodial parent shall  
103 file and update, with the court and with the state case registry,  
104 information on that party's location and identity, including  
105 social security number, residential and mailing addresses,  
106 telephone numbers, photograph, driver's license number, and name,  
107 address and telephone number of the party's employer. This  
108 information shall be required upon entry of an order or within  
109 five (5) days of a change of address.

110 (6) In any case subsequently enforced by the Department of  
111 Human Services pursuant to Title IV-D of the Social Security Act,  
112 the court shall have continuing jurisdiction.

113 (7) In any subsequent child support enforcement action  
114 between the parties, upon sufficient showing that diligent effort  
115 has been made to ascertain the location of a party, due process  
116 requirements for notice and service of process shall be deemed to  
117 be met with respect to the party upon delivery of written notice  
118 to the most recent residential or employer address filed with the  
119 state case registry.



120 (8) (a) The duty of support of a child terminates upon the  
121 emancipation of the child. Unless otherwise provided for in the  
122 underlying child support judgment, emancipation shall occur when  
123 the child:

124 (i) Attains the age of twenty-one (21) years, or

125 (ii) Marries, or

126 (iii) Joins the military and serves on a full-time  
127 basis, or

128 (iv) Is convicted of a felony and is sentenced to  
129 incarceration of two (2) or more years for committing such  
130 felony; \* \* \*

131 (b) Unless otherwise provided for in the underlying  
132 child support judgment, the court may determine that emancipation  
133 has occurred and no other support obligation exists when the  
134 child:

135 (i) Discontinues full-time enrollment in school  
136 having attained the age of eighteen (18) years, unless the child  
137 is disabled, or

138 (ii) Voluntarily moves from the home of the  
139 custodial parent or guardian, establishes independent living  
140 arrangements, obtains full-time employment and discontinues  
141 educational endeavors prior to attaining the age of twenty-one  
142 (21) years, or

143 (iii) Cohabits with another person without the  
144 approval of the parent obligated to pay support; \* \* \*



145           (c) The duty of support of a child who is incarcerated  
146 but not emancipated shall be suspended for the period of the  
147 child's incarceration.

148           (9) (a) Notwithstanding the presumption of emancipation  
149 under subsection (8) of this section and subject to the required  
150 hearing set out under subsection (10) of this section, support for  
151 an adult child who is incapable of self-support by reason of a  
152 physical or mental disability, if the disability existed during  
153 the adult child's minority, may continue past the child's  
154 anticipated age of majority;

155                   (b) Under this subsection, the court may:

156                           (i) Order that the duty to support a child  
157 continues past the anticipated age of majority if the minor child  
158 has a disability which was present during the child's minority  
159 that prevents the child from living independently unless the child  
160 is a long-term patient in a facility owned or operated by the  
161 State of Mississippi;

162                           (ii) Order, modify or leave in place previous  
163 orders regarding custody, visitation, payment of medical expenses  
164 or any other matters regarding the health, maintenance, education  
165 and welfare of the child with a disability; and

166                           (iii) Consider the adult child's receipt of and  
167 eligibility for public benefits and community services and  
168 resources in determining the award of support.



169           (10) (a) In order to make a determination of whether child  
170 support should continue as prescribed under subsection (9) of this  
171 section, the chancery court shall conduct a hearing to determine  
172 whether child support for an adult child may continue past the  
173 child's anticipated age of majority when:

174                   (i) The adult child is incapable of self-support  
175 by reason of a physical or mental disability; and

176                   (ii) The disability of the adult child existed  
177 during the adult child's minority.

178           Before the hearing, the court shall appoint a guardian ad  
179 litem, and the guardian ad litem shall file a report on the best  
180 interests of the adult child, be present at the hearing, and  
181 present the interests of the adult child.

182           (b) The chancery judge shall be the judge of the number  
183 and character of the witnesses and proof to be presented, except  
184 that the proof must include certificates made after a personal  
185 examination of the adult child by the following professionals,  
186 each of whom must make in writing a certificate of the result of  
187 that examination to be filed with the clerk of the court and  
188 become a part of the record of the case:

189                   (i) Two (2) licensed physicians; or

190                   (ii) One (1) licensed physician and either one (1)  
191 licensed psychologist, nurse practitioner, or physician's  
192 assistant.





193           (c) The personal examination set out under paragraph  
194 (b) of this subsection may occur face-to-face or via telemedicine,  
195 but any telemedicine examination must be made using an audiovisual  
196 connection by a physician licensed in this state and as defined in  
197 Section 83-9-351. A nurse practitioner or physician assistant  
198 conducting an examination shall not also be in a collaborative or  
199 supervisory relationship, as the law may otherwise require, with  
200 the physician conducting the examination. A professional  
201 conducting an examination under this section may also be called to  
202 testify at the hearing.

203           ( \* \* \*11) A determination of emancipation does not  
204 terminate any obligation of the noncustodial parent to satisfy  
205 arrearage existing as of the date of emancipation; the total  
206 amount of periodic support due prior to the emancipation plus any  
207 periodic amounts ordered paid toward the arrearage shall continue  
208 to be owed until satisfaction of the arrearage in full, in  
209 addition to the right of the person for whom the obligation is  
210 owed to execute for collection as may be provided by law.

211           ( \* \* \*12) Upon motion of a party requesting temporary child  
212 support pending a determination of parentage, temporary support  
213 shall be ordered if there is clear and convincing evidence of  
214 paternity on the basis of genetic tests or other evidence, unless  
215 the court makes written findings of fact on the record that the  
216 award of temporary support would be unjust or inappropriate in a  
217 particular case.



218 ( \* \* \*13) Custody and visitation upon military temporary  
219 duty, deployment or mobilization shall be governed by Section  
220 93-5-34.

221 **SECTION 2.** This act shall take effect and be in force from  
222 and after its passage.

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

1 AN ACT TO AMEND SECTION 93-11-65, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CHILD SUPPORT FOR A CHILD WITH A DISABILITY MAY  
3 CONTINUE PAST THE AGE OF MAJORITY; TO REQUIRE THE COURT TO CONDUCT  
4 A HEARING TO DETERMINE IF SUCH SUPPORT SHOULD CONTINUE; AND FOR  
5 RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)  
Wiggins

X (SIGNED)  
Anthony

X (SIGNED)  
Turner-Ford

(NOT SIGNED)  
Blackwell

X (SIGNED)  
Boyd

X (SIGNED)  
Hood

