

SECOND REGULAR SESSION

# HOUSE BILL NO. 1945

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FRANZ.

Read 1st time January 31, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4829L.01I

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### AN ACT

To repeal section 454.530, RSMo, and to enact in lieu thereof one new section relating to the disbursement of child support.

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

Section A. Section 454.530, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 454.530, to read as follows:

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

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

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

(3) Beginning July 1, 2001:

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

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

2. The family support payment center shall be operated by the division, in conjunction with other state agencies pursuant to a cooperative agreement, or by a contractor responsible

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.

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. Obligees who want electronic transfer of support  
36 payments to a designated account shall complete an application for direct deposit and submit it  
37 to the family support payment center. The family support payment center may issue an electronic  
38 access card for the purpose of disbursing support payments to any obligee not using automated  
39 deposit to a designated account. **Employers with twenty-five or more employees shall remit**  
40 **payments to the payment center by electronic funds transfer or through electronic or**  
41 **Internet access made available by the payment center.** Any person or employer **with fewer**  
42 **than twenty-five employees** may, without penalty, choose to disburse payments to the payment  
43 center by check or draft instead of by electronic transfer.

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