

FIRST REGULAR SESSION

HOUSE BILL NO. 183

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), SATER, NANCE, SANDER,
SCHAD AND RUESTMAN (Co-sponsors).

0417L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 452, RSMo, by adding thereto three new sections relating to child support.

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

Section A. Chapter 452, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 452.356, 452.357, and 452.358, to read as follows:

**452.356. 1. If a person ordered to pay child support under a judicial or
2 administrative support order fails or refuses to comply with such order, and if an order of
3 income withholding is inapplicable or unsuccessful, a recipient of child support or the
4 family support division may, in the circuit court of the county in which the child support
5 order is filed or registered, commence a civil contempt proceeding by filing a motion for
6 an order to show cause why the delinquent obligor should not be held in contempt. If the
7 obligor fails to appear in response to an order to show cause, the court shall do one or more
8 of the following:**

9 **(1) Find the obligor in contempt for failure to appear and issue a warrant;**

10 **(2) Find the obligor in contempt for the reasons stated in the motion for the show
11 cause hearing.**

12 **2. If a warrant is issued under this section, the court shall decree that the obligor
13 is subject to arrest if apprehended or detained anywhere in this state and shall require
14 that, upon arrest, unless the obligor deposits a cash performance bond, the obligor shall
15 remain in custody until the time of the hearing. The court shall specify in the bench
16 warrant the cash performance bond amount. The bond shall:**

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.

17 (1) Require the obligor to furnish an address to the court at which the obligor can
18 be notified when to appear for a hearing;

19 (2) Notify the obligor that if he or she fails to appear when notified by the court the
20 bond shall be forfeited and transferred to the family support payment center for payment
21 towards any child support arrearages of the obligor. In addition, the bond shall inform
22 the obligor that if he or she does not appear when notified, the court shall determine to
23 whom the bond shall be paid.

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25 If bond is posted by the obligor, the court shall schedule a hearing within thirty days.

 452.357. 1. The court may find an obligor in contempt if the court finds that the
2 obligor is in arrears in his or her child support obligation and if the court is satisfied that
3 the obligor has the capacity to pay out of currently available resources all or a portion of
4 the amount due under the child support order. In the absence of proofs to the contrary
5 introduced by the obligor, the court shall presume that the obligor has currently available
6 resources equal to four weeks of payments under the child support order. The court shall
7 not find that the obligor has currently available resources of more than one month of
8 payment without proof of such resources. Upon finding an obligor in contempt of court
9 under this section, the court may immediately enter an order for one or more of the
10 following:

11 (1) Committing the obligor to county jail;

12 (2) Committing the obligor to county jail with the privilege of leaving jail during
13 the hours the court determines and under the supervision the court deems necessary for
14 the purpose of allowing the obligor to travel to and from his or her place of employment;

15 (3) If the obligor holds an occupational license, driver's license, or hunting or
16 fishing license, conditioning a suspension of the obligor's license or any combination of
17 licenses upon noncompliance with an order for payment of the arrearage or additional
18 scheduled installments of a sum certain;

19 (4) Ordering the obligor to participate in a work activity.

20 2. If the court enters an order under subdivision (3) of subsection 1 of this section
21 and the obligor fails to comply with the arrearage payment schedule, the court shall, after
22 notice and opportunity for hearing, order suspension of the obligor's license or licenses
23 with respect to which the order under subdivision (3) of subsection 1 of this section was
24 entered.

25 3. Notwithstanding the length of commitment imposed under this section, the court
26 may release an obligor who is unemployed if committed to a county jail under this section
27 and who finds employment if either of the following applies:

28 (1) The obligor is self-employed, completes two consecutive weeks at his or her
29 employment, and makes a child support payment as required by the court; or

30 (2) The obligor is employed and completes two consecutive weeks at his or her
31 employment and an order of income withholding is effective.

**452.358. 1. An order of commitment under section 452.357 shall be entered only
2 if other remedies are deemed unlikely to correct the obligor's failure or refusal to pay child
3 support.**

4 **2. An order of commitment shall separately state both of the following:**

5 (1) The amount of the arrearage under the child support order; and

6 (2) The amount to be paid by the obligor in order to be released from the order of
7 commitment.

8 **3. A commitment shall continue until the amount ordered to be paid under
9 subdivision (2) of subsection 2 of this section is paid, but shall not exceed forty-five days
10 for the first adjudication of contempt or ninety days for any second or subsequent
11 adjudication of contempt.**

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