

SECOND REGULAR SESSION

HOUSE BILL NO. 1228

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRD.

Read 1st time January 22, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3456L.011

AN ACT

To repeal sections 143.782, 173.115, 193.075, 208.337, 210.843, 210.844, 287.170, 287.260, 301.650, 313.321, 408.690, 452.340, 452.343, 452.345, 452.350, 452.370, 452.416, 454.360, 454.400, 454.401, 454.402, 454.403, 454.405, 454.408, 454.410, 454.412, 454.413, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.470, 454.472, 454.475, 454.476, 454.478, 454.480, 454.485, 454.490, 454.495, 454.496, 454.498, 454.500, 454.501, 454.505, 454.507, 454.510, 454.511, 454.512, 454.513, 454.514, 454.515, 454.517, 454.518, 454.519, 454.520, 454.522, 454.525, 454.528, 454.530, 454.531, 454.533, 454.536, 454.539, 454.542, 454.545, 454.548, 454.551, 454.554, 454.557, 454.559, 454.560, 454.565, 454.600, 454.603, 454.606, 454.609, 454.612, 454.615, 454.618, 454.621, 454.624, 454.627, 454.630, 454.633, 454.636, 454.639, 454.642, 454.645, 454.700, 454.800, 454.802, 454.804, 454.806, 454.808, 454.810, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, 454.999, 454.1000, 454.1003, 454.1005, 454.1008, 454.1010, 454.1013, 454.1015, 454.1018, 454.1020, 454.1023, 454.1025, 454.1027, 454.1029, and 454.1031, RSMo, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

general assembly, second regular session and to enact in lieu thereof one hundred seventy-eight new sections relating to child support enforcement, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 143.782, 173.115, 193.075, 208.337, 210.843, 210.844, 287.170, 287.260, 301.650, 313.321, 408.690, 452.340, 452.343, 452.345, 452.350, 452.370, 452.416, 454.360, 454.400, 454.401, 454.402, 454.403, 454.405, 454.408, 454.410, 454.412, 454.413, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.470, 454.472, 454.475, 454.476, 454.478, 454.480, 454.485, 454.490, 454.495, 454.496, 454.498, 454.500, 454.501, 454.505, 454.507, 454.510, 454.511, 454.512, 454.513, 454.514, 454.515, 454.517, 454.518, 454.519, 454.520, 454.522, 454.525, 454.528, 454.530, 454.531, 454.533, 454.536, 454.539, 454.542, 454.545, 454.548, 454.551, 454.554, 454.557, 454.559, 454.560, 454.565, 454.600, 454.603, 454.606, 454.609, 454.612, 454.615, 454.618, 454.621, 454.624, 454.627, 454.630, 454.633, 454.636, 454.639, 454.642, 454.645, 454.700, 454.800, 454.802, 454.804, 454.806, 454.808, 454.810, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, 454.999, 454.1000, 454.1003, 454.1005, 454.1008, 454.1010, 454.1013, 454.1015, 454.1018, 454.1020, 454.1023, 454.1025, 454.1027, 454.1029, and 454.1031, RSMo, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session are repealed and one hundred seventy-eight new sections enacted in lieu thereof, to be known as sections 143.782, 173.115, 193.075, 208.337, 210.843, 210.844, 287.170, 287.260, 301.650, 313.321, 408.690, 452.340, 452.343, 452.345, 452.350, 452.370, 452.416, 454.360, 650.1000, 650.1003, 650.1006, 650.1009, 650.1012, 650.1015, 650.1018, 650.1021, 650.1024, 650.1027, 650.1030, 650.1033, 650.1036, 650.1039, 650.1042, 650.1045, 650.1048, 650.1051, 650.1054, 650.1057, 650.1060, 650.1063, 650.1066, 650.1069, 650.1072, 650.1075, 650.1078, 650.1081, 650.1084, 650.1087, 650.1090, 650.1099, 650.1102, 650.1105, 650.1108, 650.1111, 650.1114, 650.1117, 650.1120, 650.1123, 650.1126, 650.1129, 650.1132,

31 650.1135, 650.1138, 650.1141, 650.1144, 650.1147, 650.1150, 650.1153, 650.1156, 650.1159,
32 650.1162, 650.1165, 650.1168, 650.1171, 650.1174, 650.1177, 650.1180, 650.1183, 650.1186,
33 650.1189, 650.1192, 650.1195, 650.1198, 650.1201, 650.1204, 650.1207, 650.1210, 650.1213,
34 650.1216, 650.1219, 650.1222, 650.1225, 650.1228, 650.1231, 650.1234, 650.1237, 650.1240,
35 650.1243, 650.1246, 650.1249, 650.1252, 650.1255, 650.1258, 650.1261, 650.1264, 650.1267,
36 650.1270, 650.1273, 650.1276, 650.1279, 650.1282, 650.1285, 650.1288, 650.1291, 650.1294,
37 650.1297, 650.1300, 650.1303, 650.1306, 650.1309, 650.1312, 650.1315, 650.1318, 650.1321,
38 650.1324, 650.1327, 650.1330, 650.1333, 650.1336, 650.1339, 650.1342, 650.1345, 650.1348,
39 650.1351, 650.1354, 650.1357, 650.1360, 650.1363, 650.1366, 650.1369, 650.1372, 650.1375,
40 650.1378, 650.1381, 650.1384, 650.1387, 650.1390, 650.1393, 650.1396, 650.1399, 650.1402,
41 650.1405, 650.1408, 650.1411, 650.1414, 650.1417, 650.1420, 650.1423, 650.1426, 650.1429,
42 650.1432, 650.1435, 650.1438, 650.1441, 650.1444, 650.1447, 650.1450, 650.1453, 650.1456,
43 650.1459, 650.1462, 650.1465, 650.1468, 650.1471, 650.1474, 650.1477, 650.1480, and
44 650.1483, to read as follows:

143.782. As used in sections 143.782 to 143.788, unless the context clearly requires
2 otherwise, the following terms shall mean and include:

3 (1) "Court", the supreme court, court of appeals, or any circuit court of the state;

4 (2) "Debt", any sum due and legally owed to any state agency which has accrued through
5 contract, subrogation, tort, or operation of law regardless of whether there is an outstanding
6 judgment for that sum, court costs as defined in section 488.010, RSMo, fines and fees owed,
7 or any support obligation which is being enforced by the division of family services on behalf
8 of a person who is receiving support enforcement services pursuant to section [454.425]
9 **650.1033**, RSMo;

10 (3) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal
11 entity owing a debt;

12 (4) "Department", the department of revenue of the state of Missouri;

13 (5) "Refund", the Missouri income tax refund which the department determines to be due
14 any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include
15 any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo; and

16 (6) "State agency", any department, division, board, commission, office, or other agency
17 of the state of Missouri, including public community college district.

173.115. 1. After the department has paid a loss on a defaulted loan and has entered a
2 statement of claim in which it determines and sets forth the existence, nature and amount of the
3 money due it by the defaulting borrower and a proposed payment schedule, the department may
4 issue an order directing any employer of the borrower to withhold or pay over to the department
5 money due or to become due to the department.

6 2. Before issuing the order as provided in subsection 1 of this section, the department
7 shall serve on the borrower the statement of claim and shall inform the borrower that the
8 department intends to initiate proceedings to collect the debt through deductions from earnings.
9 The department shall also provide a copy of this section or an explanation of the borrower's
10 rights under this section.

11 3. The department shall provide the borrower with an opportunity to inspect and copy
12 records related to the defaulted loans.

13 4. The department shall provide the borrower with the opportunity to enter into a written
14 agreement with the department under terms agreeable to the department to establish a schedule
15 for the repayment of the debt.

16 5. The department shall provide the borrower with the opportunity to have a hearing
17 before an impartial hearing officer appointed by the department but who is not under the control
18 or supervision of the board or department. The procedures for the hearing shall be the same as
19 those for contested cases under chapter 536, RSMo. Upon the borrower's filing of a request for
20 a hearing in compliance with the rules of the board, the department shall stay the commencement
21 of collection proceedings for the debt described in the statement of claim until the department
22 issues an order provided for in subsection 6, 7, or 8, of this section.

23 6. At the earliest practicable date but not later than sixty days after the filing of the
24 request for the hearing, the hearing officer shall file with the department his written decision
25 which states specifically his findings in regard to those matters set forth in the department's
26 statement of claim. The hearing officer shall also determine and include in his decision the terms
27 of the repayment schedule which shall be the same as that set forth by the department in its
28 statement of claim unless he finds no good cause to enter that schedule. Upon receipt of the
29 hearing officer's decision, the department shall issue an order to pay debt which adopts the
30 findings in the decision as to the existence, nature and amount of the debt and as to the
31 repayment schedule.

32 7. When a borrower properly requests a hearing under the board's rules and when the
33 hearing officer does not issue a decision within sixty days of the department's having received
34 the request for the hearing, the department shall issue an order withdrawing the statement of
35 claim and serve it upon the borrower with a copy of this subsection. After such an order is
36 entered, the department shall not use the provisions of this section in regard to the loans set forth
37 in the statement of claim, but may use any other remedy provided by law to recover the moneys
38 owed the department. The order issued by the department shall not have the effect of precluding
39 any other administrative or judicial tribunal from deciding any claim brought by the department
40 or other party against the borrower or from deciding any factual or legal issue relevant to such
41 claim.

8. When a borrower does not make a proper timely request for a hearing, the department may issue and serve on the borrower an order to pay debt which contains as its provisions the content of the statement of claim including the proposed repayment schedule.

9. The borrower may seek judicial review of any order to pay debt under sections 536.100 to 536.140, RSMo.

10. Upon issuing an order to pay debt, but not less than thirty days after the statement of claim was served on the borrower, the department may issue an order to withhold earnings which directs any employer of the borrower to withhold and pay over to the department money due or to become due the borrower. The employer shall withhold from the earnings the amount specified in the order, except that the total amount withheld shall not exceed ten percent of the borrower's earnings after deduction from those earnings of any amount required by law to be withheld. When the borrower voluntarily makes a written request that money due or to become due him be withheld or applied to the debt or that more than the ten percent maximum be withheld from his earnings, the employer shall comply with that request as if so ordered by the department.

11. Subject to the provisions of section [454.505] **650.1105**, RSMo, an order to withhold earnings shall have the same force and effect in regard to the employer as any other garnishment.

12. No employer or other payor who complies with an order to withhold earnings shall be liable to the borrower, or to any other person claiming rights derived from the borrower, for wrongful withholding. An employer who fails or refuses to withhold or pay the amounts as ordered under this section shall be liable to the department in an amount equal to the amount which became due the department during the relevant period and which, under the order, should have been withheld and paid over.

13. An employer shall not discharge, refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section. Any employer who does so is guilty of an infraction.

14. Service on the borrower or on the employer pursuant to this section or pursuant to rules promulgated under this section may be made on the borrower or employer, respectively or on other party in the manner provided for service of process in a civil action by a duly authorized process server appointed by the department, or by certified mail, return receipt requested, to the borrower's last known address or to the employer's address. The department may appoint any disinterested party, including, but not necessarily limited to, employees of the department, to serve such process. For purposes of this section, a borrower or an employer who does not accept receipt of service by certified mail or a borrower who has not provided the department his new or correct address is deemed to have been served as of the date on which the certified mail is mailed.

78 15. The board may promulgate rules to carry out the provisions of this section, including,
79 but not limited to, rules pertaining to proceedings before the hearing officer and before the
80 department and rules pertaining to procedures to be followed by employers to comply with the
81 order to withhold and pay over earnings.

 193.075. 1. The forms of certificates and reports required by sections 193.005 to
2 193.325 or by regulations adopted hereunder shall include as a minimum the items recommended
3 by the federal agency responsible for national vital statistics.

4 2. Each certificate, report, and other document required by sections 193.005 to 193.325
5 shall be on a form or in a format prescribed by the state registrar.

6 3. All vital records shall contain the date received for registration.

7 4. Information required in certificates or reports authorized by sections 193.005 to
8 193.325 may be filed and registered by photographic, electronic, or other means as prescribed
9 by the state registrar.

10 5. In addition to other personal data required by the registrar to be entered on a birth
11 certificate, each parent shall furnish to the registrar the Social Security account number, or
12 numbers if applicable, issued to the parent unless the registrar finds good cause for not requiring
13 the furnishing of such number or numbers. Good cause shall be determined in accordance with
14 regulations established by the Secretary of the United States Department of Health and Human
15 Services. The registrar shall make numbers furnished under this section available to the division
16 of child support enforcement of the department of social services. Such numbers shall not be
17 recorded on the birth certificate. The division of child support enforcement shall not use any
18 Social Security number furnished under the section for any purpose other than for the
19 establishment and enforcement of child support obligations, and the confidentiality provisions
20 and penalties contained in section [454.440] **650.1048**, RSMo, shall apply. Nothing in this
21 section shall be construed to prohibit the department of health and senior services from using
22 Social Security numbers for statistical purposes.

 208.337. 1. The division may deposit funds into an account on behalf of children whose
2 custodial parent is a participant in the program authorized pursuant to the provisions of sections
3 208.400 to 208.425, and whose noncustodial parent is participating in a state job training and
4 adult educational program approved by the division of family services. If agreed upon by the
5 parties, funds may also be deposited for this purpose when the noncustodial parent terminates
6 participation in the job training or educational program, until the custodial parent completes
7 participation in the program authorized pursuant to the provisions of sections 208.400 to
8 208.425. The amount deposited for each child shall not exceed the portion of current child
9 support paid by the noncustodial parent, to which the state of Missouri is entitled according to
10 applicable state and federal laws. Money so received shall be governed by this section

11 notwithstanding other state laws and regulations to the contrary.

12 2. Any money deposited by the division on behalf of a child, as provided in subsection
13 3 of this section, shall be accounted for in the name of the child. Any money in the account of
14 a child may be expended only for care or services for the child as agreed upon by both parents.
15 The division shall, by rule adopted pursuant to section [454.400] **650.1000**, RSMo, and chapter
16 536, RSMo, establish procedures for the establishment of the accounts, use, expenditure, and
17 accounting of the money, and the protection of the money against theft, loss or misappropriation.

18 3. The division shall deposit money appropriated for the purposes of this section with
19 the state treasurer. Any earnings attributable to the money in the account of a child shall be
20 credited to that child's account.

21 4. Each child for whose benefit funds have been received by the division, and the parents
22 of such child, shall be furnished annually by the division of budget and finance of the department
23 of social services with a statement listing all transactions involving the funds which have been
24 deposited on the child's behalf, to include each receipt and disbursement, if any.

25 5. (1) The director of the department of social services shall apply for all waivers of
26 requirements under federal law to implement the provisions of this section.

27 (2) This program shall not be implemented until the waiver has been obtained from the
28 Secretary of the Department of Health and Human Services by the director of the department of
29 social services.

210.843. 1. If the existence of a parent and child relationship is declared, and a duty of
2 support has been established pursuant to sections 210.817 to 210.852, the support obligation may
3 be enforced in the same or in other appropriate proceedings by the mother, the child, the division
4 of child support enforcement, or any other public agency that has furnished or may furnish the
5 reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other
6 person, including a private agency, to the extent he or she has furnished or is furnishing these
7 expenses.

8 2. The court shall order that support payments be made to the clerk of the circuit court
9 as trustee for remittance to the person entitled to receive the payments, or where that person has
10 assigned his or her support rights to the division of family services pursuant to section 208.040,
11 RSMo, as trustee for remittance to the division, as long as the trusteeship remains in effect.
12 Effective October 1, 1999, the court shall order support payments to be made to the family
13 support payment center as required in section [454.530] **650.1153**, RSMo, as trustee for
14 remittance to the person entitled to receive the payments.

15 3. Willful failure to obey any judgment or order of the court entered pursuant to this
16 section is a civil contempt of court. Section 452.350, RSMo, applies to support orders entered
17 pursuant to this section, and all administrative and judicial remedies for the enforcements of

18 judgments shall apply.

210.844. In a proceeding to determine the existence of the parent and child relationship
2 brought pursuant to the provisions of sections 454.010 to 454.360, RSMo, or pursuant to the
3 provisions of sections [454.850 to 454.997] **650.1264 to 650.1441**, RSMo, the provisions of
4 sections 210.817, 210.822 and 210.834 shall apply, but no other provisions of sections 210.818
5 through 210.852 shall apply.

287.170. 1. For temporary total disability the employer shall pay compensation for not
2 more than four hundred weeks during the continuance of such disability at the weekly rate of
3 compensation in effect under this section on the date of the injury for which compensation is
4 being made. The amount of such compensation shall be computed as follows:

5 (1) For all injuries occurring on or after September 28, 1983, but before September 28,
6 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of
7 the injured employee's average weekly earnings as of the date of the injury; provided that the
8 weekly compensation paid under this subdivision shall not exceed an amount equal to seventy
9 percent of the state average weekly wage, as such wage is determined by the division of
10 employment security, as of the July first immediately preceding the date of injury;

11 (2) For all injuries occurring on or after September 28, 1986, but before August 28,
12 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of
13 the injured employee's average weekly earnings as of the date of the injury; provided that the
14 weekly compensation paid under this subdivision shall not exceed an amount equal to
15 seventy-five percent of the state average weekly wage, as such wage is determined by the
16 division of employment security, as of the July first immediately preceding the date of injury;

17 (3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991,
18 the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the
19 injured employee's average weekly earnings as of the date of the injury; provided that the weekly
20 compensation paid under this subdivision shall not exceed an amount equal to one hundred
21 percent of the state average weekly wage;

22 (4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall
23 be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly
24 earnings as of the date of the injury; provided that the weekly compensation paid under this
25 subdivision shall not exceed an amount equal to one hundred five percent of the state average
26 weekly wage;

27 (5) For all injuries occurring on or after September 28, 1981, the weekly compensation
28 shall in no event be less than forty dollars per week.

29 2. Temporary total disability payments shall be made to the claimant by check or other
30 negotiable instruments approved by the director which will not result in delay in payment and

31 shall be forwarded directly to the claimant without intervention, or, when requested, to claimant's
32 attorney if represented, except as provided in section [454.517] **650.1132**, RSMo, by any other
33 party except by order of the division of workers' compensation.

34 3. The employer shall be entitled to a dollar-for-dollar credit against any benefits owed
35 pursuant to this section in an amount equal to the amount of unemployment compensation paid
36 to the employee and charged to the employer during the same adjudicated or agreed-upon period
37 of temporary total disability.

287.260. 1. The compensation payable under this chapter, whether or not it has been
2 awarded or is due, shall not be assignable, shall be exempt from attachment, garnishment, and
3 execution, shall not be subject to setoff or counterclaim, or be in any way liable for any debt and
4 in case of the insolvency of an employer or his insurer, or the levy of an attachment or an
5 execution against an employer or insurer shall be entitled to the same preference and priority as
6 claims for wages, without limit as to time or amount, except that if written notice is given to the
7 division or the commission of the nature and extent thereof, the division or the commission may
8 allow as lien on the compensation, reasonable attorney's fees for services in connection with the
9 proceedings for compensation if the services are found to be necessary and may order the amount
10 thereof paid to the attorney in a lump sum or in installments. All attorney's fees for services in
11 connection with this chapter shall be subject to regulation by the division or the commission and
12 shall be limited to such charges as are fair and reasonable and the division or the commission
13 shall have jurisdiction to hear and determine all disputes concerning the same.

14 2. Notwithstanding subsection 1 of this section, the compensation payable under this
15 chapter other than compensation for medical expenses and therapy under section 287.141, shall
16 be assignable for the purpose of satisfying child support obligations, shall be subject to
17 attachment, garnishment and execution for the purpose of collecting and satisfying unpaid and
18 delinquent child support obligations, and shall be subject to the lien provided for in section
19 [454.517] **650.1132**, RSMo. Section 452.140, RSMo, shall apply to limit property exemptions
20 available in an action to collect child support under this subsection.

301.650. 1. Sections 301.600 to 301.660 do not apply to or affect:

2 (1) A lien given by statute or rule of law to a supplier of services or materials for the
3 motor vehicle or trailer;

4 (2) A lien given by statute to the United States, this state or any political subdivision of
5 this state;

6 (3) A lien or encumbrance on a motor vehicle or trailer created by a manufacturer or
7 dealer who holds the motor vehicle or trailer for sale;

8 (4) A lien or encumbrance on any manufactured home, as defined in section 700.010,
9 RSMo;

10 (5) A lien for delinquent child support or spousal support given by section [454.516]
11 **650.1129**, RSMo.

12 2. The method provided in sections 301.600 to 301.660 of perfecting and giving notice
13 of liens or encumbrances subject to sections 301.600 to 301.660 is exclusive.

313.321. 1. The money received by the Missouri state lottery commission from the sale
2 of Missouri lottery tickets and from all other sources shall be deposited in the "State Lottery
3 Fund", which is hereby created in the state treasury. At least forty-five percent, in the aggregate,
4 of the money received from the sale of Missouri lottery tickets shall be appropriated to the
5 Missouri state lottery commission and shall be used to fund prizes to lottery players. Amounts
6 in the state lottery fund may be appropriated to the Missouri state lottery commission for
7 administration, advertising, promotion, and retailer compensation. The general assembly shall
8 appropriate remaining moneys not previously allocated from the state lottery fund by transferring
9 such moneys to the general revenue fund. The lottery commission shall make monthly transfers
10 of moneys not previously allocated from the state lottery fund to the general revenue fund as
11 provided by appropriation.

12 2. The commission may also purchase and hold title to any securities issued by the
13 United States government or its agencies and instrumentalities thereof that mature within the
14 term of the prize for funding multi-year payout prizes.

15 3. The "Missouri State Lottery Imprest Prize Fund" is hereby created. This fund is to be
16 established by the state treasurer and funded by warrants drawn by the office of administration
17 from the state lottery fund in amounts specified by the commission. The commission may write
18 checks and disburse moneys from this fund for the payment of lottery prizes only and for no
19 other purpose. All expenditures shall be made in accordance with rules and regulations
20 established by the office of administration. Prize payments may also be made from the state
21 lottery fund. Prize payouts made pursuant to this section shall be subject to the provisions of
22 section 143.781, RSMo; and prize payouts made pursuant to this section shall be subject to set
23 off for delinquent child support payments as assessed by a court of competent jurisdiction or
24 pursuant to section [454.410] **650.1018**, RSMo.

25 4. Funds of the state lottery commission not currently needed for prize money,
26 administration costs, commissions and promotion costs shall be invested by the state treasurer
27 in interest-bearing investments in accordance with the investment powers of the state treasurer
28 contained in chapter 30, RSMo. All interest earned by funds in the state lottery fund shall accrue
29 to the credit of that fund.

30 5. No state or local sales tax shall be imposed upon the sale of lottery tickets or shares
31 of the state lottery or on any prize awarded by the state lottery. No state income tax or local
32 earnings tax shall be imposed upon any lottery game prizes which accumulate to an amount of

33 less than six hundred dollars during a prize winner's tax year. The state of Missouri shall
34 withhold for state income tax purposes from a lottery game prize or periodic payment of six
35 hundred dollars or more an amount equal to four percent of the prize.

36 6. The director of revenue is authorized to enter into agreements with the lottery
37 commission, in conjunction with the various state agencies pursuant to sections 143.782 to
38 143.788, RSMo, in an effort to satisfy outstanding debts to the state from the lottery winning of
39 any person entitled to receive lottery payments which are subject to federal withholding.

40 7. In addition to the restrictions provided in section 313.260, no person, firm, or
41 corporation whose primary source of income is derived from the sale or rental of sexually
42 oriented publications or sexually oriented materials or property shall be licensed as a lottery
43 game retailer and any lottery game retailer license held by any such person, firm, or corporation
44 shall be revoked.

408.690. 1. Nothing in sections 408.675 to 408.700 prohibits any supervisory agency
2 from exchanging examination reports or other information with another supervisory agency.
3 Nothing in sections 408.675 to 408.700 prohibits the transfer of a customer's financial records
4 needed by counsel for a government authority to defend an action brought by the customer.
5 Nothing in sections 408.675 to 408.700 shall authorize the withholding of information by any
6 officer or employee of a supervisory agency from a duly authorized committee of the general
7 assembly.

8 2. Nothing in sections 408.675 to 408.700 prohibits the exchange of financial records
9 or other information with respect to a financial institution among and between the supervisory
10 agencies of the federal Financial Institutions Examination Council and the Missouri division of
11 finance.

12 3. Nothing in sections 408.675 to 408.700 prohibits the disclosure of any financial
13 records or information which is not identified with or identifiable as being derived from the
14 financial records of a particular customer.

15 4. Nothing in sections 408.675 to 408.700 prohibits examination by or disclosure to any
16 supervisory agency of financial records or information in the exercise of its supervisory,
17 regulatory, or monetary functions with respect to a financial institution.

18 5. Nothing in sections 408.675 to 408.700 shall prohibit the disclosure of financial
19 records or information required to be reported in accordance with any federal statute or rule
20 promulgated thereunder.

21 6. Nothing in sections 408.675 to 408.700 prohibits disclosure if the financial records
22 are sought by a government authority under the Missouri rules of civil or criminal procedure or
23 comparable rules of other courts in connection with litigation to which a government authority
24 is a party.

25 7. Nothing in sections 408.675 to 408.700 shall prohibit disclosure of financial records
26 to the department of social services pursuant to sections 660.325 to 660.355, RSMo, or section
27 578.387, RSMo.

28 8. Nothing in sections 408.675 to 408.700 shall apply to requests made by the
29 department of social services of the state of Missouri to obtain information from the federal
30 parent locator service of the United States Department of Health and Human Services.

31 9. Nothing in sections 408.675 to 408.700 shall apply to prohibit a financial institution
32 from complying with a properly served summons to garnishee or to written interrogatories
33 exhibited to a financial institution which has been properly summoned as garnishee.

34 10. Nothing in sections 408.675 to 408.700 shall apply to prohibit a financial institution
35 from complying with a properly served income withholding order issued pursuant to section
36 452.350 or [454.505] **650.1105**, RSMo.

37 11. The requirements of sections 408.675 to 408.700 shall not apply when a government
38 authority by a means described in section 408.677 and for a legitimate government investigation
39 is seeking only the name, address, account number, and type of account of any customer or
40 ascertainable group of customers associated with a financial transaction or class of financial
41 transactions.

42 12. Nothing in sections 408.675 to 408.700 shall preclude any financial institution, or
43 any officer, employee, or agent of a financial institution, from notifying a government authority
44 that such institution, officer, employee, or agent has information which may be relevant to a
45 possible violation of any statute or regulation. Such information may be disclosed
46 notwithstanding any law, or regulation of this state or political subdivision of this state to the
47 contrary. Any financial institution, officer, employee, or agent thereof, making a disclosure of
48 information pursuant to this subsection, shall not be liable to the customer under any law or
49 regulation of this state or political subdivision of this state for such disclosure or for any failure
50 to notify the customer of such disclosure.

51 13. Nothing in sections 408.675 to 408.700 shall preclude a financial institution, as an
52 incident to perfecting a security interest or proving a claim in bankruptcy, or collecting on a debt
53 owing to the financial institution itself or in its role as a fiduciary, from providing copies of any
54 financial record relevant to such action to any court of competent jurisdiction or government
55 authority. Nothing in sections 408.655 and 408.675 to 408.700 shall preclude a financial
56 institution as an incident to processing an application for assistance to a customer in the form of
57 a government loan, loan guaranty, loan insurance agreement, administering or processing a
58 default on a government guaranteed or insured loan, from initiating contact with an appropriate
59 government authority for the purpose of providing any financial record necessary to permit such
60 authority to carry out its responsibilities under such loan, loan guaranty, or loan insurance

61 agreement.

62 14. Nothing in sections 408.675 to 408.700 shall preclude a governmental authority from
63 obtaining information that is a part of a public record without regard to sections 408.675 to
64 408.700 even though such information may have been derived from a financial institution.

65 15. Nothing in sections 408.675 to 408.700 will preclude a governmental authority
66 acting pursuant to sections 447.500 to 447.585, RSMo, from obtaining any information required
67 by such sections for the purpose of administering sections 447.500 to 447.585, RSMo, without
68 regard to sections 408.675 to 408.700; provided however, any information so derived shall not
69 be used for any other purpose.

70 16. Nothing in sections 408.675 to 408.700 shall apply to a law enforcement inquiry or
71 to a government authority or government employee engaged in a law enforcement inquiry.

72 17. Nothing in sections 408.675 to 408.700 shall apply to any requests made by any
73 United States agency or department or any official employee or agent thereof authorized to
74 obtain information from any financial institution if such agency or agencies are authorized by the
75 federal Financial Privacy Act of 1978, as amended, to receive such information without
76 compliance with the federal Financial Privacy Act of 1978, as amended.

77 18. The requirements of sections 408.675 to 408.700 shall not apply to the state auditor
78 or any person appointed by him when obtaining information pursuant to section 29.235, RSMo.

79 19. Nothing in sections 408.655 and 408.675 to 408.700 shall apply to requests made
80 by the Division of Employment Security pursuant to chapter 288, RSMo.

81 20. Nothing in sections 408.675 to 408.700 shall apply to examinations or audits of
82 preneed trust accounts or joint accounts performed by staff of the division of professional
83 registration when ordered by the state board of embalmers and funeral directors under the
84 provisions of chapter 436, RSMo.

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,
2 the court may order either or both parents owing a duty of support to a child of the marriage to
3 pay an amount reasonable or necessary for the support of the child, including an award
4 retroactive to the date of filing the petition, without regard to marital misconduct, after
5 considering all relevant factors including:

6 (1) The financial needs and resources of the child;

7 (2) The financial resources and needs of the parents;

8 (3) The standard of living the child would have enjoyed had the marriage not been
9 dissolved;

10 (4) The physical and emotional condition of the child, and the child's educational needs;

11 (5) The child's physical and legal custody arrangements, including the amount of time
12 the child spends with each parent and the reasonable expenses associated with the custody or

13 visitation arrangements; and

14 (6) The reasonable work-related child care expenses of each parent.

15 2. The obligation of the parent ordered to make support payments shall abate, in whole
16 or in part, for such periods of time in excess of thirty consecutive days that the other parent has
17 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,
18 notwithstanding any periods of visitation or temporary physical and legal or physical or legal
19 custody pursuant to a judgment of dissolution or legal separation or any modification thereof.
20 In a IV-D case, the division of child support enforcement may determine the amount of the
21 abatement pursuant to this subsection for any child support order and shall record the amount of
22 abatement in the automated child support system record established pursuant to chapter 454,
23 RSMo. If the case is not a IV-D case and upon court order, the circuit clerk shall record the
24 amount of abatement in the automated child support system record established in chapter 454,
25 RSMo.

26 3. Unless the circumstances of the child manifestly dictate otherwise and the court
27 specifically so provides, the obligation of a parent to make child support payments shall
28 terminate when the child:

29 (1) Dies;

30 (2) Marries;

31 (3) Enters active duty in the military;

32 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child
33 from parental control by express or implied consent;

34 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;
35 or

36 (6) Reaches age twenty-two, unless the provisions of the child support order specifically
37 extend the parental support order past the child's twenty-second birthday for reasons provided
38 by subsection 4 of this section.

39 4. If the child is physically or mentally incapacitated from supporting himself and
40 insolvent and unmarried, the court may extend the parental support obligation past the child's
41 eighteenth birthday.

42 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary
43 school program of instruction, the parental support obligation shall continue, if the child
44 continues to attend and progresses toward completion of said program, until the child completes
45 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an
46 institution of vocational or higher education not later than October first following graduation
47 from a secondary school or completion of a graduation equivalence degree program and so long
48 as the child enrolls for and completes at least twelve hours of credit each semester, not including

49 the summer semester, at an institution of vocational or higher education and achieves grades
50 sufficient to reenroll at such institution, the parental support obligation shall continue until the
51 child completes his or her education, or until the child reaches the age of twenty-two, whichever
52 first occurs. To remain eligible for such continued parental support, at the beginning of each
53 semester the child shall submit to each parent a transcript or similar official document provided
54 by the institution of vocational or higher education which includes the courses the child is
55 enrolled in and has completed for each term, the grades and credits received for each such
56 course, and an official document from the institution listing the courses which the child is
57 enrolled in for the upcoming term and the number of credits for each such course. If the
58 circumstances of the child manifestly dictate, the court may waive the October first deadline for
59 enrollment required by this subsection. If the child is enrolled in such an institution, the child
60 or parent obligated to pay support may petition the court to amend the order to direct the
61 obligated parent to make the payments directly to the child. As used in this section, an
62 "institution of vocational education" means any postsecondary training or schooling for which
63 the student is assessed a fee and attends classes regularly. "Higher education" means any junior
64 college, community college, college, or university at which the child attends classes regularly.
65 A child who has been diagnosed with a learning disability, or whose physical disability or
66 diagnosed health problem limits the child's ability to carry the number of credit hours prescribed
67 in this subsection, shall remain eligible for child support so long as such child is enrolled in and
68 attending an institution of vocational or higher education, and the child continues to meet the
69 other requirements of this subsection. A child who is employed at least fifteen hours per week
70 during the semester may take as few as nine credit hours per semester and remain eligible for
71 child support so long as all other requirements of this subsection are complied with.

72 6. The court shall consider ordering a parent to waive the right to claim the tax
73 dependency exemption for a child enrolled in an institution of vocational or higher education in
74 favor of the other parent if the application of state and federal tax laws and eligibility for
75 financial aid will make an award of the exemption to the other parent appropriate.

76 7. The general assembly finds and declares that it is the public policy of this state that
77 frequent, continuing and meaningful contact with both parents after the parents have separated
78 or dissolved their marriage is in the best interest of the child except for cases where the court
79 specifically finds that such contact is not in the best interest of the child. In order to effectuate
80 this public policy, a court with jurisdiction shall enforce visitation, custody and child support
81 orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or
82 future obligation of support and may transfer the physical and legal or physical or legal custody
83 of one or more children if it finds that a parent has, without good cause, failed to provide
84 visitation or physical and legal or physical or legal custody to the other parent pursuant to the

85 terms of a judgment of dissolution, legal separation or modifications thereof. The court shall
86 also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court
87 costs incurred by the prevailing party.

