

In Mississippi, child support may be awarded as part of a divorce, custody, annulment or separate maintenance action. The Mississippi child support guidelines provide that a "noncustodial" parent should pay the following percentage of Adjusted Gross Income ("AGI") (gross income minus mandatory deductions) in support of children:

- [1] 14% for one child;
- [2] 20% for two children;
- [3] 22% for three children;
- [4] 24% for four children; and,
- [5] 26% for five or more children.

The statute provides that the guidelines are presumptively correct for persons with an adjusted gross yearly income between \$5,000 and \$50,000.

In determining the appropriate amount of child support, the court first identifies a payor's gross income from all sources. As in most other jurisdictions, income from overtime and second jobs will be included in gross income in Mississippi if the work remains consistent and predictable. For example, a one-time bonus or teaching position may not be required to be included in gross income while a regular annual bonus or second teaching position may be included by the court in the definition of gross income.

Once gross income is determined, the payor's gross income is adjusted for taxes, other mandatory deductions and support for other children. The statutory percentages are then applied to the AGI to determine the presumptively correct amount of child support. The court may then deviate above or below this amount based on certain statutory criteria and, in addition, may order payment of expenses not considered covered by the basic child support award including health insurance, uncovered medical expenses, and college expenses.

It is important to remember that typically the obligation to pay child support will continue in Mississippi until each child reaches age 21 or is emancipated. Clearly, paying too much or too little support can cause problems years down the road for both parents and children. In addition,

there are certain situations where the guidelines may not apply. For example, the guidelines may not apply in a situation where joint physical custody is awarded, since the guidelines contemplate a situation where there is only one custodial parent who spends the majority of time with the child.

As an experienced family law attorney in Mississippi, I will be on your side to navigate the complex issues of child support, zealously protect your interests, and offer direct, meaningful legal advice designed to achieve your desired results. I have litigated these support cases throughout Mississippi and have the capability and resolve to guide you through your family crisis should you need assistance. Should you need professional, aggressive representation in child custody, support, modification, contempt or other family law matters, please contact me, Robert T. Cornelius.