

SECOND REGULAR SESSION

# HOUSE BILL NO. 1483

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), ROORDA, WALSH, MEADOWS, YAEGER,  
OXFORD, DARROUGH, WILDBERGER, DOUGHERTY, ROBINSON, MOORE,  
YOUNG AND MCGHEE (Co-sponsors).

Read 1st time January 23, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4135L.01I

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### AN ACT

To repeal section 454.440, RSMo, and to enact in lieu thereof one new section relating to child support enforcement, with penalty provisions.

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

Section A. Section 454.440, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 454.440, to read as follows:

454.440. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Business" includes any corporation, partnership, association, individual, and labor or other organization including, but not limited to, a public utility [or], cable company, **cellular phone company, or Internet service provider**;

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

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

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

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

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.

- 14 (a) Full name of the parent;
- 15 (b) Social Security number of the parent;
- 16 (c) Date of birth of the parent;
- 17 (d) Last known mailing and residential address of the parent;
- 18 (e) Amount of wages, salaries, earnings or commissions earned by or paid to the parent;
- 19 (f) Number of dependents declared by the parent on state and federal tax information and
- 20 reporting forms;
- 21 (g) Name of company, policy numbers and dependent coverage for any medical
- 22 insurance carried by or on behalf of the parent;
- 23 (h) Name of company, policy numbers and cash values, if any, for any life insurance
- 24 policies or annuity contracts, carried by or on behalf of, or owned by, the parent;
- 25 (i) Any retirement benefits, pension plans or stock purchase plans maintained on behalf
- 26 of, or owned by, the parent and the values thereof, employee contributions thereto, and the extent
- 27 to which each benefit or plan is vested;
- 28 (j) Vital statistics, including records of marriage, birth or divorce;
- 29 (k) Tax and revenue records, including information on residence address, employer,
- 30 income or assets;
- 31 (l) Records concerning real or personal property;
- 32 (m) Records of occupational, professional or recreational licenses or permits;
- 33 (n) Records concerning the ownership and control of corporations, partnerships or other
- 34 businesses;
- 35 (o) Employment security records;
- 36 (p) Records concerning motor vehicles;
- 37 (q) Records of assets or liabilities;
- 38 (r) Corrections records;
- 39 (s) Names and addresses of employers of parents;
- 40 (t) Motor vehicle records; and
- 41 (u) Law enforcement records;
- 42 (6) "Parent", a biological or adoptive parent, including a presumed or putative father.

43 2. For the purpose of locating and determining financial resources of the parents relating  
44 to establishment of paternity or to establish, modify or enforce support orders, the division or  
45 other state IV-D agency may request and receive information from the federal Parent Locator  
46 Service, from available records in other states, territories and the District of Columbia, from the  
47 records of all government agencies, and from businesses and financial entities. A request for  
48 information from a public utility, **cellular phone company, Internet service provider**, or cable  
49 television company shall be made by subpoena authorized pursuant to this chapter. The

50 government agencies, businesses, and financial entities shall provide information, if known or  
51 chronicled in their business records, notwithstanding any other provision of law making the  
52 information confidential. In addition, the division **or other state IV-D agency** may use all  
53 sources of information and available records and, pursuant to agreement with the secretary of the  
54 United States Department of Health and Human Services, or the secretary's designee, request and  
55 receive from the federal Parent Locator Service information pursuant to 42 U.S.C. Sections 653  
56 and 663, to determine the whereabouts of any parent or child when such information is to be used  
57 to locate the parent or child to enforce any state or federal law with respect to the unlawful taking  
58 or restraining of a child, or of making or enforcing a child custody or visitation order.

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

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

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

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

85 statements shall be completed annually. Failure to comply with this subsection is a class A  
86 misdemeanor.

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

92 8. Any person who willfully requests, obtains or seeks to obtain information pursuant  
93 to this section under false pretenses, or who willfully communicates or seeks to communicate  
94 such information to any agency or person except pursuant to this chapter, is guilty of a class A  
95 misdemeanor.

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

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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 Anyone who purposely or knowingly violates this subsection is guilty of a class A misdemeanor.

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