88 8. The Missouri supreme court shall have in effect a rule establishing guidelines by
89 which any award of child support shall be made in any judicial or administrative proceeding.
90 Said guidelines shall contain specific, descriptive and numeric criteria which will result in a
91 computation of the support obligation. The guidelines shall address how the amount of child
92 support shall be calculated when an award of joint physical custody results in the child or
93 children spending substantially equal time with both parents. Not later than October 1, 1998, the
94 Missouri supreme court shall publish child support guidelines and specifically list and explain
95 the relevant factors and assumptions that were used to calculate the child support guidelines.
96 Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less
97 than once every three years to ensure that its application results in the determination of
98 appropriate child support award amounts.

99 9. There shall be a rebuttable presumption, in any judicial or administrative proceeding
100 for the award of child support, that the amount of the award which would result from the
101 application of the guidelines established pursuant to subsection 8 of this section is the correct
102 amount of child support to be awarded. A written finding or specific finding on the record in a
103 judicial or administrative proceeding that the application of the guidelines would be unjust or
104 inappropriate in a particular case, after considering all relevant factors, including the factors set
105 out in subsection 1 of this section, is required if requested by a party and shall be sufficient to
106 rebut the presumption in the case. The written finding or specific finding on the record shall
107 detail the specific relevant factors that required a deviation from the application of the guidelines.

108 10. Pursuant to this or any other chapter, when a court determines the amount owed by
109 a parent for support provided to a child by another person, other than a parent, prior to the date
110 of filing of a petition requesting support, or when the director of the division of child support
111 enforcement establishes the amount of state debt due pursuant to subdivision (2) of subsection
112 1 of section [454.465] **650.1063**, RSMo, the court or director shall use the guidelines established
113 pursuant to subsection 8 of this section. The amount of child support resulting from the
114 application of the guidelines shall be applied retroactively for a period prior to the establishment
115 of a support order and the length of the period of retroactivity shall be left to the discretion of the
116 court or director. There shall be a rebuttable presumption that the amount resulting from
117 application of the guidelines under subsection 8 of this section constitutes the amount owed by
118 the parent for the period prior to the date of the filing of the petition for support or the period for
119 which state debt is being established. In applying the guidelines to determine a retroactive
120 support amount, when information as to average monthly income is available, the court or

director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-two if the child support order does not specifically require payment of child support beyond age twenty-two for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the division of child support enforcement;

(3) The obligation shall be deemed terminated without further judicial or administrative process, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the division of child support enforcement, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the division of child support enforcement, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the division of child support enforcement, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a motion to modify the support obligation pursuant to section 452.370 [or section 454.496, RSMo,] and shall proceed to hear and adjudicate such motion as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such motion to modify.

157 12. The court may enter a judgment terminating child support pursuant to subdivisions
158 (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party.
159 The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant
160 to subsection 11 of this section on both the obligor and obligee parents. The supreme court may
161 promulgate uniform forms for sworn statements and affidavits to terminate orders of child
162 support obligations for use pursuant to subsection 11 of this section and subsection 4 of section
163 452.370.

 452.343. Notwithstanding any provision of law to the contrary, every judgment or order
2 issued in this state which, in whole or in part, affects child custody, child support, visitation,
3 modification of custody, support or visitation, or is issued pursuant to section [454.470 or
4 454.475] **650.1066 or 650.1072**, RSMo, shall contain the Social Security number of the parties
5 to the action which gives rise to such judgment or order.

 452.345. 1. As used in sections 452.345 to 452.350, the term "IV-D case" shall mean
2 a case in which support rights have been assigned to the state of Missouri or where the division
3 of child support enforcement is providing support enforcement services pursuant to section
4 [454.400] **650.1000**, RSMo.

 2. At any time the court, upon its own motion, may, or upon the motion of either party
6 shall, order that maintenance or support payments be made to the circuit clerk as trustee for
7 remittance to the person entitled to receive the payments. The circuit clerk shall remit such
8 support payments to the person entitled to receive the payments within three working days of
9 receipt by the circuit clerk. Circuit clerks shall deposit all receipts no later than the next working
10 day after receipt. Payment by a nonguaranteed negotiable financial instrument occurs when the
11 instrument has cleared the depository institution and has been credited to the trust account.
12 Effective October 1, 1999, at any time the court may upon its own motion, or shall upon the
13 motion of either party, order that support payments as required by section [454.530] **650.1153**,
14 RSMo, be made to the family support payment center established in section [454.530] **650.1153**,
15 RSMo, as trustee for remittance to the person entitled to receive the payments. However, in no
16 case shall the court order payments to be made to the payment center if the division of child
17 support enforcement notifies the court that such payments shall not be made to the center. In
18 such cases, payments shall be made to the clerk as trustee until the division notifies the court that
19 payments shall be directed to the payment center. Further, with the agreement of the division,
20 the court may order payments to be made to the payment center prior to October 1, 1999.

 3. The circuit clerk shall maintain records in the automated child support system which
22 list the amount of payments, the date when payments are required to be made, and the names and
23 addresses of the parties affected by the order. Nothing in this section shall prohibit the division
24 of child support enforcement from entering information in the records of the automated child

25 support system, as provided for in chapter [454] **650**, RSMo.

26 4. The parties affected by the order shall inform the circuit clerk or the payment center
27 established in section [454.530] **650.1153**, RSMo, of any change of address or of other
28 conditions that may affect the administration of the order.

29 5. For any case in which an order for support or maintenance was entered prior to
30 January 1, 1994, which has not been modified subsequent to that date, except a IV-D case, if a
31 party becomes delinquent in maintenance or support payments in an amount equal to one month's
32 total support obligation, the provisions of this subsection shall apply. If the circuit clerk has been
33 appointed trustee under subsection 2 of this section, or if the person entitled to receive the
34 payments files with the clerk an affidavit stating the particulars of the obligor's noncompliance,
35 the circuit clerk shall send by regular mail notice of the delinquency to the obligor. This notice
36 shall advise the obligor of the delinquency, shall state the amount of the obligation, and shall
37 advise that the obligor's income is subject to withholding for repayment of the delinquency and
38 for payment of current support, as provided in section 452.350. For such cases, the circuit clerk
39 shall, in addition to the notice to the obligor, send by regular mail a notice to the obligee. This
40 notice shall state the amount of the delinquency and shall advise the obligee that income
41 withholding, pursuant to section 452.350, is available for collection of support delinquencies and
42 current support, and if the support order includes amounts for child support, that support
43 enforcement services, pursuant to section [454.425] **650.1033**, RSMo, are available through the
44 Missouri division of child support enforcement of the department of social services.

452.350. 1. Until January 1, 1994, except for orders entered or modified in IV-D cases,
2 each order for child support or maintenance entered or modified by the court pursuant to the
3 authority of this chapter, or otherwise, shall include a provision notifying the person obligated
4 to pay such support or maintenance that, upon application by the obligee or the Missouri division
5 of child support enforcement of the department of social services, the obligor's wages or other
6 income shall be subject to withholding without further notice if the obligor becomes delinquent
7 in maintenance or child support payments in an amount equal to one month's total support
8 obligation. The order shall also contain provisions notifying the obligor that:

9 (1) The withholding shall be for the current month's maintenance and support; and

10 (2) The withholding shall include an additional amount equal to fifty percent of one
11 month's child support and maintenance to defray delinquent child support and maintenance,
12 which additional withholding shall continue until the delinquency is paid in full.

13 2. For all orders entered or modified in IV-D cases, and effective January 1, 1994, for
14 every order for child support or maintenance entered or modified by the court pursuant to the
15 authority of this chapter, or otherwise, income withholding pursuant to this section shall be
16 initiated on the effective date of the order, except that such withholding shall not commence with

17 the effective date of the order in any case where:

18 (1) One of the parties demonstrates, and the court finds, that there is good cause not to
19 require immediate income withholding. For purposes of this subdivision, any finding that there
20 is good cause not to require immediate withholding must be based on, at least, a written
21 determination and an explanation by the court that implementing immediate wage withholding
22 would not be in the best interests of the child and proof of timely payments of previously ordered
23 support in cases involving the modification of support orders; or

24 (2) A written agreement is reached between the parties that provides for an alternative
25 arrangement.

26

27 If the income of an obligor is not withheld as of the effective date of the support order, pursuant
28 to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become
29 subject to withholding pursuant to this section without further exception on the date on which
30 the obligor becomes delinquent in maintenance or child support payments in an amount equal
31 to one month's total support obligation. Such withholding shall be initiated in the manner
32 provided in subsection 4 of this section. All IV-D orders entered or modified by the court shall
33 contain a provision notifying the obligor that he or she shall notify the division of child support
34 enforcement regarding the availability of medical insurance coverage through an employer or a
35 group plan, provide the name of the insurance provider when coverage is available, and inform
36 the division of any change in access to such insurance coverage. Any income withheld pursuant
37 to this section for a support order initially entered on or after October 1, 1999, shall be paid to
38 the payment center pursuant to section [454.530] **650.1153**, RSMo. Any order of the court
39 entered on or after October 1, 1999, establishing the withholding for a support order as defined
40 in section [454.460] **650.1060**, RSMo, or notice from the clerk issued on or after October 1,
41 1999, pursuant to this section for a support order shall require payment to the payment center
42 pursuant to section [454.530] **650.1153**, RSMo.

43 3. The provisions of section 432.030, RSMo, to the contrary notwithstanding, if income
44 withholding has not been initiated on the effective date of the initial or modified order, the
45 obligated party may execute a voluntary income assignment at any time, which assignment shall
46 be filed with the court and shall take effect after service on the employer or other payor.

47 4. The circuit clerk, upon application of the obligee or the division of child support
48 enforcement, shall send, by certified mail, return receipt requested, a written notice to the
49 employer or other payor listed on the application when the obligated party is subject to
50 withholding pursuant to the child support order or subsection 2 of this section. For orders
51 entered or modified in cases known by the circuit clerk to be IV-D cases in which income
52 withholding is to be initiated on the effective date of the order, and effective January 1, 1994,

53 for all orders entered or modified by the court in which income withholding is to be initiated on
54 the effective date of the order, the circuit clerk shall send such notice to the employer or other
55 payor in the manner provided by this section at the time the order is entered without application
56 of any party when an employer or other payor is identified to the circuit clerk by inclusion in the
57 pleadings pursuant to section 452.312, or otherwise. The notice of income withholding shall be
58 prepared by the person entitled to support pursuant to the order, or the legal representative of that
59 person, on a form prescribed by the court, and shall be presented to the clerk of the court at the
60 time the order of support is entered. The notice shall direct the employer or other payor to
61 withhold each month an amount equal to one month's child support and maintenance until further
62 notice from the court. In the event of a delinquency in child support or maintenance payments
63 in an amount equal to one month's total support obligation, the notice further shall direct the
64 employer or other payor to withhold each month an additional amount equal to fifty percent of
65 one month's child support and maintenance until the support delinquency is paid in full. The
66 notice shall also include a statement of exemptions which may apply to limit the portion of the
67 obligated party's disposable earnings which are subject to the withholding pursuant to federal or
68 state law and notify the obligor that the obligor may request a hearing and related information
69 pursuant to this section. The notice shall contain the Social Security number of the obligor if
70 available. The circuit clerk shall send a copy of this notice by regular mail to the last known
71 address of the obligated party. A notice issued pursuant to this section shall be binding on the
72 employer or other payor, and successor employers and payors, two weeks after mailing, and shall
73 continue until further order of the court or the division of child support enforcement. If the
74 notice does not contain the Social Security number of the obligor, the employer or other payor
75 shall not be liable for withholding from the incorrect obligor. The obligated party may, within
76 that two-week period, request a hearing on the issue of whether the withholding should take
77 effect. The withholding shall not be held in abeyance pending the outcome of the hearing. The
78 obligor may not obtain relief from the withholding by paying overdue support, if any. The only
79 basis for contesting the withholding is a mistake of fact. For the purpose of this section,
80 "mistake of fact" shall mean an error in the amount of arrearages, if applicable, or an error as to
81 the identity of the obligor. The court shall hold its hearing, enter its order disposing of all issues
82 disputed by the obligated party, and notify the obligated party and the employer or other payor,
83 within forty-five days of the date on which the withholding notice was sent to the employer.

84 5. For each payment the employer may charge a fee not to exceed six dollars per month,
85 which shall be deducted from each obligor's moneys, income or periodic earnings, in addition
86 to the amount deducted to meet the support or maintenance obligation subject to the limitations
87 contained in the federal Consumer Credit Protection Act (15 U.S.C. 1673).

88 6. Upon termination of the obligor's employment with an employer upon whom a

89 withholding notice has been served, the employer shall so notify the court in writing. The
90 employer shall also inform the court, in writing, as to the last known address of the obligor and
91 the name and address of the obligor's new employer, if known.

92 7. Amounts withheld by the employer or other payor shall be transmitted, in accordance
93 with the notice, within seven business days of the date that such amounts were payable to the
94 obligated party. For purposes of this section, "business day" means a day that state offices are
95 open for regular business. The employer or other payor shall, along with the amounts
96 transmitted, provide the date each amount was withheld from each obligor. If the employer or
97 other payor is withholding amounts for more than one order, the employer or other payor may
98 combine all such withholdings that are payable to the same circuit clerk or the family support
99 payment center and transmit them as one payment, together with a separate list identifying the
100 cases to which they apply. The cases shall be identified by court case number, name of obligor,
101 the obligor's Social Security number, the IV-D case number, if any, the amount withheld for each
102 obligor, and the withholding date or dates for each obligor, to the extent that such information
103 is known to the employer or other payor. An employer or other payor who fails to honor a
104 withholding notice pursuant to this section may be held in contempt of court and is liable to the
105 obligee for the amount that should have been withheld. Compliance by an employer or other
106 payor with the withholding notice operates as a discharge of liability to the obligor as to that
107 portion of the obligor's periodic earnings or other income so affected.

108 8. As used in this section, the term "employer" includes the state and its political
109 subdivisions.

110 9. An employer shall not discharge or otherwise discipline, or refuse to hire, an employee
111 as a result of a withholding notice issued pursuant to this section. Any obligor who is aggrieved
112 as a result of a violation of this subsection may bring a civil contempt proceeding against the
113 employer by filing an appropriate motion in the cause of action from which the withholding
114 notice issued. If the court finds that the employer discharged, disciplined, or refused to hire the
115 obligor as a result of the withholding notice, the court may order the employer to reinstate or hire
116 the obligor, or rescind any wrongful disciplinary action. If, after the entry of such an order, the
117 employer refuses without good cause to comply with the court's order, or if the employer fails
118 to comply with the withholding notice, the court may, after notice to the employer and a hearing,
119 impose a fine against the employer, not to exceed five hundred dollars. Proceeds of any such
120 fine shall be distributed by the court to the county general revenue fund.

121 10. A withholding entered pursuant to this section may, upon motion of a party and for
122 good cause shown, be amended by the court. The clerk shall notify the employer of the
123 amendment in the manner provided for in subsection 4 of this section.

124 11. The court, upon the motion of obligor and for good cause shown, may terminate the

withholding, except that the withholding shall not be terminated for the sole reason that the obligor has fully paid past due child support and maintenance.

12. A withholding effected pursuant to this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section [454.505] **650.1105**, RSMo, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section [454.932] **650.1360**, RSMo, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, delinquencies shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section [454.932] **650.1360**, RSMo, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

13. The remedy provided by this section applies to child support and maintenance orders entered prior to August 13, 1986, notwithstanding the absence of the notice to the obligor provided for in subsection 1 of this section, provided that prior notice from the circuit clerk to the obligor in the manner prescribed in subsection 5 of section 452.345 is given.

14. Notwithstanding any provisions of this section to the contrary, in a case in which support rights have been assigned to the state or in which the division of child support enforcement is providing support enforcement services pursuant to section [454.425] **650.1033**, RSMo, the director of the division of child support enforcement may amend or terminate a withholding order issued pursuant to this section, as provided in this subsection without further action of the court. The director may amend or terminate a withholding order and issue an administrative withholding order pursuant to section [454.505] **650.1105**, RSMo, when the director determines that children for whom the support order applies are no longer entitled to

support pursuant to section 452.340, when the support obligation otherwise ends and all arrearages are paid, when the support obligation is modified pursuant to section [454.500] **650.1099**, RSMo], or when the director enters an order that is approved by the court pursuant to section 454.496, RSMo]. The director shall notify the employer and the circuit clerk of such amendment or termination. The director's administrative withholding order or withholding termination order shall preempt and supersede any previous judicial withholding order issued pursuant to this or any other section.

15. For the purpose of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program and interest.

16. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the court shall use or require the use of such notice.

452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the

23 child's emancipation and failing to do so, the parent entitled to receive child support shall be
24 liable to the parent obligated to pay support for child support paid following emancipation of a
25 minor child, plus interest.

26 5. If a parent has made an assignment of support rights to the division of family services
27 on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary
28 Assistance for Needy Families program and either party initiates a motion to modify the support
29 obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The
30 state shall be served with a copy of the motion by sending it by certified mail to the director of
31 the division of child support enforcement.

32 6. The court shall have continuing personal jurisdiction over both the obligee and the
33 obligor of a court order for child support or maintenance for the purpose of modifying such
34 order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the
35 support or maintenance order was entered of any change of mailing address. If personal service
36 of the motion cannot be had in this state, the motion to modify and notice of hearing shall be
37 served outside the state as provided by supreme court rule 54.14. The order may be modified
38 only as to support or maintenance installments which accrued subsequent to the date of personal
39 service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the
40 "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but
41 only in those instances in which personal service could not be had in this state.

42 7. If a responsive pleading raising the issues of custody or visitation is filed in response
43 to a motion to modify child support filed at the request of the division of child support
44 enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the
45 division, such responsive pleading shall be severed upon request.

46 8. Notwithstanding any provision of this section which requires a showing of substantial
47 and continuing change in circumstances, in a IV-D case filed pursuant to this section by the
48 division of child support enforcement as provided in section [454.400] **650.1000**, RSMo, the
49 court shall modify a support order in accordance with the guidelines and criteria set forth in
50 supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs
51 from the amount which would be ordered in accordance with such guidelines or regulations.

452.416. 1. Notwithstanding any other provision of law to the contrary, whenever a
2 parent in emergency military service has a change in income due to such military service, such
3 change in income shall be considered a change in circumstances so substantial and continuing
4 as to make the terms of any order or judgment for child support or visitation unreasonable.

5 2. Upon receipt of a notarized letter from the commanding officer of a noncustodial
6 parent in emergency military service which contains the date of the commencement of
7 emergency military service and the compensation of the parent in emergency military service,

8 the director of the division of child support enforcement shall take appropriate action to seek
9 modification of the order or judgment of child support in accordance with the guidelines and
10 criteria set forth in section 452.340 and applicable supreme court rules. Such notification to the
11 director shall constitute an application for services under section [454.425] **650.1033**, RSMo.

12 3. Upon return from emergency military service the parent shall notify the director of the
13 division of child support enforcement who shall take appropriate action to seek modification of
14 the order or judgment of child support in accordance with the guidelines and criteria set forth in
15 section 452.340 and applicable supreme court rules. Such notification to the director shall
16 constitute an application for services under section [454.425] **650.1033**, RSMo.

17 4. As used in this section, the term "emergency military service" means that the parent
18 is a member of a reserve unit or national guard unit which is called into active military duty for
19 a period of more than thirty days.

454.360. Sections 454.010 to 454.360 may be cited as the "Uniform Reciprocal
2 Enforcement of Support Law". In all cases filed by Missouri or received by Missouri under the
3 provisions of the uniform reciprocal enforcement of support act, sections 454.010 to 454.360,
4 prior to January 1, 1997, the provisions of the uniform reciprocal enforcement of support act,
5 sections 454.010 to 454.360, shall continue to apply. In all other cases, the provisions of the
6 uniform interstate family support act, sections [454.850 to 454.980] **650.1264 to 650.1441**, shall
7 apply.

[454.400.] **650.1000** 1. There is established within the department of [social services]
2 **public safety** the "Division of Child Support Enforcement" to administer the state plan for child
3 support enforcement. The duty pursuant to the state plan to litigate or prosecute support actions
4 shall be performed by the appropriate prosecuting attorney, or other attorney pursuant to a
5 cooperative agreement with the department. The department shall fully utilize existing IV-A
6 staff of the **family support** division of [family] **the department of social** services to perform
7 child support enforcement duties approved by the United States Department of Health and
8 Human Services and consistent with federal requirements as specified in P.L. 93-647 and 45
9 CFR, section 303.20.

10 2. In addition to the powers, duties and functions vested in the division of child support
11 enforcement by other provisions of this chapter or by other laws of this state, the division of child
12 support enforcement shall have the power:

- 13 (1) To sue and be sued;
14 (2) To make contracts and carry out the duties imposed upon it by this or any other law;
15 (3) To administer, disburse, dispose of and account for funds, commodities, equipment,
16 supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated
17 by the state of Missouri for any of the purposes herein;

18 (4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under
19 oath, and make and keep a record of the same;

20 (5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out
21 the provisions of this chapter and which are not inconsistent with the constitution or laws of this
22 state;

23 (6) To cooperate with the United States government in matters of mutual concern
24 pertaining to any duties wherein the division of child support enforcement is acting as a state
25 agency, including the adoption of such methods of administration as are found by the United
26 States government to be necessary for the efficient operation of the state plan hereunder;

27 (7) To make such reports in such form and containing such information as the United
28 States government may, from time to time, require, and comply with such provisions as the
29 United States government may, from time to time, find necessary to assure the correctness and
30 verification of such reports;

31 (8) To appoint, when and if it may deem necessary, advisory committees to provide
32 professional or technical consultation in respect to child support enforcement problems and
33 program administration. The members of such advisory committees shall receive no
34 compensation for their services other than expenses actually incurred in the performance of their
35 official duties. The number of members of each such advisory committee shall be determined
36 by the division of child support enforcement, and such advisory committees shall consult with
37 the division of child support enforcement in respect to problems and policies incident to the
38 administration of the particular function germane to their respective field of competence;

39 (9) To initiate or cooperate with other agencies in developing measures for the
40 enforcement of support obligations;

41 (10) To collect statistics, make special fact-finding studies and publish reports in
42 reference to child support enforcement;

43 (11) To establish or cooperate in research or demonstration projects relative to child
44 support enforcement and the welfare program which will help improve the administration and
45 effectiveness of programs carried on or assisted pursuant to the federal Social Security Act and
46 the programs related thereto;

47 (12) To accept gifts and grants of any property, real or personal, and to sell such property
48 and expend such gifts or grants not inconsistent with the administration of the state plan for child
49 support enforcement and within the limitations of the donor thereof;

50 (13) To review every three years or such shorter cycle as the division may establish, upon
51 the request of the obligee, the obligor or if there is an assignment under Part A of the federal
52 Social Security Act, upon the request of the division, obligee or obligor taking into account the
53 best interest of the child, the adequacy of child support orders in IV-D cases to determine

54 whether modification is appropriate pursuant to the guidelines established by supreme court rule
55 88.01, to establish rules pursuant to chapter 536, RSMo, to define the procedure and frequency
56 of such reviews, and to initiate proceedings for modification where such reviews determine that
57 a modification is appropriate. This subdivision shall not be construed to require the division or
58 its designees to represent the interests of an absent parent against the interests of a custodial
59 parent or the state;

60 (14) To provide services relating to the establishment of paternity and the establishment,
61 modification and enforcement of child support obligations. The division shall provide such
62 services:

63 (a) Unless, as provided in this chapter, good cause or other exception exists, to each
64 child for whom:

65 a. Assistance is provided under the state program funded under Part IV-A of the Social
66 Security Act;

67 b. Benefits or services for foster care maintenance are provided under the state program
68 funded under Part IV-E of the Social Security Act; or

69 c. Medical assistance is provided under the state plan approved under Title XIX of the
70 Social Security Act; and

71 (b) To any other child, if an individual applies for such services with respect to such
72 child;

73 (15) To enforce support obligations established with respect to:

74 (a) A child for whom the state provides services under the state plan for child support;

75 or

76 (b) The custodial parent of a child;

77 (16) To enforce support orders against the parents of the noncustodial parent, jointly and
78 severally, in cases where such parents have a minor child who is the parent and the custodial
79 parent is receiving assistance under the state program funded under Part A of Title IV of the
80 Social Security Act; and

81 (17) To prevent a child support debtor from fraudulently transferring property to avoid
82 payment of child support. If the division has knowledge of such transfer, the division shall:

83 (a) Seek to void such transfer; or

84 (b) Obtain a settlement in the best interest of the child support creditor.

85 3. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall
86 become effective unless it has been promulgated pursuant to the provisions of [section 536.024]
87 **chapter 536, RSMo.**

[454.401.] **650.1003.** 1. In all actions relating to the establishment of paternity, or to the
2 establishment, modification or enforcement of a support order instituted pursuant to this chapter

3 or upon request of a IV-D agency of another state, the director of the division shall have the
4 power to administer oaths, issue subpoenas, compel witnesses and to require the production of
5 books, accounts, documents and evidence.

6 2. If a person refuses to comply with a subpoena issued pursuant to subsection 1 of this
7 section, the director may request the circuit court to issue an order requiring the person to appear
8 before the director or the director's designee to produce such subpoenaed documentary evidence
9 or give testimony. The court may issue an order which justice requires to protect such a person
10 from undue annoyance, embarrassment, expense or oppression. If such person fails to comply
11 with such an order, the court may find such person to be in contempt of court.

[454.402.] **650.1006.** The provisions of law, rule or regulation notwithstanding, any
2 equipment purchased by a county of this state for child support enforcement purposes shall be
3 the property of the county and not the state.

[454.403.] **650.1009.** Notwithstanding any other provision of law to the contrary,
2 applicants for a professional, occupational or recreational license not coming under the purview
3 of the division of professional registration shall be required by the appropriate licensing authority
4 to provide the applicant's Social Security number on any application for a license, permit or
5 certificate, or any renewal of a license, permit or certificate. The division of child support
6 enforcement is authorized to coordinate with and assist with such licensing authorities to develop
7 procedures to implement this requirement.

[454.405.] **650.1012.** 1. Each county shall cooperate with the division of child support
2 enforcement in the enforcement of support obligations under the state plan by appropriating a
3 sufficient sum of money for the offices of the prosecuting attorney or, by entering into a multiple
4 county agreement to share the costs of enforcement of support obligations and appropriating
5 sufficient funds for such enforcement, and by appropriating to the circuit clerk a sufficient sum
6 to enable those offices to perform any duty imposed under this law or any other law with respect
7 to the enforcement of support obligations or to the transmittal of support moneys to the division
8 of child support enforcement for deposit in the state treasury to the credit of the child support
9 enforcement fund.

10 2. The director of the division of child support enforcement shall enter into cooperative
11 agreements with city or county governing bodies or officers, including, but not necessarily
12 limited to, circuit courts, circuit clerks and prosecuting attorneys who choose to enter into a
13 cooperative agreement, except that the director of the division of child support enforcement may,
14 not less than sixty days prior to the expiration date of an existing cooperative agreement, notify
15 a city or county governing body or officer that the division will not enter into a cooperative
16 agreement because the city or county governing body or officer failed to comply with the terms
17 of the existing cooperative agreement, or with rules established by the division pursuant to

18 subsection 4 of this section. The notice shall be in writing and shall set forth the reason for not
19 entering into a new cooperative agreement. The notice shall be sent by certified mail, return
20 receipt requested, to all city or county signatories of the existing cooperative agreement. Within
21 thirty days of receipt of the notice, the city or county governing body or officer may submit to
22 the director of the division of child support enforcement objections to the findings of the director,
23 or a proposed plan to bring the city, county or officer into compliance. The director shall
24 respond to the objections or the proposed plan prior to the expiration date of the existing
25 cooperative agreement.

26 3. The cooperative agreements to be executed shall provide, as a minimum, for the
27 following:

28 (1) For the governing body of the city or county to hire such additional stenographic,
29 secretarial and administrative assistants as may be required to administer the child support
30 enforcement program within that jurisdiction or, if the city or county is a participant in a multiple
31 county agreement, to participate in the cost of the additional staff;

32 (2) For the city or county, upon recommendation of the prosecuting attorney, to hire such
33 additional assistant prosecuting attorneys as may be required to administer the child support
34 enforcement program within that jurisdiction or, if the city or county is a participant in a multiple
35 county agreement, to participate in the cost of attorneys retained for that purpose;

36 (3) For the city or county to furnish office space and other administrative requirements
37 for the proper administration of the child support enforcement program within that jurisdiction
38 or, if the city or county is a participant in a multiple county agreement, to participate in the cost
39 of the office space and other administrative requirements;

40 (4) For the reimbursement by the state from moneys received from the federal
41 government of reasonable and necessary costs, as determined by the director of the division of
42 child support enforcement, associated with enforcement of support obligations by the county or
43 city or, if applicable, the multiple county unit, at the applicable rate, to be paid at least monthly
44 if properly authenticated vouchers are submitted by the city or county. Payments shall be made
45 no later than thirty days from the date of submission of the vouchers;

46 (5) For the city or county or, if applicable, the multiple county unit, to maintain financial
47 and performance records required by federal regulation to be available for inspection by
48 representatives of the [department] **departments of public safety and** social services, the state
49 auditor, or the United States Department of Health and Human Services; and

50 (6) For the payment of incentive payments by the state from moneys received from the
51 federal government as provided by the Social Security Act and federal and state regulations
52 promulgated thereunder. The division of child support enforcement shall calculate and promptly
53 pay to the city or county a basic incentive payment not less than the minimum incentive payment

54 rate established by 45 CFR 303.52; provided, however, that the total amount paid as incentives
55 for non-AFDC collections shall not exceed the total amount paid as incentives for AFDC
56 collections, unless otherwise agreed upon in the cooperative agreement between the state and
57 county or city. Incentive payments by the state to the counties shall not occur for any period
58 during which the state does not receive incentive payments from the federal government.

59 4. The division of child support enforcement shall have the authority to promulgate rules
60 pursuant to this section, section [454.400] **650.1000** and chapter 536, RSMo, in order to establish
61 criteria for record keeping and performance relating to the effective administration of the child
62 support enforcement program, which shall apply to a city or county office or officer, or multiple
63 county unit, with whom a cooperative agreement is entered. The division may cancel a
64 cooperative agreement with a city or county office if the office fails to comply with the rules
65 established under this subsection, or fails to comply with the terms of the cooperative agreement.
66 The division director shall notify the city or county governing body or officer in writing, setting
67 forth the reason for the cancellation. Notice of cancellation shall be sent by certified mail, return
68 receipt requested, to all city or county signatories of the cooperative agreement, and shall be
69 mailed at least sixty days prior to the effective date of cancellation. Within thirty days of receipt
70 of the notice, the city or county governing body or officer may submit to the director of the
71 division of child support enforcement objections to the findings of the director, or a proposed
72 plan to bring the city, county or officer into compliance with the cooperative agreement or rules
73 established under this subsection. The director shall respond to the objections or proposed plan
74 prior to the effective date of cancellation.

75 5. At any time after the director determines not to enter into a cooperative agreement
76 under subsection 2 of this section or cancels a cooperative agreement under subsection 4 of this
77 section, the city or county governing body or officer may request that a new cooperative
78 agreement be negotiated. At the time of the request, the city or county governing body or officer
79 shall submit a proposed plan for compliance with a cooperative agreement or with rules
80 established under this section. After the request and submission of the proposed plan, the
81 director may enter into a cooperative agreement with the city or county governing body or
82 officer. The cooperative agreement shall contain the provisions set out in subsection 3 of this
83 section.

84 6. The limitations set out in chapter 56, RSMo, regarding the salaries and the number
85 of assistant prosecuting attorneys and the stenographic or administrative personnel shall not
86 apply, and the county or city governing body shall appropriate sufficient funds to compensate
87 such additional staff or multiple county unit for implementing the provisions of the child support
88 enforcement program.

89 7. With the approval of the city or county governing body and the director of the division

90 of child support enforcement, and for the purpose of investigating the child support cases, the
91 prosecuting attorney, circuit attorney or multiple county unit may employ sufficient investigators
92 to properly administer the provisions of the child support enforcement program.

[454.408.] **650.1015.** The division of child support enforcement, **in consultation with**
2 **the department of social services when necessary:**

3 (1) Shall determine whether a person who has applied for or is receiving assistance from
4 a program funded pursuant to Part A or Part E of Title IV of the Social Security Act, Title XIX
5 of the Social Security Act or the Food Stamp Act is cooperating in good faith with the division
6 in establishing the paternity of, or in establishing, modifying or enforcing a support order for any
7 child of such person by providing the division with the name of the noncustodial parent or any
8 other information the division may require. The division may, by regulation, excuse compliance
9 with the provisions of this subsection on a case-by-case basis for good cause or other exceptions
10 as the division may deem to be in the best interest of the child;

11 (2) Shall require as a condition of cooperation that such person supply additional
12 information deemed necessary by the division and appear at any interviews, hearings or legal
13 proceedings;

14 (3) Shall require as a condition of cooperation that such person and such person's child
15 submit to genetic testing pursuant to a judicial or administrative order;

16 (4) May request that such person sign a voluntary acknowledgment of paternity, after
17 notice of the rights and consequences of such an acknowledgment, but may not require such
18 person to sign an acknowledgment or otherwise relinquish the right to a genetic test as a
19 condition of cooperation and eligibility for assistance from a state program funded pursuant to
20 Part A or Part E of Title IV of the Social Security Act, Title XIX of the Social Security Act or
21 the Food Stamp Act; and

22 (5) Shall promptly notify such person, the **family support** division [of family services]
23 or the division of medical services **within the department of social services** of every
24 determination made pursuant to this section, including a determination that such person is not
25 cooperative and the basis for such determination.

