

FIRST REGULAR SESSION

HOUSE BILL NO. 936

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

Read 1st time February 21, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2081L.03I

AN ACT

To repeal sections 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.810, and 511.350, RSMo, and to enact in lieu thereof nine 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A. Sections 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.810, and 511.350, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 313.818, 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 454.496, and 511.350, to read as follows:

313.818. 1. The Missouri gaming commission is authorized, in accordance with this section, to intercept excursion boat gambling winnings of an individual owing past-due support or state debt being enforced by the family support division, and to transmit such winnings to the family support payment center for distribution.

2. An excursion gambling boat shall not pay to any individual gambling winnings meeting the criteria for reporting to the Internal Revenue Service under section 6041 of the Internal Revenue Code of 1986 until the gambling establishment:

(1) Has furnished to the Missouri gaming commission:

(a) The information required to be so reported with respect to such individual and such winnings; and

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.

11 (b) The net amount of such gambling winnings, hereafter in this section referred
12 to as the net gambling winnings, after withholding of amounts for federal taxes as required
13 under section 3402(q) of the Internal Revenue Code of 1986; and

14 (2) Has complied with the Missouri gaming commission's instructions under
15 subsection 3 of this section.

16 3. The Missouri gaming commission shall:

17 (1) Conduct a data match to compare information furnished by an excursion
18 gambling boat under subsection 2 of this section with information the family support
19 division furnishes on individuals who owe past-due support or state debt;

20 (2) Direct the excursion gambling boat to withhold from an individual's net
21 gambling winnings all amounts not exceeding the total past-due support and state debt
22 owed by the individual;

23 (3) Authorize the excursion gambling boat, in reimbursement of its costs of
24 complying with this section, to withhold and retain from such net gambling winnings an
25 amount equal to two percent of the amount to be withheld under subdivision (2) of this
26 subsection, which amount shall be taken first from any excess of such net winnings above
27 the amount withheld under subdivision (2) of this section, with any balance taken from the
28 amount so withheld; and

29 (4) Require the excursion gambling boat to furnish written notice to the individual
30 whose gambling winnings are withheld under this section, that includes:

31 (a) The amounts withheld under subdivisions (2) and (3) of this subsection;

32 (b) The reason and authority for the withholding; and

33 (c) An explanation of the individual's procedural due process rights, including the
34 right to contest such withholding to the family support division and information necessary
35 to contact the division.

36 4. Net amounts withheld for past-due support and state debt under subdivisions
37 (2) and (3) of subsection 3 of this section shall be transferred by the excursion gambling
38 boat to the family support payment center at the same time as amounts withheld under
39 section 3402(q) of the Internal Revenue Code of 1986 are transferred to the Internal
40 Revenue Service, together with the winning individual's name and social security number.

41 5. An excursion gambling boat shall not be liable under any federal or state law to
42 any person:

43 (1) For any disclosure of information to the family support division or the Missouri
44 gaming commission under this section;

45 (2) For withholding or surrendering gambling winnings in accordance with this
46 section; or

47 **(3) For any other action taken in good faith to comply with this section.**

48 **6. In this section, the term "gambling winnings" means the proceeds of a wager**
49 **that are subject to reporting under section 6041 of the Internal Revenue Code of 1986.**

 454.511. The division may certify a person who owes a child support arrearage in [an]
2 **excess of the** amount [exceeding five thousand dollars] **set forth in 42 U.S.C. 654(31)** to the
3 appropriate federal government agency for the purpose of denying a passport to such person, or
4 revoking, suspending or limiting a passport previously issued to such person. Such person shall
5 be mailed, by the division or on behalf of the division, a notice of the proposed certification and
6 the consequences thereof upon such person. Within thirty days of receipt of the notice, the
7 person may contest the proposed certification by requesting in writing a hearing pursuant to the
8 procedures in section 454.475. At such hearing the obligor may assert only mistake of fact as
9 a defense. For purposes of this section, "mistake of fact" means an error in the amount of
10 arrearages or an error as to the identity of the obligor. The obligor shall have the burden of proof
11 on such issues. The division shall not certify the person until after a final decision has been
12 reached.

