

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 205

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SALVA.

Read 1st time January 11, 2005 and copies ordered printed.

Read 2nd time January 12, 2005 and referred to the Committee on Children and Families January 27, 2005.

Reported from the Committee on Children and Families March 17, 2005 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 30, 2005 with recommendation that the bill Do Pass with no time limit for debate.

Taken up for Perfection April 19, 2005. Bill ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

0923L.01P

AN ACT

To repeal sections 454.530 and 454.536, RSMo, and to enact in lieu thereof two new sections relating to child support payments and records.

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

Section A. Sections 454.530 and 454.536, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 454.530 and 454.536, to read as follows:

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

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

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

8 (3) Beginning July 1, 2001:

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

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

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

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

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

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

38 **5. Notwithstanding any other law, no child support check, correspondence related**
39 **to child support, or any other child support documents shall contain the Social Security**
40 **numbers of the child support obligor, obligee, or the child entitled to support unless**
41 **required under federal law or by order of a court of competent jurisdiction. Nothing in**
42 **this section shall prohibit the Social Security numbers of child support obligors, obligees,**
43 **and children entitled to support from being retained as a confidential record not subject**
44 **to public disclosure.**

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

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

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

23 **4. The Social Security numbers contained in any of the records maintained under**
24 **this section shall not be subject to public disclosure unless required under federal law or**
25 **by order of a court of competent jurisdiction.**