[454.410.] **650.1018.** Support rights assigned to the state shall constitute an obligation
2 owed to the state by the person responsible for providing such support and the obligation shall
3 be collectible pursuant to all legal processes.

[454.412.] **650.1021.** 1. The division shall establish a "State Case Registry" which shall
2 contain records of:

3 (1) Each case in which services are provided by the division pursuant to this chapter; and

4 (2) Each support order established or modified in the state on or after October 1, 1998.

5 2. The records in the state case registry shall use standardized data elements for both

6 parents, including, but not limited to, the names, Social Security numbers, other uniform
7 identification numbers, dates of birth, case identification numbers and any other information as
8 required by federal statutes and regulations.

9 3. The clerk of the circuit court shall be responsible for providing the division with data
10 elements for each support order established or modified by the circuit court on or after October
11 1, 1998. The data shall be provided in a format established by the division and may be furnished
12 electronically.

13 4. Information in the state case registry shall be furnished to the Federal Case Registry
14 of Child Support Orders established as provided for by 42 U.S.C. section 654A, and other federal
15 and state agencies pursuant to federal statutes and regulations.

[454.413.] **650.1024.** 1. Each party to a paternity or child support proceeding
2 establishing, modifying or enforcing a support order pursuant to chapter 210, RSMo, chapter
3 211, RSMo, chapter 452, RSMo, or this chapter, shall file with the state case registry upon entry
4 of an order, information on the location and identity of such party including the party's Social
5 Security number, residential address, mailing address, telephone number, driver's license number
6 and the name, address and telephone number of the party's employer. If such information
7 changes, such party shall provide the new information to the state case registry within thirty days
8 of any such change.

9 2. In any subsequent child support enforcement action between the parties, the court or
10 division shall deem that the due process requirements for notice and service of process are met
11 with respect to such party upon a sufficient showing that diligent effort has been made to
12 ascertain the location of a party including written notice by certified mail to the last known
13 address of the party and attempted service by publication, and written notice has been delivered
14 to the most recent residential or employer address of such party filed with the state case registry.

[454.415.] **650.1027.** 1. For the purposes of this section, the term "IV-A agency" shall
2 mean:

3 (1) An agency that has been designated by a state to administer programs pursuant to
4 Title IV-A of the Social Security Act;

5 (2) An agency that has been designated by a state to administer programs pursuant to
6 Title IV-D of the Social Security Act; or

7 (3) Any other entity entitled to receive and disburse child support payments in that state.

8 2. When a court has ordered support payments to a person who has made an assignment
9 of support rights to the **family support** division [of family] **within the department of social**
10 services or the IV-A agency of another state on behalf of this or such other state, the division of
11 child support enforcement shall notify the court.

12 [(1) Until October 1, 1999, upon such notice, the court shall order all support payments

13 to be made to the clerk of the court as trustee for the division of family services or the other
14 state's IV-A agency, whichever is appropriate, as assignee of the support rights. The clerk shall
15 forward all support payments to the department of social services, which payments have been
16 identified by the department for deposit in the appropriate fund within the state treasury when
17 assignments have been made to the division of family services. The clerk shall forward support
18 payments to the other state's IV-D agency when assignments have been made to that state's IV-A
19 agency. Notification to the court by the division of child support enforcement of the assignment
20 of support rights shall, in and of itself, authorize the court to make the clerk trustee,
21 notwithstanding any provision of any existing court order, statute, or other law to the contrary,
22 and the court need not hold a hearing on the matter. The amount of the obligation owed to this
23 state or the other state's IV-A agency shall be the amount specified in a court order which covers
24 the assigned rights. The clerk shall keep an accurate record of such orders and such payments
25 and shall note such assignment in the case file in such a manner as to make the fact of the
26 assignment easily discernible.

27 (2) Effective October 1, 1999, support payments are to be made to the payment center
28 pursuant to section [454.530] **650.1153** as trustee for the **family support** division [of family
29 services] or other state's IV-A agency, whichever is appropriate, as assignee of the support rights.
30 The payment center shall forward all support payments to the state, which payments have been
31 identified by the division of child support enforcement for deposit in the appropriate fund within
32 the state treasury when assignments have been made to the **family support** division [of family
33 services]. The payment center shall forward support payments to the other state's IV-D agency
34 when assignments have been made to that state's IV-A agency. Notification to the court by the
35 division of child support enforcement of the assignment of support rights shall, in and of itself,
36 make the payment center trustee, notwithstanding any provision of any existing court order or
37 state law to the contrary, and the court shall not be required to hold a hearing on the matter. The
38 amount of the obligation owed to this state or the other state's IV-A agency shall be the amount
39 specified in a court order which covers the assigned rights. The payment center shall keep an
40 accurate record of such orders and payments.

41 3. (1) Upon termination of the assignment for any case in which payments are not to be
42 made to the payment center pursuant to section [454.530] **650.1153**, the clerk of the court shall
43 continue as trustee for the **family support** division [of family services] or the other state's IV-A
44 agency for any accrued unpaid support at the time of the termination and as trustee for the
45 obligee for any support becoming due after the termination. If there has been an assignment to
46 the **family support** division [of family services] and there is no current assignment to another
47 state's IV-A agency, the clerk of the court shall forward to the obligee all payments for support
48 accruing subsequent to the termination and shall forward to the department of social services all

49 payments for support which had accrued and were unpaid at the time of the termination. If there
50 has been an assignment to another state's IV-A agency and there is no current assignment to the
51 **family support** division [of family services], the clerk of the court shall continue to forward to
52 that state's IV-D agency all payments for support accruing subsequent to the termination of the
53 assignment as well as all payments for support which had accrued and were unpaid at the time
54 of the termination. When there has been an assignment to the **family support** division [of family
55 services], the clerk of the court shall apply payments first to support which has accrued
56 subsequent to the termination, to the extent thereof, and then to support which accrued prior to
57 termination, except such payments collected by the division of child support enforcement
58 through debt setoff or legal process shall be forwarded to the department of social services,
59 unless the department of social services directs otherwise. After termination of the assignment,
60 the trusteeship may be dissolved upon motion of a party after notice and hearing on behalf of all
61 parties to the proceeding or pursuant to subsections 3 to 7 of section [454.430] **650.1036**. Prior
62 to termination of the assignment, no motion may be filed, nor maintained, for the purpose of
63 terminating or abating any trusteeship in favor of the **family support** division [of family
64 services] or another state's IV-A agency.

65 (2) Effective October 1, 1999, upon termination of the assignment for any case in which
66 payments are to be made to the payment center pursuant to section [454.530] **650.1153**, the
67 payment center shall continue as trustee for the **family support** division [of family services] or
68 the other state's IV-A agency for any accrued unpaid support at the time of the termination and
69 as trustee for the obligee for any support coming due after the termination. If there has been an
70 assignment to the **family support** division [of family services] and there is no current
71 assignment to another state's IV-A agency, the payment center shall forward to the obligee all
72 payments for support which accrue after the termination and shall forward to the division of child
73 support enforcement all payments for support which had accrued and were unpaid at the time of
74 termination. If there has been an assignment to another state's IV-A agency and there is no
75 current assignment to the **family support** division [of family services], the payment center shall
76 continue to forward to that state's IV-D agency all payments for support which accrue after the
77 termination of the assignment as well as all payments for support which had accrued and were
78 unpaid at the time of termination. If there has been an assignment to the **family support** division
79 [of family services], the payment center shall apply payments first to support which accrues after
80 the termination, to the extent thereof, and then to support which accrued prior to termination;
81 except that such payments collected by the division of child support enforcement through debt
82 setoff or legal process shall be forwarded to the division of child support enforcement, unless the
83 division directs otherwise. After termination of the assignment, the trusteeship may be dissolved
84 upon motion of a party after notice and hearing on behalf of all parties to the proceeding or

85 pursuant to subsections 3 to 7 of section [454.430] **650.1036**. Prior to termination of the
86 assignment, no motion shall be filed or maintained for the purpose of terminating or abating any
87 trusteeship in favor of the **family support** division [of family services] or another state's IV-A
88 agency.

89 4. For purposes of this section, "assignment" includes an assignment to the state by a
90 person who has applied or is receiving assistance under a program funded pursuant to Part A of
91 Title IV or Title XIX of the Social Security Act.

[454.420.] **650.1030**. Any legal action necessary to establish or enforce support
2 obligations owed to the state shall be brought by prosecuting attorneys, or other attorneys under
3 cooperative agreement with the division of child support enforcement, upon being furnished
4 notice by the division of such obligation. If the amount of the support obligation owed to the
5 state has not been determined because no court order exists, the division of child support
6 enforcement may refer the case to the appropriate prosecuting attorney, or other attorney under
7 cooperative agreement with the division, for establishment and enforcement of a support order
8 or order for reimbursement. When a recipient is no longer eligible for [aid to families with
9 dependent children] **temporary assistance for needy families** benefits, the assignment shall
10 terminate, unless the recipient and the division of child support enforcement agree otherwise,
11 except for those unpaid support obligations still owing to the state under the assignment at the
12 time of the discontinuance of aid. Upon referral from the division of child support enforcement,
13 such unpaid obligations shall be collected by the prosecuting attorney, or other attorney under
14 cooperative agreement with the division, up to the amount of unreimbursed aid paid by the
15 **family support** division [of family services] prior to or after execution of the assignment of
16 support rights. Moneys collected pursuant to this section shall be paid to the department of
17 [social services] **public safety** for deposit in the child support enforcement fund in the state
18 treasury.

[454.425.] **650.1033**. The division of child support enforcement shall render child
2 support services authorized pursuant to this chapter to persons who are not recipients of public
3 assistance as well as to such recipients. Services may be provided to children, custodial parents,
4 noncustodial parents and other persons entitled to receive support. An application may be
5 required by the division for services and fees may be charged by the division pursuant to 42
6 U.S.C. section 654 and federal regulations. Services provided under a state plan shall be made
7 available to residents of other states on the same terms as residents of this state. If a family
8 receiving services ceases to receive assistance under a state program funded under Part A of Title
9 IV of the Social Security Act, the division shall provide appropriate notice to such family, and
10 services shall continue under the same terms and conditions as that provided to other individuals
11 under the state plan, except that an application for continued services shall not be required and

12 the requirement for payment of fees shall not apply to the family.

[454.430.] **650.1036.** 1. For the purposes of this section, the term "IV-D agency" means
2 an agency that has been designated by a state to administer programs pursuant to Title IV-D of
3 the Social Security Act or any other entity entitled to receive and disburse child support
4 payments in that state.

5 2. When a court has ordered support payments to a person who is receiving child support
6 services pursuant to section [454.425] **650.1033**, or pursuant to application for IV-D agency
7 services in another state, the division of child support enforcement shall so notify the court.
8 [Until October 1, 1999, upon such notice the court shall order all support payments to be made
9 to the clerk of the court as trustee for such person. The notification to the court by the division
10 shall, in and of itself, authorize the court to make the clerk trustee, notwithstanding any provision
11 of any existing court order, statute, or other law to the contrary, and the court need not hold a
12 hearing on the matter. The clerk shall keep an accurate record of such orders and such payments,
13 and shall report all such collections to the division in the manner specified by the division. The
14 circuit clerk shall forward all such payments to the person receiving child support services
15 pursuant to section 454.425, or to the IV-D agency in the state in which the person is currently
16 receiving IV-D services, as appropriate.] Effective October 1, 1999, upon notice by the division,
17 all support payments shall be made to the payment center pursuant to section 454.530 as trustee
18 for such person. The notification by the division shall, in and of itself, authorize the payment
19 center pursuant to section [454.530] **650.1153** to be trustee, notwithstanding any provision of any
20 existing court order or state law to the contrary, and the court shall not be required to hold a
21 hearing on the matter. The payment center shall keep an accurate record of such orders and
22 payments, and shall report all such collections to the division in a manner specified by the
23 division. The payment center shall forward all such payments to the person receiving child
24 support services pursuant to section [454.425] **650.1033** or to the IV-D agency in the state in
25 which the person is currently receiving IV-D services, as appropriate.

26 3. The division is authorized to terminate trusteeship responsibilities for future support
27 in IV-D cases pursuant to the procedures set forth in this section. If the division determines that
28 the order no longer provides a continuing obligation for support or the custodial party is no
29 longer receiving child support enforcement services, the division shall send a notice of its intent
30 to terminate the trusteeship by regular mail to the custodial and noncustodial parties. The notice
31 shall advise each party that unless written objection is received by the division within fifteen
32 days of the date the notice is sent, the trusteeship for current support shall be terminated. Unless
33 a party objects to the termination of the trusteeship in writing within the specified period, the
34 division shall terminate the trusteeship for current support.

35 4. If an objection is filed by either party to the case, the trusteeship may be terminated

36 for future support only upon the filing of a motion with the court in which the trusteeship is
37 established and after notice to all parties and hearing on the motion.

38 5. If the requirements of subsection 3 of this section have been met, the trusteeship
39 responsibilities for future support shall terminate. The trusteeship shall remain in effect only to
40 the extent that payments are made to satisfy any accrued unpaid support that was due as of the
41 date of the notice. The notice shall, in and of itself, terminate the trusteeship responsibilities for
42 future support, and the court need not hold a hearing on the matter.

43 6. Any party whose trusteeship is terminated pursuant to this section may reopen a
44 trusteeship pursuant to section 452.345, RSMo.

45 7. Termination of a trusteeship pursuant to this section shall not, in and of itself,
46 constitute a judicial determination as to the rights of a party to receive support or the obligation
47 of a party to pay support pursuant to a support order entered in the case.

[454.432.] **650.1039.** 1. The circuit clerk in a case that is not a IV-D case or the division
2 in a IV-D case shall record credits on the automated child support system records established
3 pursuant to this chapter or chapter 452, RSMo, for amounts not received by the clerk or the
4 division.

5 2. Credits allowed pursuant to this section shall include, but not be limited to, in-kind
6 payments as provided in this section, amounts collected from an obligor from federal and state
7 income tax refunds, state lottery payments, Social Security payments, unemployment and
8 workers' compensation benefits, income withholdings authorized by law, liens, garnishment
9 actions, abatements pursuant to section 452.340, RSMo, and any other amounts required to be
10 credited by statute or case law.

11 3. Credits shall be recorded on the trusteeship record for payments received by the
12 division of child support enforcement and, at the discretion of the division of child support
13 enforcement, and upon receipt of waivers requested pursuant to subsection 4 of this section,
14 credits may be given on state debt judgments obtained pursuant to subsection 1 of section
15 [454.465] **650.1063** for completion of such activities as job training and education, if mutually
16 agreed upon by the division and the obligor. The circuit clerk shall make such credits upon
17 receipt of paper or electronic notification of the amount of the credit from the division. The
18 division may record the credit or adjust the records to reflect payments and disbursements shown
19 on the trusteeship record when the trusteeship record is contained or maintained in the automated
20 child support system established in this chapter.

21 4. The director of the department of **public safety, in consultation with the**
22 **department of** social services, shall apply to the United States Secretary of Health and Human
23 Services for all waivers of requirements pursuant to federal law necessary to implement the
24 provisions of subsection 3 of this section.

25 5. Credits shall be entered on the automated child support system for direct and in-kind
26 payments received by the custodial parent when the custodial parent files an affidavit stating the
27 particulars of the direct and in-kind payments to be credited on the court record with the circuit
28 clerk; however, no such credits shall be entered for periods during which child support payments
29 are assigned to the state pursuant to law. Such credits may include, but shall not be limited to,
30 partial and complete satisfaction of judgment for support arrearages.

31 6. Nothing contained in this section shall prohibit satisfaction of judgment as provided
32 for in sections 511.570 to 511.620, RSMo, and by supreme court rule.

33 7. Application for the federal earned income tax credit shall, when applicable, be
34 required as a condition of participating in the alternative child support credit programs of
35 subsection 3 of this section.

 [454.433.] **650.1042.** 1. When a tribunal of another state as defined in section [454.850]
2 **650.1264** has ordered support payments to a person who has made an assignment of child
3 support rights to the **family support** division [of family services] or who is receiving child
4 support services pursuant to section [454.425] **650.1033**, the division of child support
5 enforcement may notify the court of this state in the county in which the obligor, obligee or the
6 child resides or works. [Until October 1, 1999, upon such notice the circuit clerk shall accept
7 all support payments and remit such payments to the person or entity entitled to receive the
8 payments.] Effective October 1, 1999, the division shall order the payment center to accept all
9 support payments and remit such payments to the person or entity entitled to receive the
10 payments.

11 2. Notwithstanding any provision of law to the contrary, the notification to the court by
12 the division shall authorize the court to make the clerk trustee. The clerk shall keep an accurate
13 record of such payments and shall report all collections to the division in the manner specified
14 by the division. Effective October 1, 1999, the duties of the clerk as trustee pursuant to this
15 section shall terminate and all payments shall be made to the payment center pursuant to section
16 [454.530] **650.1153.**

 [454.435.] **650.1045.** 1. Each prosecuting attorney may enter into a cooperative
2 agreement or may enter into a multiple county agreement to litigate or prosecute any action
3 necessary to secure support for any person referred to such office by the division of child support
4 enforcement including, but not limited to, reciprocal actions under this chapter, actions to
5 establish, modify and enforce support obligations, actions to enforce medical support obligations
6 ordered in conjunction with a child support obligation, actions to obtain reimbursement for the
7 cost of medical care provided by the state for which an obligor is liable under subsection 9 of
8 section 208.215, RSMo, and actions to establish the paternity of a child for whom support is
9 sought. In all cases where a prosecuting attorney seeks the establishment or modification of a

10 support obligation, the prosecuting attorney shall, in addition to periodic monetary support, seek
11 and enforce orders from the court directing the obligated parent to maintain medical insurance
12 on behalf of the child for whom support is sought, which insurance shall, in the opinion of the
13 court, be sufficient to provide adequate medical coverage; or to otherwise provide for such
14 child's necessary medical expenses.

15 2. In all cases where a prosecuting attorney has entered into a cooperative agreement to
16 litigate or prosecute an action necessary to secure child support, and an information is not filed
17 or civil action commenced within sixty days of the receipt of the referral from the division, the
18 division may demand return of the referral and the case filed and the prosecuting attorney shall
19 return the referral and the case file. The division may then use any other attorney which it
20 employs or with whom it has a cooperative agreement to establish or enforce the support
21 obligation.

22 3. As used in this section, the term "prosecuting attorney" means, with reference to any
23 city not within a county, the circuit attorney.

24 4. Prosecuting attorneys are hereby authorized to initiate judicial or administrative
25 modification proceedings on IV-D cases at the request of the division.

[454.440.] **650.1048.** 1. As used in this section, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Business" includes any corporation, partnership, association, individual, and labor
4 or other organization including, but not limited to, a public utility or cable company;

5 (2) "Division", the Missouri division of child support enforcement of the department of
6 [social services] **public safety**;

7 (3) "Financial entity" includes any bank, trust company, savings and loan association,
8 credit union, insurance company, or any corporation, association, partnership, or individual
9 receiving or accepting money or its equivalent on deposit as a business;

10 (4) "Government agency", any department, board, bureau or other agency of this state
11 or any political subdivision of the state;

12 (5) "Information" includes, but is not necessarily limited to, the following items:

13 (a) Full name of the parent;

14 (b) Social Security number of the parent;

15 (c) Date of birth of the parent;

16 (d) Last known mailing and residential address of the parent;

17 (e) Amount of wages, salaries, earnings or commissions earned by or paid to the parent;

18 (f) Number of dependents declared by the parent on state and federal tax information and
19 reporting forms;

20 (g) Name of company, policy numbers and dependent coverage for any medical

21 insurance carried by or on behalf of the parent;

22 (h) Name of company, policy numbers and cash values, if any, for any life insurance

23 policies or annuity contracts, carried by or on behalf of, or owned by, the parent;

24 (i) Any retirement benefits, pension plans or stock purchase plans maintained on behalf

25 of, or owned by, the parent and the values thereof, employee contributions thereto, and the extent

26 to which each benefit or plan is vested;

27 (j) Vital statistics, including records of marriage, birth or divorce;

28 (k) Tax and revenue records, including information on residence address, employer,

29 income or assets;

30 (l) Records concerning real or personal property;

31 (m) Records of occupational, professional or recreational licenses or permits;

32 (n) Records concerning the ownership and control of corporations, partnerships or other

33 businesses;

34 (o) Employment security records;

35 (p) Records concerning motor vehicles;

36 (q) Records of assets or liabilities;

37 (r) Corrections records;

38 (s) Names and addresses of employers of parents;

39 (t) Motor vehicle records; and

40 (u) Law enforcement records;

41 (6) "Parent", a biological or adoptive parent, including a presumed or putative father.

42 2. For the purpose of locating and determining financial resources of the parents relating

43 to establishment of paternity or to establish, modify or enforce support orders, the division or

44 other state IV-D agency may request and receive information from the federal Parent Locator

45 Service, from available records in other states, territories and the District of Columbia, from the

46 records of all government agencies, and from businesses and financial entities. A request for

47 information from a public utility or cable television company shall be made by subpoena

48 authorized pursuant to this chapter. The government agencies, businesses, and financial entities

49 shall provide information, if known or chronicled in their business records, notwithstanding any

50 other provision of law making the information confidential. In addition, the division may use

51 all sources of information and available records and, pursuant to agreement with the secretary

52 of the United States Department of Health and Human Services, or the secretary's designee,

53 request and receive from the federal Parent Locator Service information pursuant to 42 U.S.C.

54 Sections 653 and 663, to determine the whereabouts of any parent or child when such

55 information is to be used to locate the parent or child to enforce any state or federal law with

56 respect to the unlawful taking or restraining of a child, or of making or enforcing a child custody

57 or visitation order.

58 3. Notwithstanding the provisions of subsection 2 of this section, no financial entity shall
59 be required to provide the information requested by the division or other state IV-D agency
60 unless the division or other state IV-D agency alleges that the parent about whom the information
61 is sought is an officer, agent, member, employee, depositor, customer or the insured of the
62 financial institution, or unless the division or other state IV-D agency has complied with the
63 provisions of section 660.330, RSMo.

64 4. Any business or financial entity which has received a request from the division or
65 other state IV-D agency as provided by subsections 2 and 3 of this section shall provide the
66 requested information or a statement that any or all of the requested information is not known
67 or available to the business or financial entity, within sixty days of receipt of the request and
68 shall be liable to the state for civil penalties up to one hundred dollars for each day after such
69 sixty-day period in which it fails to provide the information so requested. Upon request of the
70 division or other state IV-D agency, the attorney general shall bring an action in a circuit court
71 of competent jurisdiction to recover the civil penalty. The court shall have the authority to
72 determine the amount of the civil penalty to be assessed.

73 5. Any business or financial entity, or any officer, agent or employee of such entity,
74 participating in good faith in providing information requested pursuant to subsections 2 and 3
75 of this section shall be immune from liability, civil or criminal, that might otherwise result from
76 the release of such information to the division.

77 6. Upon request of the division or other state IV-D agency, any parent shall complete a
78 statement under oath, upon such form as the division or other state IV-D agency may specify,
79 providing information, including, but not necessarily limited to, the parent's monthly income, the
80 parent's total income for the previous year, the number and name of the parent's dependents and
81 the amount of support the parent provides to each, the nature and extent of the parent's assets,
82 and such other information pertinent to the support of the dependent as the division or other state
83 IV-D agency may request. Upon request of the division or other state IV-D agency, such
84 statements shall be completed annually. Failure to comply with this subsection is a class A
85 misdemeanor.

86 7. The disclosure of any information provided to the business or financial entity by the
87 division or other state IV-D agency, or the disclosure of any information regarding the identity
88 of any applicant for or recipient of public assistance, by an officer or employee of any business
89 or financial entity, or by any person receiving such information from such employee or officer
90 is prohibited. Any person violating this subsection is guilty of a class A misdemeanor.

91 8. Any person who willfully requests, obtains or seeks to obtain information pursuant
92 to this section under false pretenses, or who willfully communicates or seeks to communicate

93 such information to any agency or person except pursuant to this chapter, is guilty of a class A
94 misdemeanor.

95 9. For the protection of applicants and recipients of services pursuant to sections
96 [454.400 to 454.645] **650.1000 to 650.1240**, all officers and employees of, and persons and
97 entities under contract to, the state of Missouri are prohibited, except as otherwise provided in
98 this subsection, from disclosing any information obtained by them in the discharge of their
99 official duties relative to the identity of applicants for or recipients of services or relating to
100 proceedings or actions to establish paternity or to establish or enforce support, or relating to the
101 contents of any records, files, papers and communications, except in the administration of the
102 child support program or the administration of public assistance, including civil or criminal
103 proceedings or investigations conducted in connection with the administration of the child
104 support program or the administration of public assistance. Such officers, employees, persons
105 or entities are specifically prohibited from disclosing any information relating to the location of
106 one party to another party:

- 107 (1) If a protective order has been entered against the other party; or
108 (2) If there is reason to believe that such disclosure of information may result in physical
109 or emotional harm to the other party.

110

111 In any judicial proceedings, except such proceedings as are directly concerned with the
112 administration of these programs, such information obtained in the discharge of official duties
113 relative to the identity of applicants for or recipients of child support services or public
114 assistance, and records, files, papers, communications and their contents shall be confidential and
115 not admissible in evidence. Nothing in this subsection shall be construed to prohibit the circuit
116 clerk from releasing information, not otherwise privileged, from court records for reasons other
117 than the administration of the child support program, if such information does not identify any
118 individual as an applicant for or recipient of services pursuant to sections [454.400 to 454.645]
119 **650.1000 to 650.1240**. Anyone who purposely or knowingly violates this subsection is guilty
120 of a class A misdemeanor.

[454.445.] **650.1051**. No deposit or other filing fee, court fee, library fee, or fee for
2 making copies of documents shall be required to be paid by the division of child support
3 enforcement, or any attorney bringing action pursuant to a referral by the division of child
4 support enforcement, by any circuit clerk or other county or state officer for the filing of any
5 action or document necessary to establish paternity, or to establish, modify or enforce a child
6 support obligation.

[454.450.] **650.1054**. 1. Whenever a custodian of a child, or other person, receives
2 support moneys paid to him or her, which moneys are paid in whole or in part in satisfaction of

3 a support obligation which is owed to the **family support** division [of family services] pursuant
4 to subsection 2 of section [454.465] **650.1063**, or which has been assigned to the **family support**
5 division [of family services] pursuant to subsection 2 of section 208.040, RSMo, the moneys
6 shall be remitted to the department of social services within ten days of receipt by such custodian
7 or other person. If not so remitted, such custodian or other person shall be indebted to the
8 department in an amount equal to the amount of the support money received and not remitted.
9 By not paying over the moneys to the department, such custodian or other person is deemed,
10 without the necessity of signing any document, to have made an irrevocable assignment to the
11 **family support** division [of family services] of any support delinquency owed which is not
12 already assigned to the **family support** division [of family services] or to any support
13 delinquency which may accrue in the future in an amount equal to the amount of the support
14 money retained. The department may utilize any available administrative or legal process to
15 collect the assigned delinquency to effect recoupment and satisfaction of the debt incurred by
16 reason of the failure of such custodian or other person to remit. The department is also
17 authorized to make a setoff to effect satisfaction of the debt by deduction from support moneys
18 in its possession or in the possession of any clerk of the court or other forwarding agent which
19 would otherwise be payable to such custodian or other person for the satisfaction of any support
20 delinquency. Nothing in this section authorizes the department to make a setoff as to current
21 support paid during the month for which the payment is due and owing.

22 2. A custodian of a child, or other person, who has made an assignment of support rights
23 to the **family support** division [of family services], shall not make any agreement with any
24 private attorney or other person regarding the collection of assigned support obligations without
25 approval of the department of social services. If any private attorney or other person who in
26 good faith and without knowledge of such assignment collects all or part of the assigned support
27 obligations, any agreement regarding the distribution of the proceeds of the assigned support
28 obligations by such private attorney or other person shall not bind the department; provided,
29 however, the department shall be liable to such private attorney or other person for a fee
30 computed in accordance with subsection 3 of this section. When a private attorney or other
31 person has begun to collect a support obligation, and thereafter a notice of assignment of support
32 rights to the division is filed with the court pursuant to section [454.415] **650.1027**, notice of
33 such assignment shall be given to that attorney or other person as provided by supreme court rule
34 43.01.

35 3. (1) Where an assignment of support rights has been made to the **family support**
36 division [of family services] but notice of such assignment was not filed with the court pursuant
37 to section [454.415] **650.1027**, a private attorney who in good faith and without knowledge of
38 such assignment collects all or part of such assigned support obligation shall be awarded by the

39 department a fee of twenty-five percent of the support obligation collected. Such fees shall be
40 paid out of state funds in lieu of federal funds.

41 (2) Where an assignment of support rights has been made to the **family support** division
42 [of family services] and notice of the assignment was not filed with the court pursuant to section
43 [454.415] **650.1027** until after the private attorney has begun collection proceedings, a private
44 attorney who collects assigned support obligations shall be awarded a fee, as the court shall
45 determine, based upon the time expended, but in no event shall the fee exceed twenty-five
46 percent of the support obligation collected.

47 (3) Where no assignment of support rights has been made to the **family support** division
48 [of family services] until after the private attorney has collected any part of the support
49 obligation, no recoupment shall be had by the department of the portion collected, and the fee
50 awarded to the private attorney or other person shall be the fee negotiated between the client and
51 the private attorney or other person.

52 4. A person commits the crime of stealing, as defined by section 570.030, RSMo, if he
53 takes, obtains, uses, transfers, conceals, or retains possession of child support payments which
54 have been assigned to the **family support** division [of family services] with the purpose to
55 deprive the division thereof, either without the consent of the division or by means of deceit or
56 coercion.

[454.455.] **650.1057.** 1. In any case wherein an order for child support has been entered
2 and the legal custodian and obligee pursuant to the order relinquishes physical custody of the
3 child to a caretaker relative without obtaining a modification of legal custody, and the caretaker
4 relative makes an assignment of support rights to the **family support** division [of family
5 services] in order to receive [aid to families with dependent children] **temporary assistance for**
6 **needy families** benefits, the relinquishment and the assignment, by operation of law, shall
7 transfer the child support obligation pursuant to the order to the division in behalf of the state.
8 The assignment shall terminate when the caretaker relative no longer has physical custody of the
9 child, except for those unpaid support obligations still owing to the state pursuant to the
10 assignment at that time.

11 2. As used in subsection 1 of this section, the term "caretaker relative" includes only
12 those persons listed in subdivision (2) of subsection 1 of section 208.040, RSMo.

13 3. If an order for child support has been entered, no assignment of support has been
14 made, and the legal custodian and obligee under the order relinquishes physical custody of the
15 child to a caretaker relative without obtaining a modification of legal custody, or the child is
16 placed by the court in the legal custody of a state agency, the division may, thirty days after the
17 transfer of custody and upon notice to the obligor and obligee, direct the obligor or other payor
18 to change the payee to the caretaker relative or appropriate state agency. Such order shall

19 terminate when the caretaker relative no longer has physical custody of the child, or the state
20 agency is relieved of legal custody, except for the unpaid support obligations still owed to the
21 caretaker relative.

22 4. If there has been an assignment of support to an agency or division of the state or a
23 requirement to pay through a state disbursement unit, the division may, upon notice to the
24 obligor and obligee, direct the obligor or other payor to change the payee to the appropriate state
25 agency.

[454.460.] **650.1060.** As used in sections [454.400 to 454.560] **650.1000 to 650.1189**,
2 unless the context clearly indicates otherwise, the following terms mean:

3 (1) "Court", any circuit court of this state and any court or agency of any other state
4 having jurisdiction to determine the liability of persons for the support of another person;

5 (2) "Court order", any judgment, decree, or order of any court which orders payment of
6 a set or determinable amount of support money;

7 (3) "Department", the department of social services of the state of Missouri;

8 (4) "Dependent child", any person under the age of twenty-one who is not otherwise
9 emancipated, self-supporting, married, or a member of the armed forces of the United States;

10 (5) "Director", the director of the division of child support enforcement, or the director's
11 designee;

12 (6) "Division", the division of child support enforcement of the department of [social
13 services] **public safety** of the state of Missouri;

14 (7) "IV-D agency", an agency designated by a state to administer programs under Title
15 IV-D of the Social Security Act;

16 (8) "IV-D case", a case in which services are being provided pursuant to section
17 [454.400] **650.1000**;

18 (9) "Obligee", any person to whom payments are required to be made pursuant to the
19 terms of a court order for a child, spouse or former spouse;

20 (10) "Obligor", any person required to make payments pursuant to the terms of a court
21 order for a child, spouse or former spouse;

22 (11) "Parent", the biological or adoptive father or mother of a dependent child;

23 (12) "Public assistance", any cash or benefit pursuant to Part IV-A or Title XIX of the
24 federal Social Security Act paid by the department to or for the benefit of any dependent child
25 or any public assistance assigned to the state;

26 (13) "State", any state or political subdivision, territory or possession of the United
27 States, District of Columbia, and the Commonwealth of Puerto Rico;

28 (14) "Support order", a judgment, decree or order, whether temporary, final or subject
29 to modification, issued by a court or administrative agency of competent jurisdiction for the

30 support and maintenance of a child, including a child who has attained the age of majority
31 pursuant to the law of the issuing state, or of the parent with whom the child is living and
32 providing monetary support, health care, child care, arrearages or reimbursement for such child,
33 and which may include related costs and fees, interest and penalties, income withholding,
34 attorneys' fees and other relief.