 454.390. The division shall use high-volume automated administrative enforcement, to
2 the same extent as used in intrastate cases, in response to a request made by another state child
3 support agency to enforce a support order and promptly report the results to the requesting state.
4 If the division provides assistance to another state in such a case, neither this state nor the
5 requesting state shall consider the case to be transferred to its caseload[; however], **but the**
6 **division may establish a corresponding case based on such other state's request for**
7 **assistance.** The division shall maintain records of the number of such interstate requests for
8 assistance, the number of cases for which support was collected and the amounts of such
9 collections. The division is authorized to transmit to another state, by electronic or other means,
10 a request for assistance in a case involving the enforcement of a support order. Such request
11 shall:

12 (1) Include information to enable the receiving state to compare the information about
13 the case to the information in state databases; and

14 (2) Constitute a certification by the division of the arrearage amount under the order and
15 that the division has complied with all applicable procedural due process requirements as
16 provided for in this chapter.

 454.440. 1. As used in this section, unless the context clearly indicates otherwise, the
2 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;

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 **The word "parent" shall also include any person who has been found to be such by:**

43 (a) **A court of competent jurisdiction in an action for dissolution of marriage, legal**
44 **separation, or establishment of the parent and child relationship;**

45 (b) **The division under section 454.485;**

46 (c) **Operation of law under section 210.823, RSMo; or**

47 (d) **A court or administrative tribunal of another state.**

48 2. For the purpose of locating and determining financial resources of the parents relating
49 to establishment of paternity or to establish, modify or enforce support orders, the division or
50 other state IV-D agency may request and receive information from the federal Parent Locator
51 Service, from available records in other states, territories and the District of Columbia, from the
52 records of all government agencies, and from businesses and financial entities. A request for
53 information from a public utility or cable television company shall be made by subpoena
54 authorized pursuant to this chapter. The government agencies, businesses, and financial entities
55 shall provide information, if known or chronicled in their business records, notwithstanding any
56 other provision of law making the information confidential. In addition, the division may use
57 all sources of information and available records and, pursuant to agreement with the secretary
58 of the United States Department of Health and Human Services, or the secretary's designee,
59 request and receive from the federal Parent Locator Service information pursuant to 42 U.S.C.
60 Sections 653 and 663, to determine the whereabouts of any parent or child when such
61 information is to be used to locate the parent or child to enforce any state or federal law with
62 respect to the unlawful taking or restraining of a child, or of making or enforcing a child custody
63 or visitation order.

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

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

77 of competent jurisdiction to recover the civil penalty. The court shall have the authority to
78 determine the amount of the civil penalty to be assessed.

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

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

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

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

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

112 (1) If a protective order has been entered against the other party; or

(2) If there is reason to believe that such disclosure of information may result in physical or emotional harm to the other party.

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

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

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

3. If an order for child support has been entered, no assignment of support has been made, and the legal custodian and obligee under the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, or the child is placed by the court in the legal custody of a state agency, the division may, thirty days after the transfer of custody and upon notice to the obligor and obligee, direct the obligor or other payor to change the payee to the caretaker relative or appropriate state agency. [Such] **An order changing the payee to a caretaker relative** shall terminate when the caretaker relative no longer has physical custody of the child, or the state agency is relieved of legal custody, except for the unpaid support obligations still owed to the caretaker relative **or the state**.

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

454.460. As used in sections 454.400 to 454.560, unless the context clearly indicates otherwise, the following terms mean:

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

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

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

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

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

(6) "Division", the division of child support enforcement of the department of social services of the state of Missouri;

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

(8) "IV-D case", a case in which services are being provided pursuant to section 454.400;

(9) "Obligee", any person, **state, or political subdivision** to whom [payments are required to be made pursuant to the terms of a court order for a child, spouse or former spouse] **or to which a duty of support is owed as determined by a court or administrative agency of competent jurisdiction;**

(10) "Obligor", any person [required to make payments pursuant to the terms of a court order for a child, spouse or former spouse] **who owes a duty of support as determined by a court or administrative agency of competent jurisdiction;**

(11) "Parent", [the] a biological or adoptive [father or mother of a dependent child] **parent, including a presumed or putative father. The word "parent" shall also include any person who has been found to be such by:**

(a) **A court of competent jurisdiction in an action for dissolution of marriage, legal separation, or establishment of the parent and child relationship;**

(b) **The division under section 454.485;**

(c) **Operation of law under section 210.823, RSMo; or**

(d) **A court or administrative tribunal of another state;**

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

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

37 (14) "Support order", a judgment, decree or order, whether temporary, final or subject
38 to modification, issued by a court or administrative agency of competent jurisdiction for the
39 support and maintenance of a child, including a child who has attained the age of majority
40 pursuant to the law of the issuing state, or of the parent with whom the child is living and
41 providing monetary support, health care, child care, arrearages or reimbursement for such child,
42 and which may include related costs and fees, interest and penalties, income withholding,
43 attorneys' fees and other relief.