[454.465.] **650.1063.** 1. For purposes of sections [454.460 to 454.505] **650.1060 to**
2 **650.1105**, a payment of public assistance by the **family support** division [of family services] to
3 or for the benefit of any dependent child, including any payment made for the benefit of the
4 caretaker of the child, creates an obligation, to be called "state debt", which is due and owing to
5 the department by the parent, or parents, absent from the home where the dependent child resided
6 at the time the public assistance was paid. The amount of the state debt shall be determined as
7 follows:

8 (1) Where there exists a court order directed to a parent which covers that parent's
9 support obligation to a dependent during a period in which the **family support** division [of
10 family services] provided public assistance to or for the benefit of that dependent, the state debt
11 of that parent shall be an amount equal to the obligation ordered by the court, including
12 arrearages and unpaid medical expenses, up to the full amount of public assistance paid; or

13 (2) Where no court order covers a parent's support obligation to a dependent during a
14 period in which the **family support** division [of family services] provided public assistance to
15 or for the benefit of that dependent, the state debt may be set or reset by the director in an amount
16 not to exceed the amount of public assistance so provided by the **family support** division [of
17 family services].

18 2. No agreement between any obligee and any obligor regarding any duty of support, or
19 responsibility therefor, or purporting to settle past, present, or future support obligations either
20 as settlement or prepayment shall act to reduce or terminate any rights of the division to recover
21 from that obligor for public assistance provided.

22 3. The division shall have the right to make a motion to a court or administrative tribunal
23 for modification of any court order creating a support obligation which has been assigned to the
24 **family support** division [of family services] to the same extent as a party to that action.

25 4. The department, or any division thereof, as designated by the department director is
26 hereby authorized to promulgate such rules pursuant to section [454.400] **650.1000** and chapter
27 536, RSMo, as may be necessary to carry out the provisions of this chapter and the requirements
28 of the federal Social Security Act, including, but not necessarily limited to, the opportunity for
29 a hearing to contest an order of the division establishing or modifying support rules for
30 narrowing issues and simplifying the methods of proof at hearings, and establishing procedures
31 for notice and the manner of service to be employed in all proceedings and remedies instituted

32 pursuant to sections [454.460 to 454.505] **650.1060 to 650.1105**.

33 5. Service pursuant to sections [454.460 to 454.505] **650.1060 to 650.1105** may be made
34 on the parent or other party in the manner prescribed for service of process in a civil action, by
35 an authorized process server appointed by the director, or by certified mail, return receipt
36 requested. The director may appoint any uninterested party, including, but not necessarily
37 limited to, employees of the division, to serve such process. For the purposes of this subsection,
38 a parent who refuses receipt of service by certified mail is deemed to have been served.

39 6. Creation of or exemption from a state debt pursuant to this section shall not limit any
40 rights which the department has or may obtain pursuant to common or statutory law, including,
41 but not limited to, those obtained pursuant to an assignment of support rights obtained pursuant
42 to section 208.040, RSMo.

 [454.470.] **650.1066**. 1. If a court order has not been previously entered or if a support
2 order has been entered but is not entitled to recognition pursuant to sections [454.850 to 454.997]
3 **650.1264 to 650.1438**, the director may issue a notice and finding of financial responsibility to
4 a parent who owes a state debt or who is responsible for the support of a child on whose behalf
5 the custodian of that child is receiving support enforcement services from the division pursuant
6 to section [454.425] **650.1036**. A copy of the notice and finding shall be mailed to the last
7 known address of both parents and any person or agency having custody of the child within
8 fourteen days of the issuance of such notice and finding. When appropriate to the circumstances
9 of the individual action, the notice shall state:

10 (1) The name of the person or agency with custody of the dependent child and the name
11 of the dependent child for whom support is to be paid;

12 (2) The monthly future support for which the parent shall be responsible;

13 (3) The state debt, if any, accrued and accruing, and the monthly payment to be made on
14 the state debt which has accrued;

15 (4) A statement of the costs of collection, including attorney's fees, which may be
16 assessed against the parent;

17 (5) That the parent shall be responsible for providing medical insurance for the
18 dependent child;

19 (6) That if a parent desires to discuss the amount of support that should be paid, the
20 parent or person having custody of the child may, within twenty days after being served, contact
21 the division office which sent the notice and request a negotiation conference. The other parent
22 or person having custody of the child shall be notified of the negotiated conference and may
23 participate in the conference. If no agreement is reached on the monthly amount to be paid, the
24 director may issue a new notice and finding of financial responsibility, which may be sent to the
25 parent required to pay support by regular mail addressed to the parent's last known address or,

26 if applicable, the parent's attorney's last known address. A copy of the new notice and finding
27 shall be sent by regular mail to the other parent or person having custody of the child;

28 (7) That if a parent or person having custody of the child objects to all or any part of the
29 notice and finding of financial responsibility and no negotiation conference is requested, within
30 twenty days of the date of service the parent or person having custody of the child shall send to
31 the division office which issued the notice a written response which sets forth any objections and
32 requests a hearing; and, that if the director issues a new notice and finding of financial
33 responsibility, the parent or person having custody of the child shall have twenty days from the
34 date of issuance of the new notice to send a hearing request;

35 (8) That if such a timely response is received by the appropriate division office, and if
36 such response raises factual questions requiring the submission of evidence, the parent or person
37 having custody of the child shall have the right to a hearing before an impartial hearing officer
38 who is an attorney licensed to practice law in Missouri and, that if no timely written response is
39 received, the director may enter an order in accordance with the notice and finding of financial
40 responsibility;

41 (9) That the parent has the right to be represented at the hearing by an attorney of the
42 parent's own choosing;

43 (10) That the parent or person having custody of the child has the right to obtain
44 evidence and examine witnesses as provided for in chapter 536, RSMo, together with an
45 explanation of the procedure the parent or person having custody of the child shall follow in
46 order to exercise such rights;

47 (11) That as soon as the order is entered, the property of the parent required to pay
48 support shall be subject to collection actions, including, but not limited to, wage withholding,
49 garnishment, liens, and execution thereon;

50 (12) A reference to sections [454.460 to 454.510] **650.1060 to 650.1111**;

51 (13) That the parent is responsible for notifying the division of any change of address
52 or employment;

53 (14) That if the parent has any questions, the parent should telephone or visit the
54 appropriate division office or consult an attorney; and

55 (15) Such other information as the director finds appropriate.

56 2. The statement of periodic future support required by subdivision (2) of subsection 1
57 of this section is to be computed as follows:

58 (1) If there is sufficient information available to the division regarding the parent's
59 financial and living situation, the scale and formula provided for in section [454.480] **650.1081**
60 shall be used; or

61 (2) If there is insufficient information available to use the scale and formula, an estimate

62 of ability to pay shall be the basis of the statement.

63 3. Any time limits for notices or requests may be extended by the director, and such
64 extension shall have no effect on the jurisdiction of the court, administrative body, or other entity
65 having jurisdiction over the proceedings.

66 4. If a timely written response setting forth objections and requesting a hearing is
67 received by the appropriate division office, and if such response raises a factual question
68 requiring the submission of evidence, a hearing shall be held in the manner provided by section
69 [454.475] **650.1072**. If no timely written response and request for hearing is received by the
70 appropriate division office, the director may enter an order in accordance with the notice, and
71 shall specify:

72 (1) The amount of periodic support to be paid, with directions on the manner of payment;

73 (2) The amount of state debt, if any, accrued in favor of the department;

74 (3) The monthly payment to be made on state debt, if any;

75 (4) The amount of costs of collection, including attorney's fees, assessed against the
76 parent;

77 (5) The name of the person or agency with custody of the dependent child and the name
78 and birth date of the dependent child for whom support is to be paid;

79 (6) That the property of the parent is subject to collection actions, including, but not
80 limited to, wage withholding, garnishment, liens, and execution thereon; and

81 (7) If appropriate, that the parent shall provide medical insurance for the dependent child,
82 or shall pay the reasonable and necessary medical expenses of the dependent child.

83 5. The parent or person having custody of the child shall be sent a copy of the order by
84 registered or certified mail, return receipt requested, addressed to the parent's last known address
85 or, if applicable, the parent's attorney's last known address. The order is final, and action by the
86 director to enforce and collect upon the order, including arrearages, may be taken from the date
87 of issuance of the order. A copy of the order shall also be sent by regular mail to the person
88 having custody of a child for whom an order is issued pursuant to this section.

89 6. Copies of the orders issued pursuant to this section shall be mailed within fourteen
90 days of the issuance of the order.

91 7. Any parent or person having custody of the child who is aggrieved as a result of any
92 allegation or issue of fact contained in the notice and finding of financial responsibility shall be
93 afforded an opportunity for a hearing, upon the request in writing filed with the director not more
94 than twenty days after service of the notice and finding is made upon such parent or person
95 having custody of the child, and if in requesting such hearing, the aggrieved parent or person
96 having custody of the child raises a factual issue requiring the submission of evidence.

[454.472.] **650.1069**. No garnishment, withholding, or other financial legal proceeding

2 under **this chapter or** chapter 454 to enforce a support order as defined in section [454.460]
3 **650.1036** shall be levied or maintained by the division of child support enforcement against a
4 party who alleges that no current or unpaid child support is due if, after review of the allegations
5 and evidence, the division determines that no current or unpaid child support is due. The
6 enforcement action may continue pending a review by the division, and the division may only
7 levy an enforcement action if current or unpaid support should later become due and owing. The
8 division shall advise a party to a support obligation being enforced by the division of the amount
9 currently due under the support order and how that amount was calculated upon request.

[454.475.] **650.1072.** 1. Hearings provided for in this section shall be conducted
2 pursuant to chapter 536, RSMo, by administrative hearing officers designated by the Missouri
3 department of [social services] **public safety**. The hearing officer shall provide the parents, the
4 person having custody of the child, or other appropriate agencies or their attorneys with notice
5 of any proceeding in which support obligations may be established or modified. The department
6 shall not be stayed from enforcing and collecting upon the administrative order during the
7 hearing process and during any appeal to the courts of this state, unless specifically enjoined by
8 court order.

9 2. If no factual issue has been raised by the application for hearing, or the issues raised
10 have been previously litigated or do not constitute a defense to the action, the director may enter
11 an order without an evidentiary hearing, which order shall be a final decision entitled to judicial
12 review as provided in sections 536.100 to 536.140, RSMo.

13 3. After full and fair hearing, the hearing officer shall make specific findings regarding
14 the liability and responsibility, if any, of the alleged responsible parent for the support of the
15 dependent child, and for repayment of accrued state debt or arrearages, and the costs of
16 collection, and shall enter an order consistent therewith. In making the determination of the
17 amount the parent shall contribute toward the future support of a dependent child, the hearing
18 officer shall use the scale and formula for minimum support obligations established by the
19 department pursuant to section [454.480] **650.1081**.

20 4. If the person who requests the hearing fails to appear at the time and place set for the
21 hearing, upon a showing of proper notice to that parent, the hearing officer shall enter findings
22 and order in accordance with the provisions of the notice and finding of support responsibility
23 unless the hearing officer determines that no good cause therefor exists.

24 5. In contested cases, the findings and order of the hearing officer shall be the decision
25 of the director. Any parent or person having custody of the child adversely affected by such
26 decision may obtain judicial review pursuant to sections 536.100 to 536.140, RSMo, by filing
27 a petition for review in the circuit court of proper venue within thirty days of mailing of the
28 decision. Copies of the decision or order of the hearing officer shall be mailed to any parent,

29 person having custody of the child and the division within fourteen days of issuance.

30 6. If a hearing has been requested, and upon request of a parent, a person having custody
31 of the child, the division or a IV-D agency, the director shall enter a temporary order requiring
32 the provision of child support pending the final decision or order pursuant to this section if there
33 is clear and convincing evidence establishing a presumption of paternity pursuant to section
34 210.822, RSMo. In determining the amount of child support, the director shall consider the
35 factors set forth in section 452.340, RSMo. The temporary order, effective upon filing pursuant
36 to section [454.490] **650.1087**, is not subject to a hearing pursuant to this section. The temporary
37 order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the
38 court that the order fails to comply with rule 88.01.

 [454.476.] **650.1075.** 1. If a court order has previously been entered, the director may
2 enter an administrative order in accordance with the court order, upon receiving from the obligee,
3 a child support enforcement agency of another state, or the court:

4 (1) A certified copy of the court order together with all modifications thereto;

5 (2) A sworn statement by the obligee or a certified statement from the court attesting to
6 or certifying the amount of arrearages under the court order;

7 (3) A statement of the name, last known address and, if known, the Social Security
8 number of the obligor; and

9 (4) The name and address of the obligor's employer or other payor, if known.

10 2. The obligor shall be sent a copy of the administrative order by certified mail, return
11 receipt requested, addressed to the obligor's last known address or, if applicable, the obligor's
12 attorney's last known address. The obligee shall be sent a copy of the administrative order by
13 regular mail. Copies of the order shall be mailed within fourteen days of issuance.

14 3. Upon entry of the order, the director shall issue an order directing an employer or
15 other payor to withhold and pay over money due or to become due to the obligated parent as set
16 out in section [454.505] **650.1105**.

17 4. The obligor or obligee, within fourteen days after receiving notice of the director's
18 order, may request an administrative hearing as provided in section [454.475] **650.1072** to
19 contest the order or withholding thereunder. At such hearing, the certified copy of the court
20 order and the sworn or certified statement of arrearages shall constitute prima facie evidence that
21 the director's order is valid and enforceable. Once the prima facie case is established, the obligor
22 may assert only mistake of fact as a defense. Mistake of fact shall mean an error in the amount
23 of arrearages or an error as to the identity of the obligor. The obligor shall have the burden of
24 proof as to these issues. The obligor may not obtain relief from the withholding by paying the
25 overdue support.

26 5. If the obligor requests a hearing, the withholding will be implemented unless the

27 obligor posts a bond or other security satisfactory to the director to insure payment of support.
28 6. Every order which contains a provision for the support of a child, whether entered by
29 a court or an administrative body of this or any other state, and whether entered prior to or
30 subsequent to enactment of this section, shall be enforceable by an order to withhold as provided
31 for by section [454.505] **650.1105** immediately upon compliance with subsection 1 of this
32 section.

 [454.478.] **650.1078.** In cases where an administrative order is entered pursuant to the
2 provisions of section [454.470] **650.1066** or section [454.476] **650.1075**, the director of the
3 division of child support enforcement may, upon petition of the party obligated to pay support
4 and upon good cause shown, order the recipient to furnish the party obligated to pay support with
5 a regular summary of expenses paid by such parent on behalf of the child. The director shall
6 prescribe the form and substance of the summary.

 [454.480.] **650.1081.** In order to assist in determining the amount that a parent shall be
2 ordered to contribute toward the support of a dependent child, the division shall establish by
3 regulation a scale and formula for determining minimum support obligations. The scale and
4 formula shall take into account the following factors:

- 5 (1) All earnings and income resources of the parents, including real and personal
6 property;
- 7 (2) The reasonable necessities of the parent;
- 8 (3) The needs of the dependent child for whom support is sought;
- 9 (4) The amount of public assistance which would be paid to the dependent child under
10 the full standard of need of the state's public assistance plan;
- 11 (5) The existence of other dependents, except that the dependent child for whom support
12 is sought shall benefit from the income and resources of the parent on an equitable basis in
13 comparison with any other dependent of the parent;
- 14 (6) Other reasonable criteria which the division may choose to incorporate.

 [454.485.] **650.1084.** 1. The director may enter an order establishing paternity of a child
2 in the course of a support proceeding pursuant to sections [454.460 to 454.510] **650.1060 to**
3 **650.1111** when the man is presumed to be the child's father pursuant to section 210.822, RSMo,
4 or when both parents sign sworn statements that the paternity of the dependent child for whom
5 support is sought has not been legally established and that the male parent is the father of the
6 child. For purposes of paternity establishment pursuant to this section, a sworn statement shall
7 include a statement verified by a person authorized to take oaths pursuant to section 207.020,
8 RSMo, or section [454.465] **650.1063**.

9 2. The director may enter an order requiring genetic testing in the course of an action to
10 establish paternity pursuant to sections [454.460 to 454.510] **650.1060 to 650.1111** or upon the

11 request of a IV-D agency of another state that is seeking to establish paternity. The order may
12 require that the child, the mother or an alleged father submit to tests performed by an expert
13 designated by the division to be qualified as an examiner of genetic markers present on blood
14 cells and components, or other tissue or fluid. Such an examiner shall be qualified to be an
15 expert as defined in section 210.834, RSMo, and shall be considered an expert pursuant to
16 subdivision (5) of subsection 1 of section 210.822, RSMo. In addition to any other provisions
17 for enforcement of the order, the order may be filed pursuant to section [454.490] **650.1087** and
18 refusal to comply with the order shall constitute civil contempt.

19 3. The docketing, pursuant to section [454.490] **650.1087**, of an order establishing
20 paternity pursuant to this section shall establish legal paternity for all purposes. The division
21 shall provide an additional copy of each administrative order to be docketed and the circuit clerk
22 shall, upon docketing, forward such copy to the bureau of vital records of the department of
23 health and senior services. The bureau of vital records shall enter the name of the father on the
24 birth records pursuant to sections 193.085 and 193.215, RSMo, and shall record the Social
25 Security account numbers of both parents, pursuant to section 193.075, RSMo.

26 4. In no event shall a hearing official conducting a hearing pursuant to sections [454.460
27 to 454.510] **650.1060 to 650.1111** be authorized to enter a finding of nonpaternity in the case of
28 a man presumed to be the biological father of any child pursuant to Missouri law, or of the father
29 of any child born out of wedlock who has acknowledged paternity in writing under oath or has
30 acknowledged that he is responsible for the support, maintenance and education of such child,
31 unless such presumption has been overruled, or such acknowledgment has been ruled void by
32 a court of competent jurisdiction.

33 5. In an action contesting paternity, the director shall require genetic testing at the request
34 of a party to such action if such request is supported by a sworn statement of such party which:

35 (1) Alleges paternity and sets forth facts establishing a reasonable possibility of sexual
36 contact between the parties; or

37 (2) Denies paternity and sets forth facts establishing a reasonable possibility that there
38 was no sexual contact between the parties.

39 6. The division shall pay the cost of any genetic test ordered pursuant to this section. If
40 the paternity of the alleged father is established, such father may be ordered to pay the cost of
41 such tests. If a genetic test is contested, the director shall not order additional genetic testing
42 when requested by the person contesting the test unless such person pays in advance for such
43 tests.

[454.490.] **650.1087**. 1. A true copy of any order entered by the director pursuant to
2 sections [454.460 to 454.997] **650.1060 to 650.1438**, along with a true copy of the return of
3 service, may be filed with the clerk of the circuit court in the county in which the judgment of

4 dissolution or paternity has been entered, or if no such judgment was entered, in the county
5 where either the parent or the dependent child resides or where the support order was filed.
6 Upon filing, the clerk shall enter the order in the judgment docket. Upon docketing, the order
7 shall have all the force, effect, and attributes of a docketed order or decree of the circuit court,
8 including, but not limited to, lien effect and enforceability by supplementary proceedings,
9 contempt of court, execution and garnishment. Any administrative order or decision of the
10 division of child support enforcement filed in the office of the circuit clerk of the court shall not
11 be required to be signed by an attorney, as provided by supreme court rule of civil procedures
12 55.03(a), or required to have any further pleading other than the director's order.

13 2. In addition to any other provision to enforce an order docketed pursuant to this section
14 or any other support order of the court, the court may, upon petition by the division, require that
15 an obligor who owes past due support to pay support in accordance with a plan approved by the
16 court, or if the obligor is subject to such plan and is not incapacitated, the court may require the
17 obligor to participate in work activities.

18 3. In addition to any other provision to enforce an order docketed pursuant to this section
19 or any other support order of the court, division or other IV-D agency, the director may order that
20 an obligor who owes past due support to pay support in accordance with a plan approved by the
21 director, or if the obligor is subject to such plan and is not incapacitated, the director may order
22 the obligor to participate in work activities. The order of the director shall be filed with a court
23 pursuant to subsection 1 of this section and shall be enforceable as an order of the court.

24 4. As used in this section, "work activities" include:

- 25 (1) Unsubsidized employment;
- 26 (2) Subsidized private sector employment;
- 27 (3) Subsidized public sector employment;
- 28 (4) Work experience (including work associated with the refurbishing of publicly
29 assisted housing) if sufficient private sector employment is not available;
- 30 (5) On-the-job training;
- 31 (6) Job search and readiness assistance;
- 32 (7) Community services programs;
- 33 (8) Vocational educational training, not to exceed twelve months for any individual;
- 34 (9) Job skills training directly related to employment;
- 35 (10) Education directly related to employment for an individual who has not received
36 a high school diploma or its equivalent;
- 37 (11) Satisfactory attendance at a secondary school or course of study leading to a
38 certificate of general equivalence for an individual who has not completed secondary school or
39 received such a certificate; or

40 (12) The provision of child care services to an individual who is participating in a
41 community service program.

[454.495.] **650.1090.** 1. [Until October 1, 1999, when an administrative order has been
2 docketed pursuant to section 454.490, the court shall order all support payments to be made to
3 the circuit clerk as trustee for the division of family services or other person entitled to receive
4 such payments pursuant to the order. The filing of such order by the director shall in and of itself
5 authorize the court to make the circuit clerk the trustee, notwithstanding any existing court order,
6 statute, or other law to the contrary, and the court need not hold a hearing on the matter. The
7 circuit clerk shall:

8 (1) Forward all such payments to the department or other person entitled to receive such
9 payments pursuant to the order;

10 (2) Keep an accurate record of the orders and the payments; and

11 (3) Report all such collections to the department in the manner specified by the
12 department.

13 2.] Effective October 1, 1999, and if an administrative order has been docketed pursuant
14 to section [454.490] **650.1087**, the payment center pursuant to section [454.530] **650.1153** shall
15 be trustee for the **family support** division [of family services] or other person entitled to receive
16 such payments pursuant to the order. The order by the director shall, in and of itself, authorize
17 the payment center to be the trustee, notwithstanding any existing court order or state law to the
18 contrary, and the court shall not be required to hold a hearing on the matter. The payment center
19 shall:

20 (1) Forward all such payments to the department or other person entitled to receive such
21 payments pursuant to the order;

22 (2) Keep an accurate record of the orders and payments; and

23 (3) Report all such collections to the division in the manner specified by the division.

24 [3.] **2.** As used in this section, "assignment" includes an assignment to the state by a
25 person who has applied for or is receiving assistance under a program funded pursuant to Part
26 A of Title IV or Title XIX of the Social Security Act.

[454.500.] **650.1099.** 1. At any time after the entry of an order pursuant to sections
2 [454.470 and 454.475] **650.1066 to 650.1072**, the obligated parent, the division, or the person
3 or agency having custody of the dependent child may file a motion for modification with the
4 director. Such motion shall be in writing, shall set forth the reasons for modification, and shall
5 state the address of the moving party. The motion shall be served by the moving party in the
6 manner provided for in subsection 5 of section [454.465] **650.1063** upon the obligated parent or
7 the party holding the support rights, as appropriate. In addition, if the support rights are held by
8 the **family support** division [of family services] on behalf of the state, a true copy of the motion

9 shall be mailed by the moving party by certified mail to the person having custody of the
10 dependent child at the last known address of that person. A hearing on the motion shall then be
11 provided in the same manner, and determinations shall be based on considerations set out in
12 section [454.475] **650.1072**, unless the party served fails to respond within thirty days, in which
13 case the director may enter an order by default. If the child for whom the order applies is no
14 longer in the custody of a person receiving public assistance or receiving support enforcement
15 services from the department, or a division thereof, pursuant to section [454.425] **650.1033**, the
16 director may certify the matter for hearing to the circuit court in which the order was filed
17 pursuant to section [454.490] **650.1087** in lieu of holding a hearing pursuant to section [454.475]
18 **650.1072**. If the director certifies the matter for hearing to the circuit court, service of the motion
19 to modify shall be had in accordance with the provisions of subsection 5 of section 452.370,
20 RSMo. If the director does not certify the matter for hearing to the circuit court, service of the
21 motion to modify shall be considered complete upon personal service, or on the date of mailing,
22 if sent by certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be
23 considered the "appropriate agent" to receive the notice of the motion to modify for the obligee
24 or the obligor, but only in those instances in which the matter is not certified to circuit court for
25 hearing, and only when service of the motion is attempted on the obligee or obligor by certified
26 mail.

27 2. A motion for modification made pursuant to this section shall not stay the director
28 from enforcing and collecting upon the existing order pending the modification proceeding
29 unless so ordered by the court.

30 3. Only payments accruing subsequent to the service of the motion for modification upon
31 all named parties to the motion may be modified. Modification may be granted only upon a
32 showing of a change of circumstances so substantial and continuing as to make the terms
33 unreasonable. In a proceeding for modification of any child support award, the director, in
34 determining whether or not a substantial change in circumstances has occurred, shall consider
35 all financial resources of both parties, including the extent to which the reasonable expenses of
36 either party are, or should be, shared by a spouse or other person with whom he or she cohabits,
37 and the earning capacity of a party who is not employed. If the application of the guidelines and
38 criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would
39 result in a change of child support from the existing amount by twenty percent or more, then a
40 prima facie showing has been made of a change of circumstances so substantial and continuing
41 as to make the present terms unreasonable.

42 4. The circuit court may, upon such terms as may be just, relieve a parent from an
43 administrative order entered against that parent because of mistake, inadvertence, surprise, or
44 excusable neglect.

45 5. No order entered pursuant to section [454.476] **650.1075** shall be modifiable pursuant
46 to this section, except that an order entered pursuant to section [454.476] **650.1075** shall be
47 amended by the director to conform with any modification made by the court that entered the
48 court order upon which the director based his or her order.

49 6. When the party seeking modifications has met the burden of proof set forth in
50 subsection 3 of this section, then the child support shall be determined in conformity with the
51 criteria set forth in supreme court rule 88.01.

52 7. The Social Security number of the parents shall be recorded on any order entered
53 pursuant to this section.

 [454.501.] **650.1102.** Nothing contained in sections [454.465 to 454.510] **650.1063 to**
2 **650.1111** shall deprive courts of competent jurisdiction from determining the support duty of a
3 parent against whom an order is entered by the director pursuant to the authority created by
4 sections [454.460 to 454.505] **650.1063 to 650.1105**. Such a determination by the court shall
5 supersede the director's order as to support payments due subsequent to the entry of the order by
6 the court, but shall not affect any support arrearage which may have accrued under the director's
7 order. The director's order shall be pleaded and received by the court as evidence of the extent
8 of the parent's duty of support.

 [454.505.] **650.1105.** 1. In addition to any other remedy provided by law for the
2 enforcement of support, if a support order has been entered, the director shall issue an order
3 directing any employer or other payor of the parent to withhold and pay over to the division, the
4 payment center pursuant to section [454.530] **650.1153** or the clerk of the circuit court in the
5 county in which a trusteeship is or will be established, money due or to become due the obligated
6 parent in an amount not to exceed federal wage garnishment limitations. For administrative child
7 support orders issued pursuant to sections other than section [454.476] **650.1075**, the director
8 shall not issue an order to withhold and pay over in any case in which:

9 (1) One of the parties demonstrates, and the director finds, that there is good cause not
10 to require immediate income withholding. For purposes of this subdivision, any finding that
11 there is good cause not to require immediate withholding shall be based on, at least, a written
12 determination and an explanation by the director that implementing immediate wage withholding
13 would not be in the best interests of the child and proof of timely payments of previously ordered
14 support in cases involving the modification of support orders; or

15 (2) A written agreement is reached between the parties that provides for an alternative
16 payment arrangement.

17

18 If the income of an obligor is not withheld as of the effective date of the support order, pursuant
19 to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become

20 subject to withholding pursuant to this section, without further exception, on the date on which
21 the obligor becomes delinquent in maintenance or child support payments in an amount equal
22 to one month's total support obligation.

23 2. An order entered pursuant to this section shall recite the amount required to be paid
24 as continuing support, the amount to be paid monthly for arrearages and the Social Security
25 number of the obligor if available. In addition, the order shall contain a provision that the
26 obligor shall notify the division of child support enforcement regarding the availability of
27 medical insurance coverage through an employer or a group plan, provide the name of the
28 insurance provider when coverage is available, and inform the division of any change in access
29 to such insurance coverage. A copy of section [454.460] **650.1060** and this section shall be
30 appended to the order.

31 3. An order entered pursuant to this section shall be served on the employer or other
32 payor either by regular mail or by certified mail, return receipt requested or may be issued
33 through electronic means, and shall be binding on the employer or other payor two weeks after
34 mailing or electronic issuance of such service. A copy of the order and a notice of property
35 exempt from withholding shall be mailed to the obligor at the obligor's last known address. The
36 notice shall advise the obligor that the withholding has commenced and the procedures to contest
37 such withholding pursuant to section [454.475] **650.1072** on the grounds that such withholding
38 or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days
39 from mailing the notice. At such a hearing the certified copy of the court order and the sworn
40 or certified statement of arrearages shall constitute prima facie evidence that the director's order
41 is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake
42 of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount
43 of the withholding or an error as to the identity of the obligor. The obligor shall have the burden
44 of proof on such issues. The obligor may not obtain relief from the withholding by paying the
45 overdue support. The employer or other payor shall withhold from the earnings or other income
46 of each obligor the amount specified in the order, and may deduct an additional sum not to
47 exceed six dollars per month as reimbursement for costs, except that the total amount withheld
48 shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15
49 U.S.C. 1673(b). The employer or other payor shall transmit the payments as directed in the order
50 within seven business days of the date the earnings, money due or other income was payable to
51 the obligor. For purposes of this section, "business day" means a day that state offices are open
52 for regular business. The employer or other payor shall, along with the amounts transmitted,
53 provide the date the amount was withheld from each obligor. If the order does not contain the
54 Social Security number of the obligor, the employer or other payor shall not be liable for
55 withholding from the incorrect obligor.

56 4. If the order is served on a payor other than an employer, it shall be a lien against any
57 money due or to become due the obligated parent which is in the possession of the payor on the
58 date of service or which may come into the possession of the payor after service until further
59 order of the director, except for any deposits held in two or more names in a financial institution.

60 5. The division shall notify an employer or other payor upon whom such an order has
61 been directed whenever all arrearages have been paid in full, and whenever, for any other reason,
62 the amount required to be withheld and paid over to the payment center pursuant to the order as
63 to future pay periods is to be reduced or redirected. If the parent's support obligation is required
64 to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or
65 other payor may, at the request of the obligee or the director, withhold and pay over to the
66 payment center an equal amount at each pay period cumulatively sufficient to comply with the
67 withholding order.

68 6. An order issued pursuant to subsection 1 of this section shall be a continuing order
69 and shall remain in effect and be binding upon any employer or other payor upon whom it is
70 directed until a further order of the director. Such orders shall terminate when all children for
71 whom the support order applies are emancipated or deceased, or the support obligation otherwise
72 ends, and all arrearages are paid. No order to withhold shall be terminated solely because the
73 obligor has fully paid arrearages.

74 7. An order issued pursuant to subsection 1 of this section shall have priority over any
75 other legal process pursuant to state law against the same wages, except that where the other
76 legal process is an order issued pursuant to this section or section 452.350, RSMo, the processes
77 shall run concurrently, up to applicable wage withholding limitations. If concurrently running
78 wage withholding processes for the collection of support obligations would cause the amounts
79 withheld from the wages of the obligor to exceed applicable wage withholding limitations and
80 includes a wage withholding from another state pursuant to section [454.932] **650.1360**, the
81 employer shall first satisfy current support obligations by dividing the amount available to be
82 withheld among the orders on a pro rata basis using the percentages derived from the relationship
83 each current support order amount has to the sum of all current child support obligations.
84 Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for
85 distributing current support, up to the applicable limitation. If concurrently running wage
86 withholding processes for the collection of support obligations would cause the amounts
87 withheld from the wages of the obligor to exceed applicable wage withholding limitations and
88 does not include a wage withholding from another state pursuant to section [454.932] **650.1360**,
89 the employer shall withhold and pay to the payment center an amount equal to the wage
90 withholding limitations. The payment center shall first satisfy current support obligations by
91 dividing the amount available to be withheld among the orders on a pro rata basis using the

percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payor who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payor who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payor for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the obligated parent in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of

128 the obligor's new employer, the director shall issue an order to the new employer as provided in
129 subsection 1 of this section.

130 12. If an employer or other payor is withholding amounts for more than one order issued
131 pursuant to subsection 1 of this section, the employer or other payor may transmit all such
132 withholdings which are to be remitted to the same circuit clerk, other collection unit or to the
133 payment center after October 1, 1999, as one payment together with a separate list identifying
134 obligors for whom a withholding has been made and the amount withheld from each obligor so
135 listed, and the withholding date or dates for each obligor.

136 13. For purposes of this section, "income" means any periodic form of payment due to
137 an individual, regardless of source, including wages, salaries, commissions, bonuses, workers'
138 compensation benefits, disability benefits, payments pursuant to a pension or a retirement
139 program, and interest.

140 14. The employer shall withhold funds as directed in the notice, except if an employer
141 receives an income withholding order issued by another state, the employer shall apply the
142 income withholding law of the state of the obligor's principal place of employment in
143 determining:

- 144 (1) The employer's fee for processing an income withholding order;
- 145 (2) The maximum amount permitted to be withheld from the obligor's income;
- 146 (3) The time periods within which the employer shall implement the income withholding
147 order and forward the child support payments;
- 148 (4) The priorities for withholding and allocating income withheld for multiple child
149 support obligees; and
- 150 (5) Any withholding terms and conditions not specified in the order.

151 15. If the secretary of the Department of Health and Human Services promulgates a final
152 standard format for an employer income withholding notice, the director shall use such notice
153 prescribed by the secretary.

[454.507.] **650.1108.** 1. In addition to the authority of the division to request
2 information pursuant to section [454.440] **650.1048**, the division may request information from
3 financial institutions pursuant to this section.

4 2. As used in this section:

- 5 (1) "Account" includes a demand deposit, checking or negotiable withdrawal order
6 account, savings account, time deposit account or money market mutual fund account;
- 7 (2) "Encumbered assets", the noncustodial parent's interest in an account which is
8 encumbered by a lien arising by operation of law or otherwise;
- 9 (3) "Financial institution" includes:
10 (a) A depository institution as defined in Section 3(c) of the Federal Deposit Insurance

11 Act (12 U.S.C. Section 1813(c));

12 (b) An institution affiliated party as defined in Section 3(u) of the Federal Deposit
13 Insurance Act (12 U.S.C. Section 1813(u));

14 (c) Any federal credit union or state credit union, as defined in Section 101 of the Federal
15 Credit Union Act (12 U.S.C. Section 1752), including an institution affiliated party of such a
16 credit union as defined in Section 206(r) of the Federal Credit Union Act (12 U.S.C. Section
17 1786(r)); or

18 (d) Any benefit association, insurance company, safe deposit company, money market
19 fund or similar entity authorized to do business in the state.

20 3. The division shall enter into agreements with financial institutions to develop and
21 operate a data match system which uses automated exchanges to the maximum extent feasible.
22 Such agreements shall require the financial institution to provide to the division, for each
23 calendar quarter, the name, record address, Social Security number or other taxpayer
24 identification number, and other identifying information of each noncustodial parent who
25 maintains an account at such institution and who owes past due support, as identified by the
26 division by name and Social Security number or other taxpayer identification number. The
27 financial institution shall only provide such information stated in this subsection that is readily
28 available through existing data systems, and as such data systems are enhanced, solely at the
29 financial institution's discretion and for its business purposes, the financial institution shall
30 provide any original and additional information which becomes readily available for any new
31 data match request.

32 4. The division shall pay a reasonable fee to the financial institution for conducting the
33 data match pursuant to this section, but such amount shall not exceed the costs incurred by the
34 financial institution.

35 5. The division or a IV-D agency may issue liens against any account in a financial
36 institution and may release such liens.

37 6. (1) If a notice of lien is received from the division or a IV-D agency, the financial
38 institution shall immediately encumber the assets held by such institution on behalf of any
39 noncustodial parent who is subject to such lien. However, if the account is in the name of a
40 noncustodial parent and such parent's spouse or parent, the financial institution at its discretion
41 may not encumber the assets and when it elects not to encumber such assets, shall so notify the
42 division or IV-D agency. The amount of assets to be encumbered shall be stated in the notice
43 and shall not exceed the amount of unpaid support due at the time of issuance. The financial
44 institution shall, within ten business days of receipt of a notice of lien, notify the division or
45 IV-D agency of the financial institution's response to the notice of lien.

46 (2) Within ten business days of notification by the financial institution that assets have

47 been encumbered, the division or IV-D agency shall notify by mail the noncustodial parent of
48 the issuance of the lien and the reasons for such issuance. The notice shall advise the
49 noncustodial parent of the procedures to contest such lien pursuant to section 454.475 by
50 requesting a hearing within thirty days from the date the notice was mailed by the division to the
51 noncustodial parent.

52 7. (1) Except as provided in subsection 6 of this section, the interest of the noncustodial
53 parent shall be presumed equal to all other joint owners, unless at least one of the joint owners
54 provides the division or IV-D agency with a true copy of a written agreement entered prior to the
55 date of issuance of notice of lien, or other clear and convincing evidence regarding the various
56 ownership interests of the joint owners within twenty days of the financial institution's mailing
57 of the notice of lien. The financial institution shall only encumber the amount presumed to
58 belong to the noncustodial parent. The division or IV-D agency may proceed to issue an order
59 for the amount in the account presumed to belong to the noncustodial parent if no prior written
60 agreement or other evidence is provided.

61 (2) If a prior written agreement or other clear and convincing evidence is furnished to
62 the division, and based on such agreement or evidence the division or IV-D agency determines
63 that the interest of the noncustodial parent is less than the presumed amount, the division or IV-D
64 agency shall amend the lien to reflect the amount in the account belonging to the noncustodial
65 parent or shall release the lien if the noncustodial parent has no interest in the account. In no
66 event shall the division or IV-D agency obtain more than the presumed amount of the account
67 without a judicial determination that a greater amount of the account belongs to the noncustodial
68 parent. The division or IV-D agency may by levy and execution on a judgment in a court of
69 competent jurisdiction seek to obtain an amount greater than the amount presumed to belong to
70 the noncustodial parent upon proof that the noncustodial parent's interest is greater than the
71 amount presumed pursuant to this subsection.

72 (3) For purposes of this subsection, accounts are not joint accounts when the
73 noncustodial parent has no legal right to the funds, but is either a contingent owner or agent.
74 Such nonjoint accounts shall include, but are not limited to, a pay-on-death account or any other
75 account in which the noncustodial parent owner may act as agent by a power of attorney or
76 otherwise. Furthermore, when any account naming the noncustodial parent has not been
77 disclosed to the noncustodial parent which is evidenced by a signature card or other deposit
78 agreement not containing the signature of such noncustodial parent, then for the purposes of this
79 subsection, such account shall not be treated as a joint account.

80 (4) Notwithstanding any other provision of this section, a financial institution shall not
81 encumber any account of less than one hundred dollars.

82 8. Upon service of an order to surrender issued pursuant to this section, any financial

83 institution in possession of a jointly owned account may interplead such property as otherwise
84 provided by law.

85 9. Any other joint owner may petition a court of competent jurisdiction for a
86 determination that the interests of the joint owners are disproportionate. The party filing the
87 petition shall have the burden of proof on such a claim. If subject to the jurisdiction of the court,
88 all persons owning affected accounts with a noncustodial parent shall be made parties to any
89 proceeding to determine the respective interests of the joint owners. The court shall enter an
90 appropriate order determining the various interests of each of the joint owners and authorizing
91 payment against the obligor's share for satisfaction of the child support or maintenance
92 obligation.

93 10. The court may assess costs and reasonable attorney's fees against the noncustodial
94 parent if the court determines that the noncustodial parent has an interest in the affected joint
95 account.

96 11. The division may order the financial institution to surrender all or part of the
97 encumbered assets. The order shall not issue until sixty days after the notice of lien is sent to the
98 financial institution. The financial institution shall, within seven days of receipt of the order, pay
99 the encumbered amount as directed in the order to surrender.

100 12. A financial institution shall not be liable pursuant to any state or federal law,
101 including 42 U.S.C. Section 669A, to any person for:

102 (1) Any disclosure of information to the division pursuant to this section;

103 (2) Encumbering or surrendering any assets held by the financial institution in response
104 to a lien or order pursuant to this section and notwithstanding any other provisions in this section
105 to the contrary, encumbering or surrendering assets from any account in the financial institution
106 connected in any way to the noncustodial parent; or

107 (3) Any other action taken in good faith to comply with the requirements of this section.

108 13. A financial institution that fails without due cause to comply with a notice of lien or
109 order to surrender issued pursuant to this section shall be liable for the amount of the
110 encumbered assets and the division may bring an action against the financial institution in circuit
111 court for such amount. For purposes of this subsection, "due cause" shall include, but not be
112 limited to, when a financial institution demonstrates to a court of competent jurisdiction that the
113 institution established in good faith a routine to comply with the requirements of this section and
114 that one or more transactions to enforce the lien or order to surrender were not completed due
115 to an accidental error, a misplaced computer entry, or other accidental human or mechanical
116 problems.

[454.510.] **650.1111.** The supreme court of the state of Missouri may provide rules for
2 expeditious hearings on all matters referred to the circuit court pursuant to this act.

[454.511.] **650.1114.** The division may certify a person who owes a child support
2 arrearage in an amount exceeding five thousand dollars to the appropriate federal government
3 agency for the purpose of denying a passport to such person, or revoking, suspending or limiting
4 a passport previously issued to such person. Such person shall be mailed, by the division or on
5 behalf of the division, a notice of the proposed certification and the consequences thereof upon
6 such person. Within thirty days of receipt of the notice, the person may contest the proposed
7 certification by requesting in writing a hearing pursuant to the procedures in section [454.475]
8 **650.1072.** At such hearing the obligor may assert only mistake of fact as a defense. For
9 purposes of this section, "mistake of fact" means an error in the amount of arrearages or an error
10 as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The
11 division shall not certify the person until after a final decision has been reached.

[454.512.] **650.1117.** 1. The division shall periodically report the name of any
2 noncustodial parent who is delinquent in the payment of support and the amount of overdue
3 support owed by such parent to consumer reporting agencies defined in 15 U.S.C. Section
4 1681a(f).

5 2. The noncustodial parent shall be provided notice and a reasonable opportunity to
6 contest the accuracy of the information before such information is reported to a consumer
7 reporting agency under procedures adopted by the division.

8 3. Before referring information to any entity pursuant to this section, the division shall
9 ensure that such entity has provided evidence that is qualified as a consumer reporting agency.

[454.513.] **650.1120.** 1. Any attorney initiating any legal proceedings at the request of
2 the Missouri division of child support enforcement shall represent the state of Missouri,
3 department of [social services] **public safety**, division of child support enforcement exclusively.
4 An attorney/client relationship shall not exist between the attorney and any applicant or recipient
5 of child support enforcement services for and on behalf of a child or children, without regard to
6 the name in which legal proceedings are initiated. The provisions of this section shall apply to
7 a prosecuting attorney, circuit attorney, attorney employed by the state or attorney under contract
8 with the division of child support enforcement.

9 2. An attorney representing the division in a proceeding in which a child support
10 obligation may be established or modified shall, whenever possible, notify an applicant or
11 recipient of child support enforcement services of such proceedings if such applicant or recipient
12 is a party to such a proceeding but is not represented by an attorney.

[454.514.] **650.1123.** 1. The director, IV-D agency or the obligee may cause a lien for
2 unpaid and delinquent child or spousal support to be placed upon an obligor's distributive share
3 of a decedent's estate.

4 2. No such lien shall be effective unless and until a written notice is filed with the clerk

5 of the probate court in which the decedent's estate is being administered, a copy of the notice is
6 sent by regular United States mail to the personal representative of the decedent, and, if the
7 obligor's distributive share includes real estate, in the real estate records of the county where the
8 real estate is located. The notice shall contain the name and address of the delinquent obligor,
9 the Social Security number of the obligor, if known, the name of the obligee, and the amount of
10 delinquent child or spousal support.

11 3. The lien shall attach to the obligor's distributive share upon the filing of the notice of
12 the lien with the clerk. Thereafter, the personal representative of the decedent shall pay to the
13 obligee, director or the director's designated agent, the lesser of the obligor's distributive share
14 or the unpaid and delinquent child or spousal support. If the personal representative fails to pay
15 the obligee or the state of Missouri, as the case may be, the personal representative shall be liable
16 upon the representative's bond to the obligee or the state of Missouri.

17 4. In cases which are not IV-D cases to cause a lien pursuant to the provisions of this
18 section the obligee or the obligee's attorney shall file notice of the lien with the lienholder or
19 payor. This notice shall have attached a certified copy of the court order with all modifications
20 and a sworn statement by the obligee or a certified statement from the court attesting to or
21 certifying the amount of arrearages.

[454.515.] **650.1126.** 1. A judgment or order for child support or maintenance payable
2 in periodic installments shall not be a lien on the real estate of the person against whom the
3 judgment or order is rendered until the person entitled to receive payments pursuant to the
4 judgment or order, the division or IV-D agency files a lien and the lien is recorded in the office
5 of the circuit clerk of any county in this state in which such real estate is situated in the manner
6 provided for by the supreme court and chapter 511, RSMo. Thereafter, the judgment shall
7 become a lien on all real property of the obligor in such county, owned by the obligor at the time,
8 or which the obligor may acquire afterwards and before the lien expires.

9 2. Liens pursuant to this section shall commence on the day filed and shall continue for
10 a period of three years. A judgment creditor, the division or IV-D agency may revive a lien by
11 filing another lien on or before each three-year anniversary of the original judgment. At the time
12 each lien is revived, all unpaid installments shall remain a lien for the subsequent three-year
13 period.

14 3. The lien shall state the name, last known address of the obligor, the obligor's Social
15 Security number, the obligor's date of birth, if known, and the amount of support or maintenance
16 due and unpaid.

17 4. A copy of the lien shall be mailed by the person entitled to receive payments under
18 the judgment or order, the division or IV-D agency to the last known address of the obligor.

19 5. The person entitled to receive payments pursuant to the judgment or order, the

20 division or IV-D agency may execute a partial or total release of the liens created by this section,
21 either generally or as to specific property.

[454.516.] **650.1129.** 1. The director or IV-D agency may cause a lien pursuant to
2 subsections 2 and 3 of this section or the obligee may cause a lien pursuant to subsection 7 of this
3 section for unpaid and delinquent child support to block the issuance of a certificate of ownership
4 for motor vehicles, motor boats, outboard motors, manufactured homes and trailers that are
5 registered in the name of a delinquent child support obligor.

6 2. The director or IV-D agency shall notify the department of revenue with the required
7 information necessary to impose a lien pursuant to this section by filing a notice of lien.

8 3. The director or IV-D agency shall not notify the department of revenue and the
9 department of revenue shall not register such lien except as provided in this subsection. After
10 the director or IV-D agency decides that such lien qualifies pursuant to this section and forward
11 it to the department of revenue, the director of revenue or the director's designee shall only file
12 such lien against the obligor's certificate of ownership when:

13 (1) The obligor has unpaid child support which exceeds one thousand dollars;

14 (2) The property has a value of more than three thousand dollars as determined by
15 current industry publications that provide such estimates to dealers in the business, and the
16 property's year of manufacture is within seven years of the date of filing of the lien except in the
17 case of a motor vehicle that has been designated a historic vehicle;

18 (3) The property has no more than two existing liens for child support;

19 (4) The property has had no more than three prior liens for child support in the same
20 calendar year.

21 4. In the event that a lien is placed and the obligor's total support obligation is
22 eliminated, the director shall notify the department of revenue that the lien shall be removed.

23 5. Upon notification that a lien exists pursuant to this section, the department of revenue
24 shall register the lien on the records of the department of revenue. Such registration shall contain
25 the type and model of the property and the serial number of the property.

26 6. Upon notification by the director that the lien shall be removed pursuant to subsection
27 4 of this section, the department of revenue shall register such removal of lien on its [datebank]
28 **database**, that shall contain the type and model of the property and the serial number of the
29 property. The division or IV-D agency may hold any satisfaction of the registered lien until the
30 child support obligation is satisfied, or levy and execute on the motor vehicle, motor boat,
31 outboard motor, manufactured home or trailer and sell same, at public sale, in order to satisfy the
32 debt.

33 7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this
34 section the obligee or the obligee's attorney shall file notice of the lien with the department of

35 revenue. This notice shall have attached a certified copy of the court order with all modifications
36 and a sworn statement by the obligee or a certified statement from the court attesting to or
37 certifying the amount of arrearages.

38 8. Notwithstanding any other law to the contrary, the department of revenue shall
39 maintain a child support lien database for outstanding child support liens against the owner's
40 certificate of ownership provided for by chapters 301, 306, and 700, RSMo. To determine any
41 existing liens for child support pursuant to this section, the lienholder, dealer, or buyer may
42 inquire electronically into the database. A good faith purchaser for value without notice of the
43 lien in the database or a lender without notice of the lien in the database takes free of the lien.

[454.517.] **650.1132.** 1. The director, IV-D agency or the obligee may cause a lien for
2 unpaid and delinquent child or spousal support to be placed upon any workers' compensation
3 benefits payable to an obligor delinquent in child or spousal support payments.

4 2. No such lien shall be effective unless and until a written notice is filed with the
5 director of the division of workers' compensation. The notice shall contain the name and address
6 of the delinquent obligor, the Social Security number of the obligor, if known, the name of the
7 obligee, and the amount of delinquent child or spousal support.

8 3. Notice of lien shall not be filed unless the delinquent child or spousal support
9 obligation exceeds one hundred dollars.

10 4. Any person or persons, firm or firms, corporation or corporations, including an
11 insurance carrier, making any payment of workers' compensation benefits to such obligor or to
12 such obligor's attorneys, heirs or legal representative, after receipt of such notice, as defined in
13 subsection 5 of this section, shall be liable to the obligee or, if support has been assigned
14 pursuant to subsection 2 of section 208.040, RSMo, to the state or IV-D agency in an amount
15 equal to the lesser of the workers' compensation benefits paid or delinquent child or spousal
16 support. In such event, the lien may be enforced by a suit at law against any person or persons,
17 firm or firms, corporation or corporations making the workers' compensation benefit payment.

18 5. Upon the filing of a notice pursuant to this section, the director of the division of
19 workers' compensation shall mail to the obligor and to all attorneys and insurance carriers of
20 record, a copy of the notice. The obligor, attorneys and insurance carriers shall be deemed to
21 have received the notice within five days of the mailing of the notice by the director of the
22 division of workers' compensation. The lien described in this section shall attach to all workers'
23 compensation benefits which are thereafter payable.

24 6. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this
25 section the obligee or the obligor's attorney shall file notice of the lien with the lienholder or
26 payor. This notice shall have attached a certified copy of the court order with all modifications
27 and a sworn statement by the obligee or a certified statement from the court attesting to or

28 certifying the amount of arrearages.

[454.518.] **650.1135.** 1. The director, IV-D agency or the obligee may cause a lien for
2 unpaid and delinquent child or spousal support to be placed upon any and all claims,
3 counterclaims, or suits at law of any obligor delinquent in child or spousal support payments.

4 2. No such lien shall be effective unless and until a written notice is filed with the clerk
5 of the court in which the claim, counterclaim or suit at law is pending, and the clerk of the court
6 mails the notices required by subsection 5 of this section. The notice shall contain the name and
7 address of the delinquent obligor, the Social Security number of the obligor, if known, the name
8 of the obligee, and the amount of delinquent child or spousal support.

9 3. Notice of this lien shall not be filed unless the delinquent child or spousal support
10 obligation exceeds one hundred dollars.

11 4. Any person or persons, firm or firms, corporation or corporations, including an
12 insurance carrier, making any payment or settlement in full or partial satisfaction of the claim,
13 counterclaim or suit at law, after receipt of such notice, as defined in subsection 5 of this section,
14 shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section
15 208.040, RSMo, to the state or IV-D agency in an amount equal to the lesser of the payment or
16 settlement, or the delinquent child or spousal support. In such event, the lien may be enforced
17 by a suit at law against any person or persons, firm or firms, corporation or corporations making
18 the payment or settlement.

19 5. Upon the filing of a notice pursuant to this section, the clerk of the court shall mail
20 to the obligor and to all attorneys of record a copy of the notice. The obligor and attorneys of
21 record shall be deemed to have received the notice within five days of the mailing by the clerk.
22 The lien described in this section shall attach to any payment or settlement made more than five
23 days after the clerk mailed the notice.

24 6. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this
25 section the obligee or the obligee's attorney shall file notice of the lien with the lienholder or
26 payor. This notice shall have attached a certified copy of the court order with all modifications
27 and a sworn statement by the obligee or a certified statement from the court attesting to or
28 certifying the amount of arrearages.

[454.519.] **650.1138.** 1. The director, IV-D agency or the obligee may cause a lien for
2 unpaid and delinquent child or spousal support to be placed upon any and all demands or rights
3 of action for negligence or personal injury which any obligor delinquent in child or spousal
4 support payments may have.

5 2. No such lien shall be effective unless and until a written notice is mailed by certified
6 mail, return receipt requested, to the alleged tort-feasor or the attorney of record, if any. The
7 notice shall contain the name and address of the delinquent obligor, the Social Security number

8 of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal
9 support. The notice shall also instruct the tort-feasor to mail a copy of the notice of lien to the
10 tort-feasor's insurance carrier, if any.

11 3. Notice of this lien shall not be mailed unless the delinquent child or spousal support
12 obligation exceeds one hundred dollars.

13 4. Any person or persons, firm or firms, corporation or corporations, including an
14 insurance carrier, making any payment or settlement in full or partial satisfaction of the demand
15 or right of action, after receipt by the tort-feasor of the notice of lien, shall be liable to the obligee
16 or, if support has been assigned pursuant to subsection 2 of section 208.040, RSMo, to the state
17 or IV-D agency in an amount equal to the lesser of the payment or settlement, or the delinquent
18 child or spousal support. In such event, the lien may be enforced by a suit at law against any
19 person or persons, firm or firms, corporation or corporations making the payment or settlement.

20 5. In cases which are not IV-D cases to cause a lien pursuant to the provisions of this
21 section the obligee or the obligee's attorney shall file notice of the lien with the lienholder or
22 payor. This notice shall have attached a certified copy of the court order with all modifications
23 and a sworn statement by the obligee or a certified statement from the court attesting to or
24 certifying the amount of arrearages.

[454.520.] **650.1141.** 1. All delinquent child support and maintenance payments which
2 have accrued based upon judgments or orders of courts of this state entered prior to September
3 29, 1979, shall draw interest at the rate of six percent per annum through September 28, 1979;
4 at the rate of nine percent per annum from September 29, 1979, through August 31, 1982; and
5 thereafter at the rate of one percent per month.

6 2. All delinquent child support and maintenance payments which have accrued based
7 upon judgments or orders of courts of this state entered after September 28, 1979, but prior to
8 September 1, 1982, shall draw interest at the rate of nine percent per annum through August 31,
9 1982, and thereafter at the rate of one percent per month.

10 3. All delinquent child support and maintenance payments which accrue based upon
11 judgments of courts of this state entered on or after September 1, 1982, shall draw interest at the
12 rate of one percent per month.

13 4. The interest imposed pursuant to subsections 1 to 3 of this section shall be simple
14 interest. Interest shall accrue at the close of the business day on the last day of each month and
15 shall be calculated by multiplying the total arrearage existing at the end of the day, less the
16 amount of that month's installments, by the applicable rate of interest. The total amount of
17 interest collectible is the sum of the interest which has accrued on the last day of each month
18 following the first delinquent payment. This interest computation method shall apply to all
19 support and maintenance orders, regardless of the frequency of the installments required by the

20 court. If the order does not specify the date on which support or maintenance payments are to
21 begin, it shall be assumed that the first installment was due on the date the order was entered, and
22 subsequent installments fall due on the same day of the week, or date of the month, as is
23 appropriate. Payments which were to begin on the twenty-ninth, thirtieth or thirty-first of any
24 month shall be deemed due on the last day of any month not containing such date. The interest
25 imposed pursuant to this section shall automatically accrue and attach to the underlying support
26 or maintenance judgment or order, and may be collected together with the arrearage, except that
27 no payment or collection shall be construed to be interest until the entire support arrearage has
28 been satisfied. Such interest shall be considered support or maintenance for the purposes of
29 exemptions, restrictions on amounts which may be recovered by garnishment, and
30 nondischargeability in bankruptcy.

31 5. As a condition precedent to execution for interest on delinquent child support or
32 maintenance payments, the obligee shall present to the circuit clerk a sworn affidavit setting forth
33 the payment history of the obligor under the judgment or order, together with a statement which
34 details the computation of the interest claimed to be due and owing; except, that the payment
35 history affidavit shall not be required for periods during which the clerk is acting as trustee
36 pursuant to section 452.345, RSMo, or the division is acting as trustee pursuant to this chapter
37 or any other provision of the laws of this state. It shall not be the responsibility of the circuit
38 clerk to compute the interest due and owing. The payment history affidavit and statement of
39 interest shall be entered in the case record by the circuit clerk. If the obligor disputes the
40 payment history as sworn to by the obligee, or the interest claimed, the obligor may petition the
41 court for a determination. The court shall hold a hearing and shall make such a determination
42 prior to the return date of the execution, or if this is not possible, the court shall direct the sheriff
43 to pay the proceeds of the execution into the court pending such determination. If the
44 determination as made by the court is inconsistent with the payment history affidavit of the
45 obligee, or the interest claimed, the amount of the execution shall be so amended.

[454.522.] **650.1144.** 1. The director of revenue shall subordinate any lien filed pursuant
2 to the provisions of subsection 1 of section 143.902, RSMo, or any lien filed pursuant to the
3 provisions of subsection 1 of section 144.380, RSMo, to any lien for child support filed pursuant
4 to chapter [454] **650**, without regard to whether the lien filed pursuant to subsection 1 of section
5 143.902, RSMo, or subsection 1 of section 144.380, RSMo, was filed earlier in time. This
6 subsection shall not apply unless the child, or at least one of two or more children, on whose
7 behalf a lien for child support has been filed pursuant to chapter [454] **650** resides in Missouri.
8 This subsection shall not apply if the effect of the subordination of the lien filed pursuant to
9 subsection 1 of section 143.902, RSMo, or subsection 1 of section 144.380, RSMo, is to permit
10 other lienholders senior to the child support lien to receive all the proceeds from the sale of the

11 assets to which the lien filed pursuant to subsection 1 of section 143.902, RSMo, or subsection
12 1 of section 144.380, RSMo, attaches, with no part of the proceeds going to the child or children
13 on whose behalf the lien has been filed pursuant to chapter [454] **650**.

14 2. Any collusive attempt between a child support obligor and obligee to use the
15 provisions of subsection 1 of this section to evade or defeat any tax imposed by sections 143.011
16 to 143.996, RSMo, or the payment thereof, shall be considered a criminal offense which may be
17 prosecuted pursuant to section 143.911, RSMo, in addition to any other penalty provided by law.

18 3. Any collusive attempt between a child support obligor and obligee to use the
19 provisions of subsection 1 of this section to evade or defeat any tax imposed by sections 144.010
20 to 144.525, RSMo, or the payment thereof, shall be considered a violation subject to the penalties
21 provided in sections 144.500 and 144.510, RSMo.

[454.525.] **650.1147**. 1. For purposes of this section, an "obligor" is a person who owes
2 a duty of support as determined by a court or administrative agency of competent jurisdiction.

3 2. Any conveyance of real or personal property made by the obligor, including
4 conveyances made by the obligor to himself and his spouse as tenants by the entirety, for the
5 purpose and with the intent to delay, hinder or defraud the person to whom the support obligation
6 is owed shall be voidable, as long as the tenancy by the entirety exists and until a good faith
7 purchaser for value gains title to the property. This subsection shall not operate to impair the
8 commercial banks' defense under section 362.470, RSMo.

9 3. Any party owed a support obligation may maintain an action for the purpose of setting
10 aside a fraudulent conveyance by filing an appropriate motion in the cause of action that
11 produced the support order, or if the order was established pursuant to sections [454.440 to
12 454.510] **650.1048 to 650.1111**, by filing a petition in the court in which the order was filed
13 pursuant to section [454.490] **650.1087**. Where the party seeking to set aside the conveyance
14 presents evidence that the conveyance was made voluntarily and without adequate consideration
15 or in anticipation of entry or enforcement of a judicial or administrative support order, a
16 presumption shall arise that the conveyance was made with fraudulent intent. Upon such a
17 showing, the burden of proving that the conveyance was made in good faith shall rest with the
18 obligor.

19 4. If after a hearing the court determines that the conveyance was made for the purpose
20 and with the intent to delay, hinder or defraud the person to whom the support obligation is
21 owed, the court shall set the conveyance aside and subject the property to execution for
22 satisfaction of the support judgment subject to the interest of the good faith purchaser for value,
23 mortgagee, or commercial bank.

[454.528.] **650.1150**. 1. The interests of one or more owners of any real or personal
2 property held in joint tenancy with right of survivorship, or otherwise held in any form of joint

3 interest, except for property held in the name of a husband and wife and no other, are subject to
4 execution as provided in this section for the sole purpose of enforcing judgments or orders for
5 child support or maintenance.

6 2. For purposes of this section, an "obligor" is a person who owes a duty of support as
7 determined by a court or administrative agency of competent jurisdiction.

8 3. Any party in possession of a judgment or order for child support or maintenance may
9 request levy and execution from a court of competent jurisdiction against real or personal
10 property held by the obligor jointly with another person as provided in this section. Unless one
11 or more of the joint owners presents to the court, within ten days after the return date of the
12 execution, a true copy of a prior written agreement setting forth the various interests of the joint
13 owners, or the court determines otherwise after holding a hearing as provided for in subsection
14 5 of this section, it shall be presumed that the interests of the joint owners are equal. Upon levy,
15 the execution shall constitute a lien against the obligor's presumed interest in the property. Any
16 one or more of the joint owners may obtain relief from the lien by filing with the court a copy
17 of a prior written agreement setting forth the various interests of the joint owners, without the
18 necessity of filing a petition under subsection 5 of this section. A copy of the written agreement
19 shall be sent by regular United States mail to the party requesting execution, who may challenge
20 the validity or authenticity of the agreement by filing a petition pursuant to subsection 5 of this
21 section.

22 4. Upon being served with an execution issued pursuant to this section, any third party
23 in possession of jointly owned property may interplead said property as otherwise provided by
24 law. Commercial banks may utilize the interpleader procedure authorized by the provisions of
25 section 362.360, RSMo. The third party shall notify the owners of the property that the property
26 has been levied upon if the owners have addresses of record with the third party.

27 5. Either party, or any other joint owner as provided in subsection 1 of this section, may
28 petition the court for a determination that the interests of the joint owners are disproportionate
29 by filing a proper motion in the cause of action from which the levy and execution was issued.
30 The party filing the motion shall have the burden of proof as to the claim that the interests of the
31 joint owners are disproportionate. If subject to the jurisdiction of the court, all persons owning
32 affected real or personal property jointly with an obligor shall be made parties to any proceeding
33 to determine the respective interests of the joint owners. After a hearing on the motion, the court
34 shall enter an appropriate order determining the various interests of each of the joint owners, and
35 authorizing execution against the obligor's share for satisfaction of the child support or
36 maintenance obligation.

37 6. The court may assess costs and reasonable attorney's fees against the obligor, if the
38 court determines that the obligor has an interest in the affected jointly held property. If the court

39 determines that the obligor has no interest in the property, costs and attorney's fees may be
40 assessed against the party who requested the execution.

[454.530.] **650.1153.** 1. On or before October 1, 1999, the division of child support
2 enforcement shall establish and operate a state disbursement unit to be known as the "Family
3 Support Payment Center" for the receipt and disbursement of payments pursuant to support
4 orders for:

5 (1) All cases enforced by the division pursuant to section 454.400; and

6 (2) Any case required by federal law to be collected or disbursed by the payment center
7 including, but not limited to, cases in which a support order is initially issued on or after January
8 1, 1994, in which the income of the obligor is subject to withholding; and

9 (3) Beginning July 1, 2001:

10 (a) Any other case with a support order in which payments are ordered or directed by a
11 court or the division to be made to the payment center or in which the income of the obligor is
12 subject to withholding; and

13 (b) Any case prior to July 1, 2001, in which support payments are ordered paid to the
14 clerk of the court as trustee pursuant to section 452.345, RSMo.

15 2. The family support payment center shall be operated by the division, in conjunction
16 with other state agencies pursuant to a cooperative agreement, or by a contractor responsible
17 directly to the division. Notwithstanding any other provision of law to the contrary, after notice
18 by the division or the court that issued the support order to the obligor that all future payments
19 shall be made to the payment center, the payment center shall become trustee for payments made
20 by parents, employers, states and other entities, and all future payments shall be made to the
21 payment center. The payment center shall disburse payments to custodial parents and other
22 obligees, the state or agencies of other states. If the payment center is operated by a contractor
23 and the contractor receives and disburses the payments, the contractor shall have an annual audit
24 conducted by an independent certified public accountant. The audit will determine whether
25 funds received are disbursed or otherwise accounted for, and make recommendations as to the
26 procedures and changes that the contractor should take to protect the funds received from
27 misappropriation and theft. A copy of the audit shall be delivered to the division, the office of
28 administration and the office of the state courts administrator.

29 3. Except as otherwise provided in sections [454.530 to 454.560] **650.1153 to 650.1189**,
30 the payment center shall disburse support payments within two business days after receipt from
31 the employer or other source of periodic income, if sufficient information identifying the payee
32 is provided. As used in sections [454.530 to 454.560] **650.1153 to 650.1189**, "business day"
33 means a day state government offices are open for regular business. Disbursement of payments
34 made toward arrearages may be delayed until the resolution of any timely appeal with respect to

35 such arrearage or upon order of a court.

36 4. The family support payment center shall establish an electronic funds transfer system
37 for the transfer of child support payments. Any person or employer may, without penalty, choose
38 to receive payments from or disburse payments to the payment center by check or draft instead
39 of by electronic transfer.

[454.531.] **650.1156.** 1. Whenever a parent or other person receives support moneys for
2 a child paid to him or her by the division of child support enforcement pursuant to the provisions
3 of chapter [454] **650**, and the division subsequently determines that such payment, through no
4 fault of the division, was erroneously made, either in good faith, or due to fraud or receipt of
5 inaccurate information from the recipient of such support, such parent or other person shall be
6 indebted to the division in an amount equal to the amount of the support money received by the
7 parent or other person for that child. The division may utilize any available administrative or
8 legal process to collect the erroneously paid support to effect recoupment and satisfaction of the
9 debt incurred by reason of the failure of such parent or other person to reimburse the division for
10 such erroneously paid child support. The division is also authorized to make a setoff to effect
11 satisfaction of the debt by deduction from support moneys for that child in its possession or in
12 the possession of any clerk of the court or other forwarding agent which would otherwise be
13 payable to such parent or other person for the satisfaction of any support reimbursement.
14 Nothing in this section authorizes the division to make a setoff as to current support paid during
15 the month for which the payment is due and owing.

16 2. A person commits the crime of stealing, as defined by section 570.030, RSMo, if he
17 or she knowingly retains possession of child support payments which have been erroneously paid
18 by the division through no fault of the division and the division has requested reimbursement of
19 such support paid, if the purpose is to deprive the division of such reimbursement, either without
20 the consent of the division or by means of deceit or coercion.