454.470. 1. [If a court order has not been previously entered or if a support order has
2 been entered but is not entitled to recognition pursuant to sections 454.850 to 454.997,] The
3 director may issue a notice and finding of financial responsibility to a parent who owes a state
4 debt or who is responsible for the support of a child on whose behalf the custodian of that child
5 is receiving support enforcement services from the division pursuant to section 454.425 **if a**
6 **court order has not been previously entered against that parent, a court order has been**
7 **previously entered but has been terminated by operation of law or if a support order from**
8 **another state has been entered but is not entitled to recognition under sections 454.850 to**
9 **454.997.** [A copy] **Service** of the notice and finding shall be [mailed to the last known address
10 of both parents and any person or agency having custody of the child within fourteen days of the
11 issuance of such notice and finding] **made on the parent or other party in the manner**
12 **prescribed for service of process in a civil action by an authorized process server appointed**
13 **by the director, or by certified mail, return receipt requested. The director may appoint**
14 **any uninterested party, including but not limited to employees of the division, to serve such**
15 **process. For purposes of this subsection, a parent who refuses receipt of service by**
16 **certified mail is deemed to have been served. Service upon an obligee who is receiving**
17 **support enforcement services under section 454.425 may be made by regular mail.** When
18 appropriate to the circumstances of the individual action, the notice shall state:

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

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

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

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

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

28 (6) That if a parent desires to discuss the amount of support that should be paid, the
29 parent or person having custody of the child may, within twenty days after being served, contact

30 the division office which sent the notice and request a negotiation conference. The other parent
31 or person having custody of the child shall be notified of the negotiated conference and may
32 participate in the conference. If no agreement is reached on the monthly amount to be paid, the
33 director may issue a new notice and finding of financial responsibility, which may be sent to the
34 parent required to pay support by regular mail addressed to the parent's last known address or,
35 if applicable, the parent's attorney's last known address. A copy of the new notice and finding
36 shall be sent by regular mail to the other parent or person having custody of the child;

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

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

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

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

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

59 (12) A reference to sections 454.460 to 454.510;

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

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

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

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

67 (1) If there is sufficient information available to the division regarding the parent's
68 financial and living situation, the scale and formula provided for in section 454.480 shall be
69 used; or

70 (2) If there is insufficient information available to use the scale and formula, an estimate
71 of ability to pay shall be the basis of the statement] **under the guidelines established in**
72 **subsection 8 of section 452.340.**

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

76 4. If a timely written response setting forth objections and requesting a hearing is
77 received by the appropriate division office, and if such response raises a factual question
78 requiring the submission of evidence, a hearing shall be held in the manner provided by section
79 454.475. If no timely written response and request for hearing is received by the appropriate
80 division office, the director may enter an order in accordance with the notice, and shall specify:

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

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

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

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

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

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

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

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

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

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

106 **8. At any time after the issuance of an order under this section, the director may**
107 **issue an order vacating that order if it is found that the order was issued without subject**
108 **matter or personal jurisdiction or if the order was issued without affording the obligor due**
109 **process of law.**

454.496. 1. At any time after the entry of a court order for child support in a case in
2 which support rights have been assigned to the state pursuant to section 208.040, RSMo, or a
3 case in which support enforcement services are being provided pursuant to section 454.425, the
4 obligated parent, the obligee or the division of child support enforcement may file a motion to
5 modify the existing child support order pursuant to this section, if a review has first been
6 completed by the director of child support enforcement pursuant to subdivision (13) of
7 subsection 2 of section 454.400. The motion shall be in writing in a form prescribed by the
8 director, shall set out the reasons for modification and shall state the telephone number and
9 address of the moving party. The motion shall be served in the same manner provided for in
10 subsection 5 of section 454.465 upon the obligated parent, the obligee and the division, as
11 appropriate. In addition, if the support rights are held by the division of family services on behalf
12 of the state, the moving party shall mail a true copy of the motion by certified mail to the person
13 having custody of the dependent child at the last known address of that person. The party against
14 whom the motion is made shall have thirty days either to resolve the matter by stipulated
15 agreement or to serve the moving party and the director, as appropriate, by regular mail with a
16 written response setting forth any objections to the motion and a request for hearing. When
17 requested, the hearing shall be conducted pursuant to section 454.475 by hearing officers
18 designated by the department of social services. In such proceedings, the hearing officers shall
19 have the authority granted to the director pursuant to subsection 6 of section 454.465.