[454.533.] **650.1159.** 1. All support payments collected by the payment center shall be
2 deposited in a special trust fund, which is hereby created, to be known as the "Family Support
3 Trust Fund". Interest, if any, earned by the money in the trust fund shall be deposited into the
4 general revenue fund in the state treasury.

5 2. The moneys in the family support trust fund shall not be deemed to be state funds and
6 shall not be commingled with any state funds. Any moneys that are payable to the state of
7 Missouri from the trust fund shall be deposited in the state's general revenue fund.

8 3. The payment center shall keep accurate record of the money received and disbursed
9 through the trust fund and such records shall be available for inspection by state and federal
10 officers and employees, obligors, obligees and the courts authorized by law.

11 4. The director or division may authorize the state treasurer to make refunds to the trust

12 fund for erroneous payments and overpayments to the state.

[454.536.] **650.1162.** 1. The division shall maintain or cause to be maintained records
2 showing payments and disbursements made by the payment center. The records shall be
3 maintained in the automated child support system established pursuant to this chapter. The
4 records shall include the amount of current support due and the total amount due for past unpaid
5 support, and payment and disbursement records previously maintained by the circuit clerks of
6 this state.

7 2. The circuit clerk shall certify the records of past payments and disbursements to the
8 payment center at the time payments are directed to be made to the center. The payment and
9 disbursement records of the circuit clerks, as shown on the automated child support system, shall
10 be deemed certified by the clerks. The division or circuit clerk shall record or cause to be
11 recorded other credits against a support order. Credits allowed pursuant to this section shall
12 include, but not be limited to, abatements pursuant to section 452.340, RSMo, in-kind payments
13 pursuant to section [454.432] **650.1039**, amounts collected from an obligor from federal and state
14 income tax refunds, state lottery payments, Social Security payments, unemployment and
15 workers' compensation benefits, income withholdings authorized by law, liens, garnishment
16 actions, and any other amounts required to be credited by state law.

17 3. In a case that is not a IV-D case, the division shall only record payments that are
18 received by the payment center, with all other credits recorded by the clerk. The division may
19 change the name and address information as shown on the automated child support system based
20 on information received by the payment center. In cases in which payments are to be made to
21 the payment center, obligors and obligees shall notify the payment center of any changes in their
22 names or addresses. Such notice shall be sufficient notice for the division for purposes of section
23 [454.413] **650.1024**.

[454.539.] **650.1165.** 1. A copy of records of payments to and disbursements by the
2 payment center, including but not limited to the records maintained in the automated child
3 support system, or a circuit clerk, including but not limited to copies produced by electronic or
4 optically scanned means, whether certified by the division, circuit clerk or an employee of the
5 payment center, shall be admissible without further proof or foundation in any judicial or
6 administrative proceeding as proof of credits and payments made to or by the payment center or
7 circuit clerk. Records include, but are not limited to, records maintained in the automated child
8 support system.

9 2. The records shall be certified by the director, a circuit clerk or such clerk's designee,
10 or an employee of the payment center, and additional proof of the official character of the person
11 certifying such record or the authenticity of his or her signature shall not be required. The
12 director, circuit clerk or such clerk's designee, or an employee of the payment center may certify

13 payment and disbursement records contained or maintained in, or shown by, the automated child
14 support system. The certification of the director, circuit clerk or such clerk's designee, or an
15 employee of the payment center shall certify payments or disbursements regardless of who made
16 the entry of the payment or disbursement. Such records shall constitute prima facie evidence of
17 the amount of support paid.

[454.542.] **650.1168.** If an employee of the division, a circuit clerk or an employee of
2 the payment center is served with a subpoena, subpoena duces tecum or an order to produce
3 records, the employee or clerk may comply with the subpoena or order by transmitting a certified
4 copy of the record to the requesting party. No party shall offer such records into evidence in
5 response to a subpoena pursuant to this section unless all other parties to the action have been
6 served with copies of such records and certification at least seven days prior to the
7 commencement of the trial. A copy of properly certified records shall be admissible as evidence
8 in all court or administrative proceedings.

[454.545.] **650.1171.** 1. A copy of a judicial order and other documents on file with the
2 court which are transmitted, whether transmitted by facsimile or other electronic means, to the
3 division shall be rebuttably presumed to be true and correct copies of the original document, and
4 may be offered into evidence without authentication or verification in any hearing or proceeding
5 pursuant to this chapter.

6 2. A person contesting the authenticity of the document may rebut the presumption with
7 a certified copy. The clerk shall furnish the division with certified copies upon request and
8 without charge.

[454.548.] **650.1174.** In addition to any fees imposed pursuant to section [454.425]
2 **650.1033** and if allowed by federal law, the division may charge and collect a fee of ten dollars
3 from support received through the payment center for each order for every year or portion of a
4 year during which payments are received by the payment center. Such fee shall be used to
5 reimburse the state for the costs associated with processing support payments.

[454.551.] **650.1177.** 1. The division may require, after notice to the obligor, that any
2 check paid to the payment center by the obligor must be certified or guaranteed for payment. An
3 originator of a check other than a payor shall not be required to pay by certified or guaranteed
4 check, unless an insufficient funds check is received and the provisions of this section have been
5 followed.

6 2. In addition to any fees imposed pursuant to section [454.425] **650.1033**, the payment
7 center, when authorized by the division, or the state may charge a fee not to exceed twenty-five
8 dollars for processing an insufficient funds check as a reimbursement for the costs of processing
9 such check, and may issue a notice to the originator of any such check that no further checks will
10 be accepted unless the check is certified or guaranteed for payment. The division may collect

11 the fee which shall be considered a support order for enforcement pursuant to this chapter.

[454.554.] **650.1180.** If not required by an existing order, the division or circuit clerk
2 shall notify by first class mail any obligor under a support order, and an employer or other payor
3 who has or will be withholding income to direct support payments to the payment center. The
4 division shall file a copy of the notice with the court with jurisdiction over the support order.
5 Any obligor, employer or other payor who receives notice to direct payments to the payment
6 center and thereafter fails to direct payments to the payment center shall receive a second written
7 notice by certified mail, return receipt requested. Failure to pay the payment center after a
8 second notice shall be grounds for contempt and a motion for contempt may be filed in the
9 county or city not within a county in which the support order is filed.

[454.557.] **650.1183.** 1. A current support obligation shall not be recorded in the records
2 maintained in the automated child support system in the following cases:

3 (1) In a IV-D case with a support order pursuant to section [454.465] **650.1063** or
4 [454.470] **650.1066** when the division determines that payments for current support are no longer
5 due and should no longer be made to the payment center. The division shall notify by first class
6 mail the obligor and obligee under the support orders that payments shall no longer be made to
7 the payment center, and any withholding of income shall be terminated unless it is subsequently
8 determined by the division or court having jurisdiction that payments will continue. The
9 division's determination shall terminate the division's support order, but shall not terminate any
10 obligation of support established by court order. The obligor and obligee may contest the
11 decision of the division to terminate the division's support order by requesting a hearing within
12 thirty days of the mailing of the notice provided pursuant to this section. The hearing shall
13 comply with the provisions of section [454.475] **650.1072**;

14 (2) In a IV-D case with a support order entered by a court when the court that issued the
15 support order terminates such order and notifies the division. The division shall also cease
16 enforcing the order if no past support is due; or

17 (3) In all cases when the child is twenty-two years of age, unless a court orders support
18 to continue. The obligor or obligee may contest the decision of the division to terminate
19 accruing support orders by requesting a hearing within thirty days of the mailing of notice by the
20 division. The hearing shall comply with the provisions of section [454.475] **650.1072**. The issue
21 at the hearing, if any, shall be limited to a mistake of fact as to the age of the child or the
22 existence of a court order requiring support after the age of twenty-two.

23 2. Nothing in this section shall affect or terminate the amount due for unpaid past
24 support.

[454.559.] **650.1186.** The court shall order payments to be made to the payment center
2 upon request of the division or attorneys representing the division.

[454.560.] **650.1189.** Payment on a support order to the payment center shall authorize
2 the division to endorse a negotiable instrument payable to the obligee, the circuit clerk, the state
3 or the state agency.

[454.565.] **650.1192.** Beginning in 2000, the division of child support enforcement shall
2 report to the general assembly regarding the family support payment center by December 1,
3 2000, and by each December first thereafter. Such report shall include recommendations and an
4 analysis of the efficiency and effectiveness of the system.

[454.600.] **650.1195.** As used in sections [454.600 to 454.645] **650.1195 to 650.1240**,
2 the following terms mean:

3 (1) "Court", any circuit court establishing a support obligation pursuant to an action
4 under this chapter, chapter 210, RSMo, chapter 211, RSMo, or chapter 452, RSMo;

5 (2) "Director", the director of the division of child support enforcement of the
6 department of [social services] **public safety**;

7 (3) "Division", the division of child support enforcement of the department of [social
8 services] **public safety**;

9 (4) "Employer", any individual, organization, agency, business or corporation hiring an
10 obligor for pay;

11 (5) "Health benefit plan", any benefit plan or combination of plans, other than public
12 assistance programs, providing medical or dental care or benefits through insurance or otherwise,
13 including but not limited to health service corporations, as defined in section 354.010, RSMo;
14 prepaid dental plans, as defined in section 354.700, RSMo; health maintenance organization
15 plans, as defined in section 354.400, RSMo; and self-insurance plans, to the extent allowed by
16 federal law;

17 (6) "Minor child", a child for whom a support obligation exists under law;

18 (7) "Obligee", a person to whom a duty of support is owed or a person, including any
19 division of the department of social services, who has commenced a proceeding for enforcement
20 of an alleged duty of support or for registration of a support order, regardless of whether the
21 person to whom a duty of support is owed is a recipient of public assistance;

22 (8) "Obligor", a person owing a duty of support or against whom a proceeding for the
23 enforcement of a duty of support or registration of a support order is commenced; and

24 (9) "IV-D case", a case in which support rights have been assigned to the state of
25 Missouri pursuant to section 208.040, RSMo, or in which the division of child support
26 enforcement is providing support enforcement services pursuant to section [454.425] **650.1033**,
27 RSMo.

[454.603.] **650.1198.** 1. At any state of a proceeding in which the circuit court or the
2 division has jurisdiction to establish or modify an order for child support, including but not

3 limited to actions brought pursuant to this chapter, chapters 210, 211, and 452, RSMo, the court
4 or the division shall determine whether to require a parent to provide medical care for the child
5 through a health benefit plan.

6 2. With or without the agreement of the parents, the court or the division may require
7 that a child be covered under a health benefit plan. Such a requirement shall be imposed
8 whenever a health benefit plan is available at reasonable cost through a parent's employer or
9 union or in any IV-D case. If such a plan is not available at reasonable cost through an employer
10 or union and the case is not a IV-D case, the court in determining whether to require a parent to
11 provide such coverage, shall consider:

- 12 (1) The best interests of the child;
- 13 (2) The child's present and anticipated needs for medical care;
- 14 (3) The financial ability of the parents to afford the cost of a health benefit plan; and
- 15 (4) The extent to which the cost of the health benefit plan is subsidized or reduced by
16 participation on a group basis or otherwise.

17 3. To the extent that such options are available under the terms of the health benefit plan,
18 an order may specify required terms of the health benefit plan, including:

- 19 (1) Minimum required policy limits;
- 20 (2) Minimum required coverage;
- 21 (3) Maximum terms for deductibles or required co-payments; or
- 22 (4) Other significant terms, including, but not limited to, any provision required for a
23 health benefit plan under the federal Employee Retirement Income Security Act of 1974, as
24 amended.

25 4. If the child is not covered by a health benefit plan but such a plan is available to one
26 of the parents, the court or the division shall order that coverage under the health benefit plan be
27 provided for the child unless there is available to the other parent a health benefit plan with
28 comparable or better benefits at comparable or reduced cost. If health benefit plans are available
29 to both parents upon terms which provide comparable benefits and costs, the court or the division
30 shall determine which health benefit plan, if any, shall be required, giving due regard to the
31 possible advantages of each plan.

32 5. The court shall require the obligor to be liable for all or a portion of the medical or
33 dental expenses of the minor child that are not covered by the required health benefit plan
34 coverage if:

- 35 (1) The court finds that the health benefit plan coverage required to be obtained by the
36 obligor or available to the obligee does not pay all the reasonable and necessary medical or dental
37 expenses of the minor child; and
- 38 (2) The court finds that the obligor has the financial resources to contribute to the

39 payment of these medical or dental expenses; and

40 (3) The court finds the obligee has substantially complied with the terms of the health
41 benefit coverage.

42 6. The cost of health benefit plan employee contributions or premiums shall not be a
43 direct offset to child support awards established pursuant to this chapter, chapters 210, 211, and
44 452, RSMo, but it shall be considered when determining the amount of child support to be paid
45 by the obligor.

46 7. If two or more health benefit plans are available to one or both parents that are
47 complementary to one another or are compatible as primary and secondary coverage for the
48 child, the court or the division may order each parent to maintain one or more health benefit
49 plans for the child.

50 8. Prior to terminating enrollment in a health benefit plan or changing from one health
51 benefit plan to another, consideration by the court or division shall be given to the child's medical
52 condition and best interests and whether there is reason to believe that a new health benefit plan
53 would omit or limit benefits because of a preexisting condition.

54 9. An abatement of a parent's child support obligation shall not automatically abate that
55 parent's duty to provide for the child's health care needs. Unless an order of the court or the
56 division specifically provides for abatement or termination of health care coverage, an order to
57 maintain health benefits or otherwise provide for a child's health care needs shall continue in
58 force until further order of the court or the division, or until the child's right to parental support
59 terminates.

[454.606.] **650.1201.** 1. In all IV-D cases in which income withholding for child support
2 is to be initiated on the effective date of the order pursuant to section 452.350, RSMo, and
3 section [454.505] **650.1105**, respectively, the circuit clerk or division, as appropriate, shall send
4 a notice to the employer or union of the parent who has been ordered to provide the health
5 benefit plan coverage at the same time the support order withholding notice is issued. In cases
6 in which the division enforces an order to obtain health benefit plan coverage, it also shall send
7 a notice to the employer or union of the parent who has been ordered to provide the health
8 benefit plan coverage.

9 2. The notice shall be sent to the employer or union either by regular mail or by certified
10 mail, return receipt requested.

11 3. The division shall use the National Medical Support Notice required by 42 U.S.C.
12 Section 666(a)(19) and 45 C.F.R. Section 303.32 to enforce health benefit plan coverage under
13 this chapter. All employers, unions, and plan administrators shall comply with the terms of the
14 National Medical Support Notice, including the instructions therein, whether issued by the
15 division or the IV-D agency of another state which appears regular on its face. The division

16 shall:

17 (1) Transfer the National Medical Support Notice to an employer within two business
18 days after the date of entry of an employee who is an obligor in a IV-D case in the state directory
19 of new hires; and

20 (2) Promptly notify the appropriate employer or union if a current order for medical
21 support for which the division is responsible is no longer in effect.

22 4. The notice issued by the circuit clerk shall contain, at a minimum, the following
23 information:

24 (1) The parent's name and Social Security number;

25 (2) A statement that the parent is required to provide and maintain health benefit plan
26 coverage for a dependent minor child; and

27 (3) The name, date of birth, and Social Security number, if available, for each child.

28 5. The notice to withhold sufficient funds from the earnings due the obligor to cover
29 employee contributions or premiums, when necessary to comply with the order to provide health
30 benefit plan coverage, is binding on current and successor employers for current and subsequent
31 periods of employment. Such notice shall continue until further notice by the court or division.

32 6. The withholding of health benefit plan employee contributions or premiums from
33 income, if required to comply with the order, shall not be held in abeyance pending the outcome
34 of any hearing provided pursuant to section [454.609] **650.1204**.

[454.609.] **650.1204**. 1. At the same time an employer or union notice is sent pursuant
2 to section [454.606] **650.1201**, the circuit clerk or the division, as appropriate, shall send a notice
3 to the obligor by any form of mail to the obligor's last known address. The information
4 contained in that notice shall include:

5 (1) A statement that the parent has been directed to provide and maintain health benefit
6 plan coverage for the benefit of a minor child;

7 (2) The name and date of birth of the minor child;

8 (3) A statement that the income withholding for health benefit coverage applies to
9 current and subsequent periods of employment;

10 (4) A statement that the parent may within thirty days of the mailing date of the order
11 or notice submit a written contest to the withholding on the grounds that the withholding is not
12 proper because of mistake of fact or because the obligor provides other insurance that was
13 obtained prior to issuance of the withholding order or notice that is comparable to the health
14 benefit plan available through the employer or union or nonemployer or nonunion group;

15 (5) A statement that if the obligor contests the withholding, the obligor shall be afforded
16 an opportunity to present his or her case to the court or the division within thirty days of receipt
17 of the notice of contest;

18 (6) A statement of exemptions which may apply to limit the portion of the obligated
19 party's disposable earnings which are subject to the withholding under federal or state law;

20 (7) The Social Security number of the obligor, if available;

21 (8) A statement that state law prohibits employers from retaliating against an obligor
22 under an order to provide health benefit plan coverage and that the court or the division should
23 be contacted if the obligor has been retaliated against by his or her employer as a result of the
24 order for health benefit plan coverage.

25 2. The only grounds to contest a withholding order or notice for health benefit plan
26 coverage sent to an employer or union shall be mistake of fact or that the obligor obtained other
27 insurance prior to issuance of the withholding order or notice that is comparable to the health
28 benefit plan available through the employer or union, or nonemployer or nonunion group. For
29 purposes of sections [454.600 to 454.645] **650.1195 to 650.1240**, "mistake of fact" means an
30 error as to the identity of the obligor.

31 3. If the obligor contests the withholding order or notice for health plan coverage because
32 of mistake of fact or because the obligor obtained comparable insurance prior to issuance of the
33 withholding order or notice, the court or the director shall hold a hearing, enter an order
34 disposing of all issues disputed by the obligor and notify the obligated party of the determination
35 and date, within forty-five days of the date of receipt of the obligated party's notice of contest.

[454.612.] **650.1207.** 1. In cases other than IV-D cases, the obligor shall provide to the
2 obligee within thirty days of receipt of effective notice of a court order for health benefit plan
3 coverage pursuant to sections [454.600 to 454.645] **650.1195 to 650.1240** written proof of the
4 obligor's compliance with that order. Compliance means either that the health benefit plan
5 coverage has been obtained or that a correct and complete application for such coverage has been
6 made.

7 2. The obligee shall forward a copy of the court order for health benefit plan coverage
8 issued pursuant to sections [454.600 to 454.645] **650.1195 to 650.1240** to the obligor's employer
9 or union when ordered to do so by the court or when:

10 (1) The obligor fails to provide written proof of compliance with the court order to the
11 obligee within thirty days of the obligor's receipt of effective written notice of the court order;

12 (2) The obligee serves by mail at the obligor's known post office address written notice
13 on the obligor of the obligee's intent to enforce the order;

14 (3) The obligor fails to provide, within fifteen days after the date the obligee mailed the
15 notice provided for in this section, written proof to the obligee that the obligor has obtained the
16 health benefit plan coverage ordered by the court or has applied for such coverage; and

17 (4) The obligee files an affidavit with the circuit clerk alleging that the obligor failed to
18 provide written proof of compliance after mailing the notice required by this section to the

19 obligor.

[454.615.] **650.1210.** 1. Upon receipt of a court or administrative order, or notice, for
2 health benefit plan coverage, the employer or union shall transfer the order or notice to the
3 appropriate group health plan providing the health plan coverage for which the child is eligible,
4 excluding any severable notice to withhold for health care coverage directing the employer or
5 union to withhold any mandatory employee contribution to the plan, within twenty business days
6 after the date of the order or notice.

7 2. Within forty business days after the date of the order or notice, the plan administrator
8 shall:

9 (1) Notify the issuing agency whether coverage of the child is available under the terms
10 of the plan and, if so, whether such child is covered under the plan and either the effective date
11 of such coverage or, if necessary, any steps to be taken by the custodial parent or issuing agency
12 to effectuate such coverage; and

13 (2) Provide to the custodial parent or issuing agency a description of the coverage
14 available and any forms or documents necessary to effectuate such coverage.

[454.618.] **650.1213.** 1. Upon receipt of the court or administrative order, or notice, for
2 health benefit plan coverage, or upon application of the obligor pursuant to that order, the
3 employer or union shall take necessary action to enroll the minor child as an eligible dependent
4 in the health benefit plan and, upon enrollment, withhold any required employee contribution or
5 premium from the obligor's income or wages necessary for the coverage of the child and send
6 any amount withheld directly to the health benefit plan administrator. If more than one health
7 benefit plan is offered by the employer or union, the minor child shall be enrolled in the plan in
8 which the obligor is enrolled. When one or more plans are available and the obligor is not
9 enrolled in a plan that covers dependents or is not enrolled in any plan, the minor child and the
10 obligor if necessary shall be enrolled under the least costly plan that provides service to the area
11 where the child resides if the order or notice for health benefit plan coverage is not a National
12 Medical Support Notice issued by the division or IV-D agency of another state. If the notice for
13 health benefit plan coverage is a National Medical Support Notice issued by the division or IV-D
14 agency of another state, the health benefit plan administrator shall provide to the issuing agency
15 copies of the applicable summary plan descriptions or other documents that describe available
16 coverage, including the additional participant contribution necessary to obtain coverage for the
17 child under each option and whether there is a limited service area for any option. The issuing
18 agency, in consultation with the custodial parent, must promptly select from the available plan
19 options. If the issuing agency does not make such selection within twenty business days from
20 the date the plan administrator provided the option, the plan administrator shall enroll the child
21 in the plan's default option, if any. If the plan does not have a default option, the plan

22 administrator shall enroll the child in the option selected by the issuing agency.

23 2. In those instances where the obligor fails or refuses to execute any document
24 necessary to enroll the minor child in the health benefit plan ordered by the court, the required
25 information and authorization may be provided by the division or the custodial parent or
26 guardian of the minor child.

27 3. Information and authorization provided by the division or the custodial parent or
28 guardian of the minor child shall be valid for the purpose of meeting enrollment requirements
29 of the health benefit plan and shall not affect the obligation of the employer or union and the
30 insurer to enroll the minor child in the health benefit plan for which other eligibility, enrollment,
31 underwriting terms and other requirements are met. However, any health benefit plan provision
32 which denies or restricts coverage to a minor child of the obligor due to birth out of wedlock
33 shall be void as against public policy.

34 4. A minor child that an obligor is required to cover as an eligible dependent pursuant
35 to sections [454.600 to 454.645] **650.1195 to 650.1240** shall be considered for health benefit
36 plan coverage purposes as a dependent of the obligor until the child's right to parental support
37 terminates or until further order of the court, but in no event past the limiting age set forth in the
38 health benefit plan.

 [454.621.] **650.1216.** No health benefit plan shall be required to change coverages
2 provided as a result of sections [454.600 to 454.645] **650.1195 to 650.1240**. Nothing in sections
3 [454.600 to 454.645] **650.1195 to 650.1240** shall be construed as creating a regulatory authority
4 over the business of insurance.

 [454.624.] **650.1219.** In the case of any claim submitted by the custodial parent for care
2 provided to a minor child who is enrolled as an eligible dependent pursuant to an order or notice
3 of health benefit plan coverage, the health benefit plan administrator or insurer shall, in the
4 absence of an assignment of benefits to the health care provider with respect to such claim or
5 proof of payment by the noncustodial parent, pay to the custodial parent any benefit due. The
6 health benefit plan administrator or insurer shall be fully discharged from any and all liability on
7 the claim to the extent of such payments to the custodial parent.

 [454.627.] **650.1222.** When an order for health benefit plan coverage pursuant to sections
2 [454.600 to 454.645] **650.1195 to 650.1240** is in effect, upon termination of the obligor's
3 employment, or upon termination of the health benefit plan coverage, the employer, union or
4 health benefit plan administrator, as appropriate, shall make a good faith effort to notify the
5 obligee, or in IV-D cases, the division, within ten days of the termination date with notice of
6 continuation or conversion privileges. In addition, in IV-D cases, upon termination of the
7 obligor's employment, the employer shall promptly notify the division or IV-D agency of another
8 state, as applicable, of the obligor's last known address and the name and address of the obligor's

9 new employer, if known.

[454.630.] **650.1225.** When an order for health benefit plan coverage pursuant to sections
2 [454.600 to 454.645] **650.1195 to 650.1240** is in effect, the obligor's employer or union shall
3 release to the division or obligee, upon request, information on such coverage, including the
4 name of the administrator or insurer.

[454.633.] **650.1228.** 1. An obligor who fails to maintain the health benefit plan
2 coverage for the benefit of a minor child as ordered pursuant to sections [454.600 to 454.645]
3 **650.1195 to 650.1240** shall be liable to the obligee or to the state of Missouri for any medical
4 and dental expenses or health benefit plan employee contributions or premiums incurred or paid
5 by the obligee or the state, from the date of the court or administrative order.

6 2. Proof of failure to maintain health benefit plan coverage as ordered constitutes a
7 showing of increased need by the obligee and provides a basis for an increase of the obligor's
8 child support order.

9 3. As between a health care provider and the parents of a child, the parents shall be
10 jointly and severally liable to the provider for the reasonable costs of the child's necessary
11 medical care. As between parents, responsibility for the child's care expenses that are not
12 covered by a health benefit plan may be equitably apportioned between the parents by the court
13 or the division, in percentage shares based on their income, or based on a written agreement of
14 the parties. If the order or agreement fails to designate the shares applicable to the parents, then
15 each parent shall be liable for fifty percent of such expenses.

16 4. The director is hereby authorized to bring an action in circuit court on behalf of the
17 custodial parent to collect from the obligor the appropriate percentage share of medical care
18 expenses which were paid by the obligee and were not covered by a health care benefit plan.

[454.636.] **650.1231.** 1. An order of income withholding for health benefit plan
2 coverage shall have priority over all other legal processes under state law against money, income
3 or periodic earnings of the noncustodial parent except an order of income withholding for current
4 child support.

5 2. Notwithstanding the provisions of section 452.350, RSMo, and section [454.505]
6 **650.1105**, or any other provision of law to the contrary, the amount contained in an order of
7 income withholding for health benefit plan coverage issued pursuant to sections [454.600 to
8 454.645] **650.1195 to 650.1240**, shall be considered a current child support obligation for
9 purposes of applying the limitations contained in the federal Consumer Credit Protection Act,
10 15 U.S.C. 1673(b), and shall run concurrently with orders issued pursuant to section 452.350,
11 RSMo, and section [454.505] **650.1105**. However, when concurrently running wage withholding
12 processes for the collection of support obligations, including an order for health benefit plan
13 coverage, cause the amounts withheld from the obligor to exceed applicable wage withholding

14 limitations, the employer shall not include the amount contained in the order of income
15 withholding for health benefit plan coverage in determining the pro rata distribution, and shall
16 not withhold any amount for health benefit plan coverage from an employee's wages.

[454.639.] **650.1234.** All remedies available for collection and enforcement of child
2 support apply to medical support ordered pursuant to sections [454.600 to 454.645] **650.1195**
3 **to 650.1240.** The remedies established by sections [454.600 to 454.645] **650.1995 to 650.1240**
4 are in addition to and not in substitution for other remedies provided by law and apply without
5 regard to when the order was entered. Either parent or the division may initiate modification
6 proceedings to seek the addition of a provision for health benefit plan coverage to an existing
7 court or administrative order, notwithstanding the requirement under this chapter, chapters 210,
8 211, and 452, RSMo, to allege or prove a substantial and continuing change in circumstances.

[454.642.] **650.1237.** 1. Compliance by an employer or union with the order for health
2 benefit plan coverage operates as a discharge of liability to the obligor as to any part of the
3 obligor's periodic earnings or other income so affected.

4 2. The court or the director, upon motion of the obligor and for good cause shown, may
5 terminate the respective judicial or administrative order for health benefit plan coverage.

[454.645.] **650.1240.** 1. An employer shall not discharge or otherwise discipline, or
2 refuse to hire, an employee as a result of an order or notice issued pursuant to the provisions of
3 sections [454.600 to 454.645] **650.1195 to 650.1240.** If any such employee is discharged within
4 thirty days of the date upon which an order for health benefit plan coverage is to take effect, there
5 shall arise a rebuttable presumption that such discharge was a result of such order. This
6 presumption shall be overcome only by clear, cogent and convincing evidence produced by the
7 employer that the employee was not terminated because of the order.

8 2. Any obligor who is aggrieved as a result of a violation of this section may bring a civil
9 contempt proceeding against the employer by filing an appropriate motion in the cause of action
10 from which the order for health benefit plan coverage was issued. The director is also authorized
11 to bring an action in circuit court to determine whether there has been a wrongful discharge or
12 discipline under this section.

13 3. In either action cited above, if the court finds that the employer discharged,
14 disciplined, or refused to hire the obligated parent as a result of the order or notice, the court may
15 order the employer to reinstate or hire the obligor, or rescind any wrongful disciplinary action.
16 Further, the court may enter judgment against the employer for the back wages, costs, attorney's
17 fees, and for the amount of health benefit plan employee or employer contributions or premiums
18 and child support which should have been withheld and paid over by the employer during the
19 period of time the employee was wrongfully discharged. If, after the entry of such an order, the
20 employer refuses without good cause to comply with the court's order, or if the employer fails

21 to comply with the health benefit plan coverage notice, the court may, after notice to the
22 employer and a hearing, impose a fine against the employer, not to exceed five hundred dollars.

[454.700.] **650.1243.** 1. In any case in which a parent is required by a court or
2 administrative order to provide medical coverage for a child, under any health benefit plan, as
3 defined in section [454.600] **650.1195**, and a parent is eligible through employment, under the
4 provisions of the federal Comprehensive Omnibus Budget Reconciliation Act (COBRA) or the
5 provisions of section 376.892, RSMo, or for health coverage through an insurer or group health
6 plan, any insurers, including group health plans as defined in Section 607(1) of the federal
7 Employee Retirement Income Security Act of 1974, offering, issuing, or renewing policies in this
8 state on or after July 1, 1994, shall:

9 (1) Permit such parent to enroll under such coverage any such child who is otherwise
10 eligible for such coverage, without regard to any enrollment season restrictions;

11 (2) Permit enrollment of a child under coverage upon application by the child's other
12 parent, the division of child support enforcement, the division of medical services, or the tribunal
13 of another state, if the parent required by a court or administrative order to provide health
14 coverage fails to make application to obtain coverage for such child;

15 (3) Not disenroll or eliminate coverage of a child unless:

16 (a) The insurer is provided satisfactory written evidence that such court or administrative
17 order is no longer in effect; or

18 (b) The insurer is provided satisfactory written evidence that the child is or will be
19 enrolled in comparable health coverage through another insurer which will take effect no later
20 than the effective date of the disenrollment; or

21 (c) The employer or union eliminates family health coverage for all of its employees or
22 members; or

23 (d) Any available continuation coverage is not elected or the period of such coverage
24 expires.

25 2. In any case in which a parent is required by a court or administrative order to provide
26 medical coverage for a child, under any health benefit plan, as defined in section [454.600]
27 **650.1195**, and the parent is eligible for such health coverage through an employer doing business
28 in Missouri, the employer or union shall:

29 (1) Permit such parent to enroll under such family coverage any such child who is
30 otherwise eligible for such coverage, without regard to any enrollment season restrictions;

31 (2) Enroll a child under family coverage upon application by the child's other parent, the
32 division of child support enforcement, the division of medical services, or a tribunal of another
33 state, if a parent is enrolled but fails to make application to obtain coverage of such child; and

34 (3) Not disenroll or eliminate coverage of any such child unless:

35 (a) The employer or union is provided satisfactory written evidence that such court or
36 administrative order is no longer in effect; or

37 (b) The employer or union is provided satisfactory written evidence that the child is or
38 will be enrolled in comparable health coverage through another insurer which will take effect not
39 later than the effective date of such disenrollment; or

40 (c) The employer or union has eliminated family health coverage for all of its employees
41 or members.

42 3. No insurer may impose any requirements on a state agency, which has been assigned
43 the rights of an individual eligible for medical assistance under chapter 208, RSMo, and covered
44 for health benefits from the insurer, that are different from requirements applicable to an agent
45 or assignee of any other individual so covered.

46 4. All insurers shall in any case in which a child has health coverage through the insurer
47 of a noncustodial parent:

48 (1) Provide such information to the custodial parent or legal guardian as may be
49 necessary for the child to obtain benefits through such coverage;

50 (2) Permit the custodial parent or legal guardian, or provider, with the custodial parent's
51 approval, to submit claims for covered services without the approval of the noncustodial parent;
52 and

53 (3) Make payment on claims submitted in accordance with subdivision (2) of this
54 subsection directly to the parent, the provider, or the division of medical services.

55 5. The division of medical services may garnish the wages, salary, or other employment
56 income of, and require withholding amounts from state tax refunds, pursuant to section 143.783,
57 RSMo, to any person who:

58 (1) Is required by court or administrative order to provide coverage of the costs of health
59 services to a child who is eligible for medical assistance under Medicaid; and

60 (2) Has received payment from a third party for the costs of such services to such child,
61 but has not used such payment to reimburse, as appropriate, either the other parent or guardian
62 of such child or the provider of such services, to the extent necessary to reimburse the division
63 of medical services for expenditures for such costs under its plan. However, claims for current
64 or past due child support shall take priority over claims by the division of medical services.

65 6. The remedies for the collection and enforcement of medical support established in this
66 section are in addition to and not in substitution for other remedies provided by law and apply
67 without regard to when the order was entered.

[454.800.] **650.1246.** As used in sections [454.800 to 454.808] **650.1246 to 650.1258,**
2 the following terms mean:

3 (1) "Advance planning documents", a series of documents including updates covering

4 the various phases of the project submitted to the federal Office of Child Support Enforcement
5 for review and approval;

6 (2) "Project" or "system", the comprehensive, statewide automated system developed and
7 implemented by the division of child support enforcement in compliance with section 454 of the
8 Social Security Act (42 U.S.C. 654);

9 (3) "Steering committee", the statewide automated system steering committee.

[454.802.] **650.1249.** The director of the department of social services shall appoint a
2 "Statewide Automated System Steering Committee", which shall be composed of the following
3 members:

4 (1) The state courts administrator or his **or her** designee;

5 (2) The director of the department of [social services] **public safety** or [his] **the**
6 **director's** designee;

7 (3) The director of the division of child support enforcement or [his] **the director's**
8 designee;

9 (4) The director of the **family support** division [of family services or his] **or the**
10 **director's** designee;

11 (5) The director of the division of data processing of the department of social services
12 or [his] **the director's** designee;

13 (6) Three or more prosecuting attorneys or their designees. Such prosecuting attorneys
14 shall be appointed from a list submitted to the director from the Missouri office of prosecution
15 services;

16 (7) Two or more circuit clerks or their designees;

17 (8) Three or more representatives from the private sector, two of whom shall be
18 representatives of business and one of whom shall be a custodial parent; and

19 (9) Such other interested parties as the director may deem appropriate.

[454.804.] **650.1252.** Steering committee members shall serve as long as they hold the
2 position that made them eligible for the membership on the steering committee, or until they are
3 replaced by the director of the department of social services. Members shall serve without
4 additional compensation, but may be reimbursed for all actual and necessary expenses incurred
5 in the performance of their official duties for the commission.

[454.806.] **650.1255.** The steering committee shall advise the department of [social
2 services] **public safety** regarding the development and implementation of a comprehensive
3 statewide automated system for child support enforcement that meets all functional requirements
4 for federal funding under 42 U.S.C. 654. The automated system shall not alter program
5 functions delegated to the department of [social services] **public safety**, prosecuting attorneys,
6 circuit attorneys, and circuit clerks by **this chapter and** chapters 208, 210, **and** 452, [and 454,]

7 RSMo. The system shall be the sole child support enforcement system undertaken by the state.
[454.808.] **650.1258.** The system shall be installed in accordance with federal statutes
2 and regulations by October 1, 1997, for all requirements mandated under federal law up to and
3 including the Family Support Act of 1988, as amended. The system shall be in accordance with
4 the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act, as
5 amended, by October 1, 2000, unless extended under federal law.

[454.810.] **650.1261.** 1. For all IV-D cases as defined by section 452.345, RSMo, the
2 division of child support enforcement shall determine support arrearages and credits by consent
3 of the parties to the support order or by use of the administrative order process set out in section
4 [454.476] **650.1075.**

5 2. Notwithstanding any provisions of section [454.475] **650.1075** to the contrary,
6 hearings pursuant to this section may be requested by either party and may be conducted by
7 nonattorney hearing officers specially designated by the department of [social services] **public**
8 **safety.** Any person adversely affected by any hearing decisions pursuant to this section may
9 obtain judicial review pursuant to sections 536.100 to 536.140, RSMo.

10 3. Any support arrearage and credit determination established pursuant to this section
11 and all documentation that forms the basis for the determination shall be filed with the circuit
12 clerk and shall be considered part of the official trusteeship record if filed prior to October 1,
13 1999, or if filed after such date, as part of the records of the payment center pursuant to this
14 chapter for all purposes.

[454.850.] **650.1264.** In sections [454.850 to 454.997] **650.1264 to 650.1438:**

2 (1) "Child" means an individual, whether over or under the age of majority, who is or
3 is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the
4 beneficiary of a support order directed to the parent.

5 (2) "Child support order" means a support order for a child, including a child who has
6 attained the age of majority under the law of the issuing state.

7 (3) "Duty of support" means an obligation imposed or imposable by law to provide
8 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
9 support.

10 (4) "Home state" means the state in which a child lived with a parent or a person acting
11 as parent for at least six consecutive months immediately preceding the time of filing of a
12 petition or comparable pleading for support and, if a child is less than six months old, the state
13 in which the child lived from birth with any of them. A period of temporary absence of any of
14 them is counted as part of the six-month or other period.

15 (5) "Income" includes earnings or other periodic entitlements to money from any source
16 and any other property subject to withholding for support under the law of this state.

17 (6) "Income-withholding order" means an order or other legal process directed to an
18 obligor's employer or other debtor, as defined by section 452.350, RSMo, or [454.505] **section**
19 **650.1105**, to withhold support from the income of the obligor.

20 (7) "Initiating state" means a state from which a proceeding is forwarded or in which a
21 proceeding is filed for forwarding to a responding state under the provisions of sections [454.850
22 to 454.997] **650.1264 to 650.1438** or a law or procedure substantially similar to sections
23 [454.850 to 454.997] **650.1264 to 650.1438**, or under a law or procedure substantially similar
24 to the uniform reciprocal enforcement of support act, or the revised uniform reciprocal
25 enforcement of support act.

26 (8) "Initiating tribunal" means the authorized tribunal in an initiating state.

27 (9) "Issuing state" means the state in which a tribunal issues a support order or renders
28 a judgment determining parentage.

29 (10) "Issuing tribunal" means the tribunal that issues a support order or renders a
30 judgment determining parentage.

31 (11) "Law" includes decisional and statutory law and rules and regulations having the
32 force of law.

33 (12) "Obligee" means:

34 (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor
35 a support order has been issued or a judgment determining parentage has been rendered;

36 (ii) a state or political subdivision to which the rights under a duty of support or support
37 order have been assigned or which has independent claims based on financial assistance provided
38 to an individual obligee; or

39 (iii) an individual seeking a judgment determining parentage of the individual's child.

40 (13) "Obligor" means an individual, or the estate of a decedent:

41 (i) who owes or is alleged to owe a duty of support;

42 (ii) who is alleged but has not been adjudicated to be a parent of a child; or

43 (iii) who is liable under a support order.

44 (14) "Register" means to record or file a support order or judgment determining
45 parentage in the tribunal having jurisdiction in such action.

46 (15) "Registering tribunal" means a tribunal in which a support order is registered.

47 (16) "Responding state" means a state in which a proceeding is filed or to which a
48 proceeding is forwarded for filing from an initiating state under the provisions of sections
49 [454.850 to 454.997] **650.1264 to 650.1438** or a law substantially similar to sections [454.850
50 to 454.997] **650.1264 to 650.1438**, or under a law or procedure substantially similar to the
51 uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement
52 of support act.

53 (17) "Responding tribunal" means the authorized tribunal in a responding state.

54 (18) "Spousal-support order" means a support order for a spouse or former spouse of the
55 obligor.

56 (19) "State" means a state of the United States, the District of Columbia, the
57 Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction
58 of the United States. The term "state" includes:

59 (i) an Indian tribe; and

60 (ii) a foreign jurisdiction that has enacted a law or established procedures for issuance
61 and enforcement of support orders which are substantially similar to the procedures under
62 sections [454.850 to 454.997] **650.1264 to 650.1438** or the procedures under the uniform
63 reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support
64 act.

65 (20) "Support enforcement agency" means a public official or agency authorized to seek:

66 (i) enforcement of support orders or laws relating to the duty of support;

67 (ii) establishment or modification of child support;

68 (iii) determination of parentage; or

69 (iv) to locate obligors or their assets.

70 (21) "Support order" means a judgment, decree, or order, whether temporary, final, or
71 subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides
72 for monetary support, health care, arrearages, or reimbursement, and may include related costs
73 and fees, interest, income withholding, attorney's fees, and other relief.

74 (22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized
75 to establish, enforce, or modify support orders or to determine parentage.

[454.853.] **650.1267.** The courts and the division of child support enforcement are the
2 tribunals of this state.

[454.855.] **650.1270.** Remedies provided by sections [454.850 to 454.997] **650.1264 to**
2 **650.1438** are cumulative and do not affect the availability of remedies under other law.

[454.857.] **650.1273.** In a proceeding to establish, enforce, or modify a support order or
2 to determine parentage, a tribunal of this state may exercise personal jurisdiction over a
3 nonresident individual or the individual's guardian or conservator if:

4 (1) the individual is personally served with notice within this state;

5 (2) the individual submits to the jurisdiction of this state by consent, by entering a
6 general appearance, or by filing a responsive document having the effect of waiving any contest
7 to personal jurisdiction;

8 (3) the individual resided with the child in this state;

9 (4) the individual resided in this state and provided prenatal expenses or support for the

10 child;

11 (5) the child resides in this state as a result of the acts or directives of the individual;

12 (6) the individual engaged in sexual intercourse in this state and the child may have been
13 conceived by that act of intercourse;

14 (7) the individual asserted parentage in the putative father registry maintained in this
15 state by the department of health and senior services; or

16 (8) there is any other basis consistent with the constitutions of this state and the United
17 States for the exercise of personal jurisdiction.

[454.860.] **650.1276.** A tribunal of this state exercising personal jurisdiction over a
2 nonresident under section [454.857] **650.1273** may apply section [454.917] **650.1345** to receive
3 evidence from another state, and section [454.922] **650.1351** to obtain discovery through a
4 tribunal of another state. In all other respects, sections [454.880 to 454.983] **650.1300 to**
5 **650.1423** do not apply and the tribunal shall apply the procedural and substantive law of this
6 state, including the rules on choice of law other than those established by sections [454.850 to
7 454.997] **650.1264 to 650.1438**.

[454.862.] **650.1279.** Under sections [454.850 to 454.997] **650.1264 to 650.1438**, a
2 tribunal of this state may serve as an initiating tribunal to forward proceedings to another state
3 and as a responding tribunal for proceedings initiated in another state.

[454.865.] **650.1282.** (a) A tribunal of this state may exercise jurisdiction to establish
2 a support order if the petition or comparable pleading is filed after a petition or comparable
3 pleading is filed in another state only if:

4 (1) the petition or comparable pleading in this state is filed before the expiration of the
5 time allowed in the other state for filing a responsive pleading challenging the exercise of
6 jurisdiction by the other state;

7 (2) the contesting party timely challenges the exercise of jurisdiction in the other state;
8 and

9 (3) if relevant, this state is the home state of the child.

10 (b) A tribunal of this state may not exercise jurisdiction to establish a support order if
11 the petition or comparable pleading is filed before a petition or comparable pleading is filed in
12 another state if:

13 (1) the petition or comparable pleading in the other state is filed before the expiration
14 of the time allowed in this state for filing a responsive pleading challenging the exercise of
15 jurisdiction by this state;

16 (2) the contesting party timely challenges the exercise of jurisdiction in this state; and

17 (3) if relevant, the other state is the home state of the child.

[454.867.] **650.1285.** (a) A tribunal of this state issuing a support order consistent with

2 the law of this state has continuing, exclusive jurisdiction over a child support order:

3 (1) as long as this state remains the residence of the obligor, the individual obligee, or
4 the child for whose benefit the support order is issued; or

5 (2) until each individual party has filed written consent with the tribunal of this state for
6 a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

7 (b) A tribunal of this state issuing a child support order consistent with the law of this
8 state may not exercise its continuing jurisdiction to modify the order if the order has been
9 modified by a tribunal of another state pursuant to sections [454.850 to 454.997] **650.1264 to**
10 **650.1438** or a law substantially similar to sections [454.850 to 454.997] **650.1264 to 650.1438**.

11 (c) If a child support order of this state is modified by a tribunal of another state pursuant
12 to sections [454.850 to 454.997] **650.1264 to 650.1438** or a law substantially similar to sections
13 [454.850 to 454.997] **650.1264 to 650.1438**, a tribunal of this state loses its continuing, exclusive
14 jurisdiction with regard to prospective enforcement of the order issued in this state, and may
15 only:

16 (1) enforce the order that was modified as to amounts accruing before the modification;

17 (2) enforce nonmodifiable aspects of that order; and

18 (3) provide other appropriate relief for violations of that order which occurred before the
19 effective date of the modification.

20 (d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a
21 tribunal of another state which has issued a child support order pursuant to sections [454.850 to
22 454.997] **650.1264 to 650.1438** or a law substantially similar to sections [454.850 to 454.997]
23 **650.1264 to 650.1438**.

24 (e) A temporary support order issued ex parte or pending resolution of a jurisdictional
25 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

26 (f) A tribunal of this state issuing a support order consistent with the law of this state has
27 continuing, exclusive jurisdiction over a spousal support order throughout the existence of the
28 support obligation. A tribunal of this state may not modify a spousal support order issued by a
29 tribunal of another state having continuing, exclusive jurisdiction over that order under the law
30 of that state.

[454.869.] **650.1288.** (a) A tribunal of this state may serve as an initiating tribunal to
2 request a tribunal of another state to enforce or modify a support order issued in that state.

3 (b) A tribunal of this state having continuing, exclusive jurisdiction over a support order
4 may act as a responding tribunal to enforce or modify the order. If a party subject to the
5 continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in
6 subsequent proceedings the tribunal may apply section [454.917] **650.1345** to receive evidence
7 from another state and section [454.922] **650.1351** to obtain discovery through a tribunal of

8 another state.

9 (c) A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal
10 support order may not serve as a responding tribunal to modify a spousal support order of
11 another state.

[454.871.] **650.1291.** (a) If a proceeding is brought under sections [454.850 to 454.997]
2 **650.1264 to 650.1438**, and only one tribunal has issued a child support order, the order of that
3 tribunal is controlling and must be recognized.

4 (b) If a proceeding is brought under sections [454.850 to 454.997] **650.1264 to 650.1438**,
5 and two or more child support orders have been issued by tribunals of this state or another state
6 with regard to the same obligor and child, a tribunal of this state shall apply the following rules
7 in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

8 (1) If only one of the tribunals would have continuing, exclusive jurisdiction under
9 sections [454.850 to 454.997] **650.1264 to 650.1438**, the order of that tribunal is controlling and
10 must be recognized.

11 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction under
12 sections [454.850 to 454.997] **650.1264 to 650.1438**, an order issued by a tribunal in the current
13 home state of the child must be recognized, but if an order has not been issued in the current
14 home state of the child, the order most recently issued is controlling and must be recognized.

15 (3) If none of the tribunals would have continuing exclusive jurisdiction under sections
16 [454.850 to 454.997] **650.1264 to 650.1438**, the tribunal of this state having jurisdiction over the
17 parties must issue a child support order, which is controlling and must be recognized.

18 (c) If two or more child support orders have been issued for the same obligor and child
19 and if the obligor or the individual obligee resides in this state, a party may request a tribunal of
20 this state to determine which order controls and must be recognized under subsection (b) of this
21 section. The request must be accompanied by a certified copy of every support order in effect.
22 Every party whose rights may be affected by a determination of the controlling order must be
23 given notice of the request for that determination.

24 (d) The tribunal that issued the order that must be recognized as controlling under
25 subsection (a), (b) or (c) of this section is the tribunal that has continuing, exclusive jurisdiction
26 in accordance with section [454.867] **650.1285**.

27 (e) A tribunal of this state which determines by order the identity of the controlling child
28 support order under subsection (b)(1) or (b)(2) of this section or which issues a new controlling
29 child support order under subsection (b)(3) shall include in that order the basis upon which the
30 tribunal made its determination.

31 (f) Within thirty days after issuance of the order determining the identity of the
32 controlling order, the party obtaining that order shall file a certified copy of it with each tribunal

33 that had issued or registered an earlier order of child support. Failure of the party obtaining the
34 order to file a certified copy as required subjects that party to appropriate sanctions by a tribunal
35 in which the issue of failure to file arises, but that failure has no effect on the validity or
36 enforceability of the controlling order.

[454.874.] **650.1294.** In responding to multiple registrations or petitions for enforcement
2 of two or more child support orders in effect at the same time with regard to the same obligor and
3 different individual obligees, at least one of which was issued by a tribunal of another state, a
4 tribunal of this state shall enforce those orders in the same manner as if the multiple orders had
5 been issued by a tribunal of this state.

[454.877.] **650.1297.** Amounts collected and credited for a particular period pursuant to
2 a support order issued by a tribunal of another state must be credited against the amounts
3 accruing or accrued for the same period under a support order issued by the tribunal of this state.

[454.880.] **650.1300.** (a) Except as otherwise provided in sections [454.850 to 454.997]
2 **650.1264 to 650.1438**, this article applies to all proceedings under sections [454.850 to 454.997]
3 **650.1264 to 650.1438**.

4 (b) Sections [454.850 to 454.997] **650.1264 to 650.1438**, provide for the following
5 proceedings:

6 (1) establishment of an order for spousal support or child support pursuant to section
7 [454.930] **650.1357**;

8 (2) enforcement of a support order and income withholding order of another state
9 without registration pursuant to sections [454.932 to 454.946] **650.1360 to 650.1378**;

10 (3) registration of an order for spousal support or child support of another state for
11 enforcement pursuant to sections [454.948 to 454.981] **650.1381 to 650.1420**;

12 (4) modification of an order for child support or spousal support issued by a tribunal of
13 this state pursuant to sections [454.862 to 454.869] **650.1279 to 650.1288**;

14 (5) registration of an order for child support of another state for modification pursuant
15 to sections [454.948 to 454.981] **650.1381 to 650.1420**;

16 (6) determination of parentage pursuant to section [454.983] **650.1423**; and

17 (7) assertion of jurisdiction over nonresidents pursuant to sections [454.857 to 454.860]
18 **650.1273 to 650.1276**.

19 (c) An individual petitioner or a support enforcement agency may commence a
20 proceeding authorized under sections [454.850 to 454.997] **650.1264 to 650.1438**, by filing a
21 petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or
22 a comparable pleading directly in a tribunal of another state which has or can obtain personal
23 jurisdiction over the respondent.

[454.882.] **650.1303.** A minor parent, or a guardian or other legal representative of a

2 minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

[454.885.] **650.1306.** Except as otherwise provided by sections [454.850 to 454.997]
2 **650.1264 to 650.1438**, a responding tribunal of this state:

3 (1) shall apply the procedural and substantive law, including the rules on choice of law,
4 generally applicable to similar proceedings originating in this state and may exercise all powers
5 and provide all remedies available in those proceedings; and

6 (2) shall determine the duty of support and the amount payable in accordance with the
7 law and support guidelines of this state.

[454.887.] **650.1309.** (a) Upon the filing of a petition authorized by sections [454.850
2 to 454.997] **650.1264 to 650.1438**, an initiating tribunal of this state shall forward three copies
3 of the petition and its accompanying documents:

4 (1) to the responding tribunal or appropriate support enforcement agency in the
5 responding state; or

6 (2) if the identity of the responding tribunal is unknown, to the state information agency
7 of the responding state with a request that they be forwarded to the appropriate tribunal and that
8 receipt be acknowledged.

9 (b) If a responding state has not enacted the uniform interstate family support act or a
10 law or procedure substantially similar to the uniform interstate family support act, a tribunal of
11 this state may issue a certificate or other documents and make findings required by the law of the
12 responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the
13 amount of support sought and provide other documents necessary to satisfy the requirements of
14 the responding state.

[454.890.] **650.1312.** (a) When a responding tribunal of this state receives a petition or
2 comparable pleading from an initiating tribunal or directly pursuant to subsection (c) of section
3 [454.880] **650.1300**, it shall cause the petition or pleading to be filed and notify the petitioner
4 where and when it was filed.

5 (b) A responding tribunal of this state, to the extent otherwise authorized by law, may
6 do one or more of the following:

7 (1) issue or enforce a support order, modify a child support order, or render a judgment
8 to determine parentage;

9 (2) order an obligor to comply with a support order, specifying the amount and the
10 manner of compliance;

11 (3) order income withholding;

12 (4) determine the amount of any arrearages, and specify a method of payment;

13 (5) enforce orders by civil or criminal contempt, or both;

14 (6) set aside property for satisfaction of the support order;

- 15 (7) place liens and order execution on the obligor's property;
- 16 (8) order an obligor to keep the tribunal informed of the obligor's current residential
17 address, telephone number, employer, address of employment, and telephone number at the place
18 of employment;
- 19 (9) issue a bench warrant for an obligor who has failed after proper notice to appear at
20 a hearing ordered by the tribunal and enter the bench warrant in any local and state computer
21 systems for criminal warrants;
- 22 (10) order the obligor to seek appropriate employment by specified methods;
- 23 (11) award reasonable attorney's fees and other fees and costs; and
- 24 (12) grant any other available remedy.
- 25 (c) A responding tribunal of this state shall include a support order issued under sections
26 [454.850 to 454.997] **650.1264 to 650.1438**, or in the documents accompanying the order, the
27 calculations on which the support order is based.
- 28 (d) A responding tribunal of this state may not condition the payment of a support order
29 issued under sections [454.850 to 454.997] **650.1264 to 650.1438**, upon compliance by a party
30 with provisions for visitation.
- 31 (e) If a responding tribunal of this state issues an order under sections [454.850 to
32 454.997] **650.1264 to 650.1438**, the tribunal shall send a copy of the order to the petitioner and
33 the respondent and to the initiating tribunal, if any.
- [454.892.] **650.1315.** If a petition or comparable pleading is received by an inappropriate
2 tribunal of this state, it shall forward the pleading and accompanying documents to an
3 appropriate tribunal in this state or another state and notify the petitioner by first class mail where
4 and when the pleading was sent.
- [454.895.] **650.1318.** (a) A support enforcement agency of this state, upon request, shall
2 provide services to a petitioner in a proceeding under sections [454.850 to 454.997] **650.1264**
3 **to 650.1438.**
- 4 (b) A support enforcement agency that is providing services to the petitioner as
5 appropriate shall:
- 6 (1) take all steps necessary to enable an appropriate tribunal in this state or another state
7 to obtain jurisdiction over the respondent;
- 8 (2) request an appropriate tribunal to set a date, time, and place for a hearing;
- 9 (3) make a reasonable effort to obtain all relevant information, including information as
10 to income and property of the parties;
- 11 (4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt
12 of a written notice from an initiating, responding, or registering tribunal, send a copy of the
13 notice to the petitioner;

14 (5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt
15 of a written communication from the respondent or the respondent's attorney, send a copy of the
16 communication to the petitioner; and

17 (6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

18 (c) Sections [454.850 to 454.997] **650.1264 to 650.1438**, do not create or negate a
19 relationship of attorney and client or other fiduciary relationship between a support enforcement
20 agency or the attorney for the agency and the individual being assisted by the agency.

[454.897.] **650.1321.** If the attorney general determines that the support enforcement
2 agency is neglecting or refusing to provide services to an individual, the attorney general may
3 order the agency to perform its duties under sections [454.850 to 454.997] **650.1264 to 650.1438**
4 or may provide those services directly to the individual.

[454.900.] **650.1324.** An individual may employ private counsel to represent the
2 individual in proceedings authorized by sections [454.850 to 454.997] **650.1264 to 650.1438**.

[454.902.] **650.1327.** (a) The division of child support enforcement is the state
2 information agency under sections [454.850 to 454.997] **650.1264 to 650.1438**.

3 (b) The state information agency shall:

4 (1) compile and maintain a current list, including addresses, of the tribunals in this state
5 which have jurisdiction under sections [454.850 to 454.997] **650.1264 to 650.1438**, and any
6 support enforcement agencies in this state and transmit a copy to the state information agency
7 of every other state;

8 (2) maintain a register of tribunals and support enforcement agencies received from other
9 states;

10 (3) forward to the appropriate tribunal in the place in this state in which the individual
11 obligee or the obligor resides, or in which the obligor's property is believed to be located, all
12 documents concerning a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438**,
13 received from an initiating tribunal or the state information agency of the initiating state; and

14 (4) obtain information concerning the location of the obligor and the obligor's property
15 within this state not exempt from execution, by such means as postal verification and federal or
16 state locator services, examination of telephone directories, requests for the obligor's address
17 from employers, and examination of governmental records, including, to the extent not
18 prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation,
19 motor vehicles, driver's licenses, and Social Security.

[454.905.] **650.1330.** (a) A petitioner seeking to establish or modify a support order or
2 to determine parentage in a proceeding under sections [454.850 to 454.997] **650.1264 to**
3 **650.1438**, must verify the petition. Unless otherwise ordered under section [454.907] **650.1333**,
4 the petition or accompanying documents must provide, so far as known, the name, residential

5 address, and Social Security numbers of the obligor and the obligee, and the name, sex,
6 residential address, Social Security number, and date of birth of each child for whom support is
7 sought. The petition must be accompanied by a certified copy of any support order in effect.
8 The petition may include any other information that may assist in locating or identifying the
9 respondent.

10 (b) The petition must specify the relief sought. The petition and accompanying
11 documents must conform substantially with the requirements imposed by the forms mandated
12 by federal law for use in cases filed by a support enforcement agency.

[454.907.] **650.1333.** Upon a finding, which may be made ex parte, that the health,
2 safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of
3 identifying information, or if an existing order so provides, a tribunal shall order that the address
4 of the child or party or other identifying information not be disclosed in a pleading or other
5 document filed in a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438.**

[454.910.] **650.1336.** (a) The petitioner may not be required to pay a filing fee or other
2 costs.

3 (b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees,
4 reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses
5 incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or
6 expenses against the obligee or the support enforcement agency of either the initiating or the
7 responding state, except as provided by other law. Attorney's fees may be taxed as costs, and
8 may be ordered paid directly to the attorney, who may enforce the order in the attorney's own
9 name. Payment of support owed to the obligee has priority over fees, costs and expenses.

10 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it
11 determines that a hearing was requested primarily for delay. In a proceeding under sections
12 [454.948 to 454.981] **650.1381 to 650.1420**, a hearing is presumed to have been requested
13 primarily for delay if a registered support order is confirmed or enforced without change.

[454.912.] **650.1339.** (a) Participation by a petitioner in a proceeding before a
2 responding tribunal, whether in person, by private attorney, or through services provided by the
3 support enforcement agency, does not confer personal jurisdiction over the petitioner in another
4 proceeding.

5 (b) A petitioner is not amenable to service of civil process while physically present in
6 this state to participate in a proceeding under sections [454.850 to 454.997] **650.1264 to**
7 **650.1438.**

8 (c) The immunity granted by this section does not extend to civil litigation based on acts
9 unrelated to a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438**, committed
10 by a party while present in this state to participate in the proceeding.

2 [454.915.] **650.1342.** A party whose parentage of a child has been previously determined
3 by or pursuant to law may not plead nonparentage as a defense to a proceeding under sections
4 [454.850 to 454.997] **650.1264 to 650.1438.**

5 [454.917.] **650.1345.** (a) The physical presence of the petitioner in a responding tribunal
6 of this state is not required for the establishment, enforcement, or modification of a support order
7 or the rendition of a judgment determining parentage.

8 (b) A verified petition, affidavit, document substantially complying with federally
9 mandated forms, and a document incorporated by reference in any of them, not excluded under
10 the hearsay rule if given in person, is admissible in evidence if given under oath by a party or
11 witness residing in another state.

12 (c) A copy of the record of child support payments certified as a true copy of the original
13 by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence
14 of facts asserted in it, and is admissible to show whether payments were made.

15 (d) Copies of bills for testing for parentage, and for prenatal and postnatal health care
16 of the mother and child, furnished to the adverse party at least ten days before trial, are
17 admissible in evidence to prove the amount of the charges billed and that the charges were
18 reasonable, necessary, and customary.

19 (e) Documentary evidence transmitted from another state to a tribunal of this state by
20 telephone, telecopier, or other means that do not provide an original writing may not be excluded
21 from evidence on an objection based on the means of transmission.

22 (f) In a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438**, a tribunal
23 of this state may permit a party or witness residing in another state to be deposed or to testify by
24 telephone, audiovisual means, or other electronic means at a designated tribunal or other location
25 in that state. A tribunal of this state shall cooperate with tribunals of other states in designating
26 an appropriate location for the deposition or testimony.

27 (g) If a party called to testify at a civil hearing refuses to answer on the ground that the
28 testimony may be self-incriminating, the trier of fact may draw an adverse inference from the
29 refusal.

30 (h) A privilege against disclosure of communications between spouses does not apply
31 in a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438.**

32 (i) The defense of immunity based on the relationship of husband and wife or parent and
33 child does not apply in a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438.**

34 [454.920.] **650.1348.** A tribunal of this state may communicate with a tribunal of another
35 state in writing, or by telephone or other means, to obtain information concerning the laws of that
36 state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a
37 proceeding in the other state. A tribunal of this state may furnish similar information by similar

5 means to a tribunal of another state.

[454.922.] **650.1351.** A tribunal of this state may:

- 2 (1) request a tribunal of another state to assist in obtaining discovery; and
- 3 (2) upon request, compel a person over whom it has jurisdiction to respond to a
- 4 discovery order issued by a tribunal of another state.

[454.927.] **650.1354.** A support enforcement agency or tribunal of this state shall
2 disburse promptly any amounts received pursuant to a support order, as directed by the order.
3 The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified
4 statement by the custodian of the record of the amounts and dates of all payments received.

[454.930.] **650.1357.** (a) If a support order entitled to recognition under sections
2 [454.850 to 454.997] **650.1264 to 650.1438**, has not been issued, a responding tribunal of this
3 state may issue a support order if:

- 4 (1) the individual seeking the order resides in another state; or
- 5 (2) the support enforcement agency seeking the order is located in another state.
- 6 (b) The tribunal may issue a temporary child support order if:
- 7 (1) the respondent has signed a verified statement acknowledging parentage;
- 8 (2) the respondent has been determined by or pursuant to law to be the parent; or
- 9 (3) there is other clear and convincing evidence that the respondent is the child's parent.
- 10 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty
- 11 of support, the tribunal shall issue a support order directed to the obligor and may issue other
- 12 orders pursuant to section [454.890] **650.1312**.

[454.932.] **650.1360.** An income withholding order issued in another state may be sent
2 to the person or entity defined as the obligor's employer under section 452.350, RSMo, or section
3 [454.505] **650.1105** without first filing a petition or comparable pleading or registering the order
4 with a tribunal of this state.

[454.934.] **650.1363.** (a) Upon receipt of the order, the obligor's employer shall
2 immediately provide a copy of the order to the obligor.

3 (b) The employer shall treat an income withholding order issued in another state which
4 appears regular on its face as if it had been issued by a tribunal of this state.

5 (c) Except as provided in subsection (d) of this section and section [454.936] **650.1366**,
6 the employer shall withhold and distribute the funds as directed in the withholding order by
7 complying with the terms of the order, as applicable, that specify:

- 8 (1) the duration and the amount of periodic payments of current child support, stated as
- 9 a sum certain;
- 10 (2) the person or agency designated to receive payments and the address to which the
- 11 payments are to be forwarded;

12 (3) medical support, whether in the form of periodic cash payment, stated as a sum
13 certain, or ordering the obligor to provide health insurance coverage for the child under a policy
14 available through the obligor's employment;

15 (4) the amount of periodic payments of fees and costs for a support enforcement agency,
16 the issuing tribunal, and the obligee's attorney, stated as sums certain; and

17 (5) the amount of periodic payments of arrears and interest on arrears, stated as sums
18 certain.

19 (d) The employer shall comply with the law of the state of the obligor's principal place
20 of employment for withholding from income with respect to:

21 (1) the employer's fee for processing an income withholding order;

22 (2) the maximum amount permitted to be withheld from the obligor's income;

23 (3) the time periods within which the employer must implement the withholding order
24 and forward the child support payment.

[454.936.] **650.1366.** If the obligor's employer receives multiple orders to withhold
2 support from the earnings of the same obligor, the employer shall be deemed to have satisfied
3 the terms of the multiple orders if the employer complied with the law of the state of the obligor's
4 principal place of employment to establish the priorities for withholding and allocating income
5 withheld for multiple child support orders.

[454.938.] **650.1369.** An employer who complies with an income withholding order
2 issued in another state in accordance with sections [454.932 to 454.946] **650.1360 to 650.1378**,
3 is not subject to civil liability to any individual or agency with regard to the employer's
4 withholding child support from the obligor's income.

[454.941.] **650.1372.** An employer who willfully fails to comply with an income
2 withholding order issued by another state and received for enforcement is subject to the same
3 penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

[454.943.] **650.1375.** (a) An obligor may contest the validity or enforcement of an
2 income withholding order issued in another state and received directly by an employer in this
3 state in the same manner as if the order had been issued by a tribunal of this state. Section
4 [454.956] **650.1390** applies to the contest.

5 (b) The obligor shall give notice of the contest to:

6 (1) a support enforcement agency providing services to the obligee;

7 (2) each employer which has directly received an income withholding order; and

8 (3) the person or agency designated to receive payments in the income withholding
9 order, or if no person or agency is designated, to the obligee.

[454.946.] **650.1378.** (a) A party seeking to enforce a support order or an income
2 withholding order, or both, issued by a tribunal of another state may send the documents required

3 for registering the order to a support enforcement agency of this state.

4 (b) Upon receipt of the documents, the support enforcement agency, without initially
5 seeking to register the order, shall consider and, if appropriate, use any administrative procedure
6 authorized by the law of this state to enforce a support order or an income withholding order, or
7 both. If the obligor does not contest administrative enforcement, the order need not be
8 registered. If the obligor contests the validity or administrative enforcement of the order, the
9 support enforcement agency shall register the order pursuant to sections [454.850 to 454.997]
10 **650.1264 to 650.1438.**

[454.948.] **650.1381.** A support order or an income withholding order issued by a
2 tribunal of another state may be registered in this state for enforcement.

[454.951.] **650.1384.** (a) A support order or income withholding order of another state
2 may be registered in this state by sending the following documents and information to the
3 appropriate tribunal in this state:

4 (1) a letter of transmittal to the tribunal requesting registration and enforcement;

5 (2) two copies, including one certified copy, of all orders to be registered, including any
6 modification of an order;

7 (3) a sworn statement by the party seeking registration or a certified statement by the
8 custodian of the records showing the amount of any arrearage;

9 (4) the name of the obligor and, if known:

10 (i) the obligor's address and Social Security number;

11 (ii) the name and address of the obligor's employer and any other source of income of
12 the obligor; and

13 (iii) a description and the location of property of the obligor in this state not exempt from
14 execution; and

15 (5) the name and address of the obligee and, if applicable, the agency or person to whom
16 support payments are to be remitted.