20 2. When no objections and request for hearing have been served within thirty days, the
21 director, upon proof of service, shall enter an order granting the relief sought. Copies of the
22 order shall be mailed to the parties within fourteen days of issuance.

23 3. A motion to modify made pursuant to this section shall not stay the director from
24 enforcing and collecting upon the existing order unless so ordered by the court in which the order
25 is docketed.

26 4. The only support payments which may be modified are payments accruing subsequent
27 to the service of the motion upon all parties to the motion.

28 5. The party requesting modification shall have the burden of proving that a modification
29 is appropriate pursuant to the provisions of section 452.370, RSMo.

30 6. Notwithstanding the provisions of section 454.490 to the contrary, an administrative
31 order modifying a court order is not effective until the administrative order is filed with and
32 approved by the court that entered the court order. The court may approve the administrative
33 order if no party affected by the decision has filed a petition for judicial review pursuant to
34 sections 536.100 to 536.140, RSMo. After the thirty-day time period for filing a petition of
35 judicial review pursuant to chapter 536, RSMo, has passed, the court shall render its decision
36 within fifteen days. **If the court finds the administrative order should be approved, the**
37 **court shall make a written finding on the record that the order complies with section**
38 **452.340 and applicable supreme court rules and approve the order. If the court finds that**
39 **the administrative order should not be approved, the court shall set the matter for trial de**
40 **novo.**

41 7. If a petition for judicial review is filed, the court shall review all pleadings and the
42 administrative record, as defined in section 536.130, RSMo, pursuant to section 536.140, RSMo.
43 After such review, the court shall determine if the administrative order complies with section
44 452.340 and applicable supreme court rules. If it so determines, the court shall make a written
45 finding on the record that the order complies with section 452.340 and applicable supreme court
46 rules and approve the order or, if after review pursuant to section 536.140, RSMo, the court finds
47 that the administrative order does not comply with supreme court rule 88.01, the court may select
48 any of the remedies set forth in subsection 5 of section 536.140, RSMo. The court shall notify
49 the parties and the division of any setting pursuant to this section.

50 [7.] 8. Notwithstanding the venue provisions of chapter 536, RSMo, to the contrary, for
51 the filing of petitions for judicial review of final agency decisions and contested cases, the venue
52 for the filing of a petition for judicial review contesting an administrative order entered pursuant
53 to this section modifying a judicial order shall be in the court which entered the judicial order.
54 In such cases in which a petition for judicial review has been filed, the court shall consider the
55 matters raised in the petition and determine if the administrative order complies with section
56 452.340 and applicable supreme court rules. If the court finds that the administrative order
57 should not be approved, the court shall set the matter for trial de novo. The court shall notify the
58 parties and the division of the setting of such proceeding. If the court determines that the matters
59 raised in the petition are without merit and that the administrative order complies with the
60 provisions of section 452.340 and applicable supreme court rules, the court shall approve the
61 order.

511.350. 1. Judgments and decrees entered by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any circuit court and any probate division of the circuit court, except judgments and decrees rendered by associate, small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are entered, situate in the county for which or in which the court is held.

2. Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.141 and 517.151, RSMo.

3. Judgments and decrees entered by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

4. Notwithstanding any other provision of law, no judgments or decrees entered by any court of competent jurisdiction may be amended or modified by any administrative agency **without the approval of a court of competent jurisdiction.**

5. Notwithstanding subsection 4 of this section or any other law to the contrary, no judgments or decrees entered by any court of competent jurisdiction relating to child support orders may be amended or modified by any administrative agency without the approval of a court of competent jurisdiction.

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

(1) All earnings and income resources of the parents, including real and personal property;

(2) The reasonable necessities of the parent;

(3) The needs of the dependent child for whom support is sought;

(4) The amount of public assistance which would be paid to the dependent child under the full standard of need of the state's public assistance plan;

(5) The existence of other dependents, except that the dependent child for whom support is sought shall benefit from the income and resources of the parent on an equitable basis in comparison with any other dependent of the parent;

(6) Other reasonable criteria which the division may choose to incorporate.]

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

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

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

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