17 (b) On receipt of a request for registration, the registering tribunal shall cause the order
18 to be filed as a foreign judgment, together with one copy of the documents and information,
19 regardless of their form.

20 (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought
21 under other law of this state may be filed at the same time as the request for registration or later.
22 The pleading must specify the grounds for the remedy sought.

[454.953.] **650.1387.** (a) A support order or income withholding order issued in another
2 state is registered when the order is filed in the registering tribunal of this state.

3 (b) A registered order issued in another state is enforceable in the same manner and is
4 subject to the same procedures as an order issued by a tribunal of this state.

5 (c) Except as otherwise provided in sections [454.948 to 454.981] **650.1381 to 650.1420**,
6 a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the
7 issuing tribunal had jurisdiction.

[454.956.] **650.1390.** (a) The law of the issuing state governs the nature, extent, amount,
2 and duration of current payments and other obligations of support and the payment of arrearages
3 under the order.

4 (b) In a proceeding for arrearages, the statute of limitation under the laws of this state
5 or of the issuing state, whichever is longer, applies.

[454.958.] **650.1393.** (a) When a support order or income withholding order issued in
2 another state is registered, the registering tribunal shall notify the nonregistering party. The
3 notice must be accompanied by a copy of the registered order and the documents and relevant
4 information accompanying the order.

5 (b) The notice must inform the nonregistering party:

6 (1) that a registered order is enforceable as of the date of registration in the same manner
7 as an order issued by a tribunal of this state;

8 (2) that a hearing to contest the validity or enforcement of the registered order must be
9 requested within twenty days after the date of mailing or personal service of the notice;

10 (3) that failure to contest the validity or enforcement of the registered order in a timely
11 manner will result in confirmation of the order and enforcement of the order and the alleged
12 arrearages and precludes further contest of that order with respect to any matter that could have
13 been asserted; and

14 (4) of the amount of any alleged arrearages.

15 (c) Upon registration of an income withholding order for enforcement, the registering
16 tribunal shall notify the obligor's employer pursuant to section 452.350, RSMo, or section
17 [454.505] **650.1105.**

[454.961.] **650.1396.** (a) A nonregistering party seeking to contest the validity or
2 enforcement of a registered order in this state shall request a hearing within twenty days after the
3 date of mailing or personal service of notice of the registration. The nonregistering party may
4 seek to vacate the registration, to assert any defense to an allegation of noncompliance with the
5 registered order, or to contest the remedies being sought or the amount of any alleged arrearages
6 pursuant to section [454.963] **650.1399.**

7 (b) If the nonregistering party fails to contest the validity or enforcement of the registered
8 order in a timely manner, the order is confirmed by operation of law.

9 (c) If a nonregistering party requests a hearing to contest the validity or enforcement of
10 the registered order, the registering tribunal shall schedule the matter for hearing and give notice
11 to the parties of the date, time, and place of the hearing.

[454.963.] **650.1399.** (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) the order was obtained by fraud;
- (3) the order has been vacated, suspended, or modified by a later order;
- (4) the issuing tribunal has stayed the order pending appeal;
- (5) there is a defense under the law of this state to the remedy sought;
- (6) full or partial payment has been made; or
- (7) the statute of limitation under section [454.956] **650.1390** precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

[454.966.] **650.1402.** Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

[454.968.] **650.1405.** A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in sections [454.948 to 454.956] **650.1381 to 650.1390** if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

[454.971.] **650.1408.** A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of section [454.973] **650.1411** have been met.

[454.973.] **650.1411.** (a) After a child support order issued in another state has been registered in this state, unless the provisions of section [454.978] **650.1417** apply, the responding tribunal of this state may modify that order only if, after notice and hearing, it finds that:

- (1) the following requirements are met:
 - (i) the child, the individual obligee, and the obligor do not reside in the issuing state;
 - (ii) a petitioner who is a nonresident of this state seeks modification; and

7 (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state; or
8 (2) an individual party or the child is subject to the personal jurisdiction of the tribunal
9 and all of the individual parties have filed a written consent in the issuing tribunal providing that
10 a tribunal of this state may modify the support order and assume continuing, exclusive
11 jurisdiction over the order. However, if the issuing state is a foreign jurisdiction which has not
12 enacted the Uniform Interstate Family Support Act, as amended, the written consent of the
13 individual party residing in this state is not required for the tribunal to assume jurisdiction to
14 modify the child support order.

15 (b) Modification of a registered child support order is subject to the same requirements,
16 procedures, and defenses that apply to the modification of an order issued by a tribunal of this
17 state and the order may be enforced and satisfied in the same manner.

18 (c) A tribunal of this state may not modify any aspect of a child support order that may
19 not be modified under the law of the issuing state. If two or more tribunals have issued child
20 support orders for the same obligor and child, the order that is controlling and must be
21 recognized under the provisions of section [454.871] **650.1291** establishes the nonmodifiable
22 aspects of the support order.

23 (d) On issuance of an order modifying a child support order issued in another state, a
24 tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

[454.976.] **650.1414.** A tribunal of this state shall recognize a modification of its earlier
2 child support order by a tribunal of another state which assumed jurisdiction pursuant to sections
3 [454.850 to 454.997] **650.1264 to 650.1438** or a law substantially similar to sections [454.850
4 to 454.997] **650.1264 to 650.1438** and, upon request, except as otherwise provided in sections
5 [454.850 to 454.997] **650.1264 to 650.1438** shall:

6 (1) enforce the order that was modified only as to amounts accruing before the
7 modification;

8 (2) enforce only nonmodifiable aspects of that order;

9 (3) provide other appropriate relief only for violations of that order which occurred
10 before the effective date of the modification; and

11 (4) recognize the modifying order of the other state, upon registration, for the purpose
12 of enforcement.

[454.978.] **650.1417.** (a) If all of the individual parties reside in this state and the child
2 does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to
3 modify the issuing state's child support order in a proceeding to register that order.

4 (b) A tribunal of this state exercising jurisdiction as provided in this section shall apply
5 the provisions of sections [454.850 to 454.877] **650.1264 to 650.1297** and sections [454.948 to
6 454.981] **650.1381 to 650.1420** to the enforcement or modification proceeding. Sections

7 [454.880 to 454.946] **650.1300 to 650.1378** and sections [454.983 to 454.989] **650.1423 to**
8 **650.1429** do not apply and the tribunal shall apply the procedural and substantive law of this
9 state.

[454.981.] **650.1420.** Within thirty days after issuance of a modified child support order,
2 the party obtaining the modification shall file a certified copy of the order with the issuing
3 tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal
4 in which the party knows that earlier order has been registered. Failure of the party obtaining the
5 order to file a certified copy as required subjects that party to appropriate sanctions by a tribunal
6 in which the issue of failure to file arises, but that failure has no effect on the validity or
7 enforceability of the modified order of the new tribunal of continuing, exclusive jurisdiction.

[454.983.] **650.1423.** (a) A tribunal of this state may serve as an initiating or responding
2 tribunal in a proceeding brought under sections [454.850 to 454.997] **650.1264 to 650.1438** or
3 a law or procedure substantially similar to sections [454.850 to 454.997] **650.1264 to 650.1438**,
4 or a law or procedure substantially similar to the uniform reciprocal enforcement of support act,
5 or the revised uniform reciprocal enforcement of support act to determine that the petitioner is
6 a parent of a particular child or to determine that a respondent is a parent of that child.

7 (b) In a proceeding to determine parentage, a responding tribunal of this state shall apply
8 the procedural and substantive law of this state and the rules of this state on choice of law.

[454.986.] **650.1426.** (a) For purposes of this article, "governor" includes an individual
2 performing the functions of governor or the executive authority of a state covered by sections
3 [454.850 to 454.997] **650.1264 to 650.1438**.

4 (b) The governor of this state may:

5 (1) demand that the governor of another state surrender an individual found in the other
6 state who is charged criminally in this state with having failed to provide for the support of an
7 obligee; or

8 (2) on the demand by the governor of another state, surrender an individual found in this
9 state who is charged criminally in the other state with having failed to provide for the support
10 of an obligee.

11 (c) A provision for extradition of individuals not inconsistent with sections [454.850 to
12 454.997] **650.1264 to 650.1438**, applies to the demand even if the individual whose surrender
13 is demanded was not in the demanding state when the crime was allegedly committed and has
14 not fled therefrom.

[454.989.] **650.1429.** (a) Before making demand that the governor of another state
2 surrender an individual charged criminally in this state with having failed to provide for the
3 support of an obligee, the governor of this state may require a prosecutor of this state to
4 demonstrate that at least sixty days previously the obligee had initiated proceedings for support

5 pursuant to sections [454.850 to 454.997] **650.1264 to 650.1438** or that the proceeding would
6 be of no avail.

7 (b) If, under sections [454.850 to 454.997] **650.1264 to 650.1438** or a law substantially
8 similar to sections [454.850 to 454.997] **650.1264 to 650.1438**, the uniform reciprocal
9 enforcement of support act, or the revised uniform reciprocal enforcement of support act, the
10 governor of another state makes a demand that the governor of this state surrender an individual
11 charged criminally in that state with having failed to provide for the support of a child or other
12 individual to whom a duty of support is owed, the governor may require a prosecutor to
13 investigate the demand and report whether a proceeding for support has been initiated or would
14 be effective. If it appears that a proceeding would be effective but has not been initiated, the
15 governor may delay honoring the demand for a reasonable time to permit the initiation of a
16 proceeding.

17 (c) If a proceeding for support has been initiated and the individual whose rendition is
18 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and
19 the individual whose rendition is demanded is subject to a support order, the governor may
20 decline to honor the demand if the individual is complying with the support order.

[454.991.] **650.1432.** Sections [454.850 to 454.997] **650.1264 to 650.1438** shall be
2 applied and construed to effectuate its general purpose to make uniform the law with respect to
3 the subject of sections [454.850 to 454.997] **650.1264 to 650.1438** among states enacting it.

[454.993.] **650.1435.** Sections [454.850 to 454.997] **650.1264 to 650.1438** may be cited
2 as the "Uniform Interstate Family Support Act".

[454.995.] **650.1438.** If any provision of sections [454.850 to 454.997] **650.1264 to**
2 **650.1438** or its application to any person or circumstance is held invalid, the invalidity does not
3 affect other provisions or applications of sections [454.850 to 454.997] **650.1264 to 650.1438**,
4 which can be given effect without the invalid provision or application, and to this end the
5 provisions of [454.850 to 454.997] **650.1264 to 650.1438** are severable.

[454.999.] **650.1441.** The provisions of sections 210.822 and 210.834, RSMo, shall
2 apply to a proceeding under sections [454.850 to 454.997] **650.1264 to 650.1438**, but no other
3 provisions of sections 210.817 through 210.852, RSMo, shall apply.

[454.1000.] **650.1444.** As used in sections [454.1000 to 454.1025] **650.1444 to**
2 **650.1474**, the following terms mean:

3 (1) "Arrearage", the amount created by a failure to provide:

4 (a) Support to a child pursuant to an administrative or judicial support order; or

5 (b) Support to a spouse if the judgment or order requiring payment of spousal support
6 also requires payment of child support and such spouse is the custodial parent;

7 (2) "Child", a person for whom child support is due pursuant to a support order;

8 (3) "Court", any circuit court of the state that enters a support order or a circuit court in
9 which such order is registered or filed;

10 (4) "Director", the director of the division of child support enforcement;

11 (5) "Division", the division of child support enforcement of the department of [social
12 services] **public safety**;

13 (6) "IV-D case", a case in which support rights are assigned to the state pursuant to
14 section 208.040, RSMo, or the division is providing support enforcement services pursuant to
15 section [454.425] **650.1033**;

16 (7) "License", a license, certificate, registration or authorization issued by a licensing
17 authority granting a person a right or privilege to engage in a business, occupation, profession,
18 recreation or other related privilege that is subject to suspension, revocation, forfeiture or
19 termination by the licensing authority prior to its date of expiration, except for any license issued
20 by the department of conservation. Licenses include licenses to operate motor vehicles pursuant
21 to chapter 302, RSMo, but shall not include motor vehicle registrations pursuant to chapter 301,
22 RSMo;

23 (8) "Licensing authority", any department, except for the department of conservation,
24 division, board, agency or instrumentality of this state or any political subdivision thereof that
25 issues a license. Any board or commission assigned to the division of professional registration
26 is included in the definition of licensing authority;

27 (9) "Obligee":

28 (a) A person to whom payments are required to be made pursuant to a support order; or

29 (b) A public agency of this or any other state which has the right to receive current or
30 accrued support payments or provides support enforcement services pursuant to this chapter;

31 (10) "Obligor", a person who owes a duty of support;

32 (11) "Order suspending a license", an order issued by a court or the director to suspend
33 a license. The order shall contain the name of the obligor, date of birth of the obligor, the type
34 of license and the Social Security number of the obligor;

35 (12) "Payment plan" includes, but is not limited to, a written plan approved by the court
36 or division that incorporates an income withholding pursuant to sections 452.350, RSMo, and
37 [454.505] **650.1105** or a similar plan for periodic payment of an arrearage, and current and future
38 support, if applicable;

39 (13) "Support order", an order providing a determinable amount for temporary or final
40 periodic payment of support. Such order may include payment of a determinable amount of
41 insurance, medical or other expenses of the child issued by:

42 (a) A court of this state;

43 (b) A court or administrative agency of competent jurisdiction of another state, an Indian

44 tribe, or a foreign country; or

45 (c) The director of the division.

[454.1003.] **650.1447.** 1. A court or the director of the division of child support enforcement may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

5 (1) When the obligor is not making child support payments in accordance with a court order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

9 (2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

13 2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

17 3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:

21 (1) Pays the entire arrearage stated in the notice;

22 (2) Enters into and complies with a payment plan approved by the court or the division;

23 or

24 (3) Requests a hearing before the court or the director.

25 4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536, RSMo.

27 5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

31 6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

33 7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the division of child support enforcement may restrict such licenses in

35 accordance with the provisions of this chapter.

[454.1005.] **650.1450.** 1. To show cause why suspension of a license may not be
2 appropriate, the obligor shall request a hearing from the court or division that issued the notice
3 of intent to suspend the license. The request shall be made within sixty days of the date of
4 service of notice.

5 2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a
6 license, timely request a hearing or comply with a payment plan, the obligor's defenses and
7 objections shall be considered to be without merit and the court or director may enter an order
8 suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed
9 activity.

10 3. Upon timely receipt of a request for hearing from an obligor, the court or director shall
11 schedule a hearing to determine if suspension of the obligor's license is appropriate. The court
12 or director shall stay suspension of the license pending the outcome of the hearing.

13 4. If the action involves an arrearage, the only issues that may be determined in a hearing
14 pursuant to this section are:

15 (1) The identity of the obligor;

16 (2) Whether the arrearage is in an amount greater than or equal to three months of
17 support payments or two thousand five hundred dollars, whichever is less, by the date of service
18 of a notice of intent to suspend; and

19 (3) Whether the obligor has entered a payment plan.
20

21 If the action involves a failure to comply with a subpoena or order, the only issues that may be
22 determined are the identity of the obligor and whether the obligor has complied with the
23 subpoena or order.

24 5. If the court or director, after hearing, determines that the obligor has failed to comply
25 with any of the requirements in subsection 4 of this section, the court or director shall issue an
26 order suspending the obligor's license and ordering the obligor to refrain from engaging in the
27 licensed activity.

28 6. The court or division shall send a copy of the order suspending a license to the
29 licensing authority and the obligor by certified mail.

30 7. The determination of the director, after a hearing pursuant to this section, shall be a
31 final agency decision and shall be subject to judicial review pursuant to chapter 536, RSMo.
32 Administrative hearings held pursuant to this section shall be conducted by hearing officers
33 appointed by the director of the department pursuant to subsection 1 of section 454.475.

34 8. A determination made by the court or division pursuant to this section is independent
35 of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a

36 license.

[454.1008.] **650.1453.** 1. Upon receipt of an order suspending a license, a licensing
2 authority shall:

3 (1) Determine if the licensing authority has issued a license to the obligor whose name
4 appears on the order;

5 (2) Enter the suspension as effective from the date of the order issued by the court or
6 division;

7 (3) Issue the notice of the suspension to the licensee; and

8 (4) If required by law, demand surrender of the suspended license.

9 2. An order issued by a court or the director suspending a license shall be processed by
10 the licensing authority without any additional review or hearing by such licensing authority.

11 3. Notwithstanding the provisions of any other law regarding the suspension, revocation,
12 denial, termination or renewal of a license to the contrary, an order issued by a court or the
13 director suspending a license shall be implemented by the licensing authority and continue until
14 the court or division advises the licensing authority that such suspension has been stayed or
15 terminated. The obligor may not appeal the suspension of a license pursuant to sections
16 [454.1000 to 454.1025] **650.1444 to 650.1474** pursuant to any other law, including, but not
17 limited to, section 302.311, RSMo. The exclusive procedure for appeal is provided in sections
18 [454.1000 to 454.1025] **650.1444 to 650.1474.**

19 4. If a license is suspended, any funds paid by the obligor to the licensing authority for
20 costs related to issuance, renewal or maintenance of a license shall not be refunded to the obligor.

21 5. Unless acting pursuant to an order of a court or the director which stays the suspension
22 of a license, an obligor who continues to engage in the business, occupation, profession or other
23 licensed activity while the license is suspended pursuant to this section is guilty of a class A
24 misdemeanor, unless a penalty is otherwise provided. The division or the licensing authority
25 may refer the obligor to the appropriate prosecuting or circuit attorney or the attorney general for
26 prosecution pursuant to this section in addition to any other remedy provided by law for engaging
27 in a licensed activity without a license or while a license is suspended.

28 6. The licensing authority shall be exempt from liability to the licensee for activities
29 conducted pursuant to this section.

30 7. The licensing authority shall not modify, remand, reverse, vacate or stay an order of
31 the court or director suspending a license.

32 8. If the license suspended is a driver's license, the obligor shall have no rights pursuant
33 to section 302.311, RSMo.

[454.1010.] **650.1456.** 1. An obligor may, at any time, petition a court or the director
2 for an order to stay the suspension of a license. Any petition seeking to stay an order of the

3 director shall be served on the director.

4 2. The court or director may consider the obligor's petition for a stay separately from any
5 determination on the suspension of a license.

6 3. The court, but not the director, may stay suspension of a license upon a showing that
7 a suspension or continued suspension of a license would create a significant hardship to the
8 obligor, the obligor's employees, any legal dependents residing in the obligor's household, or
9 persons, businesses or other entities served by the obligor.

10 4. The court or director may stay suspension of a license upon entry of a payment plan
11 or receipt of adequate assurance that the obligor shall comply with an existing payment plan.

12 5. A stay shall terminate if:

13 (1) A court determines that the significant hardship circumstance pursuant to subsection
14 3 of this section has ended;

15 (2) The court or division determines that the obligor has failed to abide by the terms and
16 conditions of a payment plan; or

17 (3) The order staying suspension of a license has a termination date and such date has
18 been reached.

19 6. If the licensing authority is notified of an order suspending a license, the court or
20 division shall send a copy of any order staying or reimposing suspension of the license to the
21 licensing authority and the obligor by certified mail.

22 7. Upon receipt of an order staying or reimposing suspension of the license, the licensing
23 authority shall:

24 (1) Enter the information on appropriate records;

25 (2) Issue notice of the action to the licensee; and

26 (3) If required by law, demand surrender of the suspended license or return the reinstated
27 license.

28 8. No additional action by the licensing authority shall be required to implement a stay
29 or reinstatement of suspension of a license.

30 9. This section shall be the exclusive remedy for the obligor to obtain an order staying
31 suspension of a license pursuant to sections [454.1000 to 454.1025] **650.1444 to 650.1474**. Any
32 other provisions providing for the issuance of hardship licenses, including, but not limited to,
33 those provided in section 302.309, RSMo, do not apply to suspensions pursuant to sections
34 [454.1000 to 454.1025] **650.1444 to 650.1474**.

35 10. No person shall be required to file proof of financial responsibility with the
36 department of revenue as a condition of reinstatement of a driver's license suspended solely
37 pursuant to the provisions of sections [454.1000 to 454.1025] **650.1444 to 650.1474**.

38 11. Any person whose license to operate a motor vehicle in this state has been suspended

39 pursuant to this section shall, before having the license reinstated, pay to the director of revenue
40 a reinstatement fee of twenty dollars.

[454.1013.] **650.1459.** 1. If a court or the division determines that an arrearage has been
2 paid in full, or the obligor has complied with the subpoena or order of the director, the court or
3 division shall terminate the order suspending the license and immediately send a copy of the
4 order terminating the suspension of the license to the licensing authority and the obligor by
5 certified mail.

6 2. Entry of an order terminating suspension of a license shall not prevent a court or the
7 director from issuing a new order suspending the license of the same obligor in the event of
8 another arrearage.

[454.1015.] **650.1462.** A licensing authority may charge the obligor a reasonable fee for
2 the administrative costs incurred by such licensing authority in taking action against the obligor's
3 license pursuant to sections [454.1000 to 454.1025] **650.1444 to 650.1474.**

[454.1018.] **650.1465.** The division shall promulgate rules necessary for the
2 implementation and administration of sections [454.1000 to 454.1025] **650.1444 to 650.1474.**
3 No rule or portion of a rule promulgated pursuant to the authority of [this section] **sections**
4 **650.1444 to 650.1474** shall become effective unless it is promulgated pursuant to [section
5 536.024] **chapter 536**, RSMo.

[454.1020.] **650.1468.** 1. Upon request by the division, all state licensing authorities
2 subject to sections [454.1000 to 454.1025] **650.1444 to 650.1474** shall provide specified
3 information, on magnetic tape or other machine-readable form, to the division pursuant to the
4 standards established by the division regarding applicants for licensure and all current licenses.
5 Such information shall include the following, if available:

- 6 (1) Name;
- 7 (2) Address of record;
- 8 (3) Date of birth;
- 9 (4) Federal employer identification number or Social Security number;
- 10 (5) Type of license;
- 11 (6) Effective date of the license or renewal;
- 12 (7) Expiration date of the license; and
- 13 (8) Active or inactive status.

14 2. All licensing authorities not providing the information required by subsection 1 of this
15 section shall, upon request by the division, provide such information in any readable format for
16 any licensee of the licensing authority.

17 3. The provisions of this section shall, at no time, preclude the division from requesting
18 the information provided by a licensing authority pursuant to section [454.440] **650.1048**, RSMo.

[454.1023.] **650.1471.** The division of child support enforcement is hereby authorized, pursuant to a cooperative agreement with the supreme court, to develop procedures which shall permit the clerk of the supreme court to furnish the division, at least once each year, with a list of persons currently licensed to practice law in this state. If any such person has an arrearage in an amount equal to or greater than three months of support payments or two thousand five hundred dollars, the division shall notify the clerk of the supreme court that such person has an arrearage.

[454.1025.] **650.1474.** By July 1, 1998, the supreme court is requested to have in effect a rule in accordance with 42 U.S.C. section 666(a)(16) which shall permit the suspension or other sanctioning of a law license for any person who owes an arrearage in an amount equal to or greater than three months of support payments or two thousand five hundred dollars, whichever first occurs.

[454.1027.] **650.1477.** Notwithstanding any provision of sections [454.1000 to 454.1027] **650.1444 to 650.1477** to the contrary, the following procedures shall apply between the division of child support enforcement and the department of conservation regarding the suspension of hunting and fishing licenses:

- (1) The division of child support enforcement shall be responsible for making the determination whether an individual's license should be suspended based on the reasons specified in section [454.1003] **650.1447**, after ensuring that each individual is provided due process, including appropriate notice and opportunity for administrative hearing;
- (2) If the division of child support enforcement determines, after completion of all due process procedures available to an individual, that an individual's license should be suspended, the division shall notify the department of conservation. The department or commission shall develop a rule consistent with a cooperative agreement between the division of child support enforcement, the department of conservation and the conservation commission, and in accordance with 42 U.S.C. Section 666(a)(16) which shall require the suspension of a license for any person based on the reasons specified in section [454.1003] **650.1447**. Such suspension shall remain in effect until the department is notified by the division that such suspension should be stayed or terminated because the individual is now in compliance with applicable child support laws.

[454.1029.] **650.1480.** For obligors that have been making regular child support payments in accordance with an agreement entered into with the division of child support enforcement, the license shall not be suspended while the obligor honors such agreement.

[454.1031.] **650.1483.** All penalties that apply to an obligor in sections [454.1000 to 454.1029] **650.1444 to 650.1480** shall also apply to any person who has, without good cause as determined by a court with jurisdiction, denied or interfered with any order for visitation or

4 custody for two or more consecutive periods. Any such penalties shall be imposed by a court
5 with jurisdiction, and may be modified or vacated by the court for good cause shown, and the
6 division shall have no jurisdiction over such matters.

2 [454.496. 1. At any time after the entry of a court order for
3 child support in a case in which support rights have been assigned to
4 the state pursuant to section 208.040, RSMo, or a case in which
5 support enforcement services are being provided pursuant to section
6 454.425, the obligated parent, the obligee or the division of child
7 support enforcement may file a motion to modify the existing child
8 support order pursuant to this section, if a review has first been
9 completed by the director of child support enforcement pursuant to
10 subdivision (13) of subsection 2 of section 454.400. The motion shall
11 be in writing in a form prescribed by the director, shall set out the
12 reasons for modification and shall state the telephone number and
13 address of the moving party. The motion shall be served in the same
14 manner provided for in subsection 5 of section 454.465 upon the
15 obligated parent, the obligee and the division, as appropriate. In
16 addition, if the support rights are held by the division of family
17 services on behalf of the state, the moving party shall mail a true copy
18 of the motion by certified mail to the person having custody of the
19 dependent child at the last known address of that person. The party
20 against whom the motion is made shall have thirty days either to
21 resolve the matter by stipulated agreement or to serve the moving
22 party and the director, as appropriate, by regular mail with a written
23 response setting forth any objections to the motion and a request for
24 hearing. When requested, the hearing shall be conducted pursuant to
25 section 454.475 by hearing officers designated by the department of
26 social services. In such proceedings, the hearing officers shall have
27 the authority granted to the director pursuant to subsection 6 of
28 section 454.465.

29 2. When no objections and request for hearing have been
30 served within thirty days, the director, upon proof of service, shall
31 enter an order granting the relief sought. Copies of the order shall be
32 mailed to the parties within fourteen days of issuance.

33 3. A motion to modify made pursuant to this section shall not
34 stay the director from enforcing and collecting upon the existing order
35 unless so ordered by the court in which the order is docketed.

36 4. The only support payments which may be modified are
37 payments accruing subsequent to the service of the motion upon all
38 parties to the motion.

39 5. The party requesting modification shall have the burden of
40 proving that a modification is appropriate pursuant to the provisions
of section 452.370, RSMo.

41 6. Notwithstanding the provisions of section 454.490 to the
42 contrary, an administrative order modifying a court order is not
43 effective until the administrative order is filed with and approved by
44 the court that entered the court order. The court may approve the
45 administrative order if no party affected by the decision has filed a
46 petition for judicial review pursuant to sections 536.100 to 536.140,
47 RSMo. After the thirty-day time period for filing a petition of judicial
48 review pursuant to chapter 536, RSMo, has passed, the court shall
49 render its decision within fifteen days. If a petition for judicial review
50 is filed, the court shall review all pleadings and the administrative
51 record, as defined in section 536.130, RSMo, pursuant to section
52 536.140, RSMo. After such review, the court shall determine if the
53 administrative order complies with section 452.340 and applicable
54 supreme court rules. If it so determines, the court shall make a
55 written finding on the record that the order complies with section
56 452.340 and applicable supreme court rules and approve the order or,
57 if after review pursuant to section 536.140, RSMo, the court finds
58 that the administrative order does not comply with supreme court rule
59 88.01, the court may select any of the remedies set forth in subsection
60 5 of section 536.140, RSMo. The court shall notify the parties and
61 the division of any setting pursuant to this section.

62 7. Notwithstanding the venue provisions of chapter 536,
63 RSMo, to the contrary, for the filing of petitions for judicial review
64 of final agency decisions and contested cases, the venue for the filing
65 of a petition for judicial review contesting an administrative order
66 entered pursuant to this section modifying a judicial order shall be in
67 the court which entered the judicial order. In such cases in which a
68 petition for judicial review has been filed, the court shall consider the
69 matters raised in the petition and determine if the administrative order
70 complies with section 452.340 and applicable supreme court rules.
71 If the court finds that the administrative order should not be approved,
72 the court shall set the matter for trial de novo. The court shall notify
73 the parties and the division of the setting of such proceeding. If the
74 court determines that the matters raised in the petition are without
75 merit and that the administrative order complies with the provisions
76 of section 452.340 and applicable supreme court rules, the court shall
77 approve the order.]

78
2 [454.498. 1. Notwithstanding section 452.370, RSMo, and
3 sections 454.496 and 454.500, or any other section requiring a
4 showing of substantial and continuing change in circumstances to the
5 contrary, and as provided for in subdivision (13) of subsection 2 of
section 454.400 and taking into account the best interest of the child,

6 the director shall:

7 (1) Modify, if appropriate, a support order being enforced
8 under Title IV-D of the Social Security Act in accordance with the
9 guidelines and criteria set forth in supreme court rule 88.01 if the
10 amount in the current order differs from the amount that would be
11 awarded in accordance with such guidelines; or

12 (2) Use automated methods (including automated
13 comparisons with wage or state income tax data) to identify orders
14 eligible for review, conduct the review, identify orders eligible for
15 adjustment and apply the adjustment to the orders eligible for
16 adjustment under any threshold that may be established by the state.

17 2. If the division conducts a review pursuant to subdivision
18 (2) of subsection 1 of this section, either party to the order may
19 contest the adjustment within thirty days after the date of the notice
20 of adjustment by requesting, if appropriate, a review and modification
21 in accordance with the guidelines and criteria set forth in supreme
22 court rule 88.01. If the review is timely requested, the division shall
23 review and modify the order, if appropriate, in accordance with
24 supreme court rule 88.01. The division may conduct a review
25 pursuant to subdivision (2) of subsection 1 of this section only if the
26 division is unable to conduct a review pursuant to subdivision (1) of
27 subsection 1 of this section.

28 3. The division may review and adjust a support order upon
29 request outside the three-year cycle only upon a demonstration by the
30 requesting party of a substantial change in circumstances which shall
31 be determined by the division. If the division determines that an
32 adjustment shall not be made, the division shall, within fourteen days,
33 mail notice of such determination to the parents or other child support
34 agency, if any.]

35 [454.516. 1. The director or IV-D agency may cause a lien
2 pursuant to subsections 2 and 3 of this section or the obligee may
3 cause a lien pursuant to subsection 8 of this section for unpaid and
4 delinquent child support to block the issuance of a certificate of
5 ownership for motor vehicles, motor boats, outboard motors,
6 manufactured homes and trailers that are registered in the name of a
7 delinquent child support obligor.

8 2. The director or IV-D agency shall notify the department of
9 revenue with the required information necessary to impose a lien
10 pursuant to this section by filing a notice of lien.

11 3. The director or IV-D agency shall not notify the
12 department of revenue and the department of revenue shall not
13 register lien except as provided in this subsection. After the director

14 or IV-D agency decide that such lien qualifies pursuant to this section
15 and forward it to the department of revenue, the director of revenue
16 or the director's designee shall only file such lien against the obligor's
17 certificate of ownership when:

18 (1) The obligor has unpaid child support which exceeds one
19 thousand dollars;

20 (2) The property has a value of more than three thousand
21 dollars as determined by current industry publications that provide
22 such estimates to dealers in the business, and the property's year of
23 manufacture is within seven years of the date of filing of the lien
24 except in the case of a motor vehicle that has been designated a
25 historic vehicle;

26 (3) The property has no more than two existing liens for child
27 support;

28 (4) The property has had no more than three prior liens for
29 child support in the same calendar year.

30 4. In the event that a lien is placed and the obligor's total
31 support obligation is eliminated, the director shall notify the
32 department of revenue that the lien shall be removed.

33 5. Upon notification that a lien exists pursuant to this section,
34 the department of revenue shall register the lien on the records of the
35 department of revenue. Such registration shall contain the type and
36 model of the property and the serial number of the property.

37 6. Upon notification by the director that the lien shall be
38 removed pursuant to subsection 4 of this section, the department of
39 revenue shall register such removal of lien on its database, that shall
40 contain the type and model of the property and the serial number of
41 the property.

42 7. A good faith purchaser for value without notice of the lien
43 or a lender without notice of the lien takes free of the lien.

44 8. In cases which are not IV-D cases, to cause a lien pursuant
45 to the provisions of this section the obligee or the obligee's attorney
46 shall file notice of the lien with the department of revenue. This
47 notice shall have attached a certified copy of the court order with all
48 modifications and a sworn statement by the obligee or a certified
49 statement from the court attesting to or certifying the amount of
50 arrearages.

51 9. Notwithstanding any other law to the contrary, the
52 department of revenue shall maintain a child support lien database
53 that may be collected against the owner on a certificate of ownership
54 provided for by chapters 301, 306 and 700, RSMo. To determine any
55 existing liens for child support pursuant to this section, the lienholder,
56 dealer or buyer may inquire electronically into the database. A good

57 faith purchaser for value without notice of the lien or a lender without
58 notice of the lien takes free of the lien.]

59

2 [454.997. The provisions of sections 454.850 to 454.997 shall
3 become effective July 1, 1997, or upon its passage and approval,
4 whichever later occurs.]

2 Section B. The revisor of statutes shall change all intersectional references contained in
3 the Revised Statutes of Missouri which are affected by the change in section numbers in Section
3 A of this act.