

FIRST REGULAR SESSION

# HOUSE BILL NO. 314

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HARRIS (Sponsor), KELLY, McGHEE, RUCKER, SILVEY, HODGES, FAITH, MEADOWS, FUNDERBURK, CASEY, SANDER, SCHIEFFER, FLOOK, YAEGER, FRAME, SCHOEMEHL, NORR, OXFORD, KRATKY, ATKINS, McNEIL, FALLERT AND NASHEED (Co-sponsors).

0633L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 210.841, 452.305, 452.310, 452.312, 452.343, 454.500, 454.905, and 454.951, RSMo, and to enact in lieu thereof seven new sections relating to use and disclosure of Social Security numbers.

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

Section A. Sections 210.841, 452.305, 452.310, 452.312, 452.343, 454.500, 454.905, and 454.951, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 210.841, 452.305, 452.310, 452.312, 454.500, 454.905, and 454.951, to read as follows:

210.841. 1. The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

2. If the judgment or order of the court varies with the child's birth certificate, the court shall order that an amended birth registration be made pursuant to section 210.849.

3. The judgment or order [shall contain the Social Security number of each party and] may contain any [other] provision directed against the appropriate party to the proceeding concerning:

(1) The duty of support;

(2) The custody and guardianship of the child;

(3) Visitation privileges with the child;

(4) The furnishing of bond or other security for the payment of the judgment; or

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.

12 (5) Any matter in the best interest of the child. The judgment or order may direct the  
13 father to pay the reasonable expenses of the mother's pregnancy and confinement.

14 4. Support judgments or orders ordinarily shall be for periodic payments. In the best  
15 interests of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu  
16 of periodic payments of support. The court may limit the father's liability for past support of the  
17 child to the proportion of the expenses already incurred that the court deems just.

18 5. There shall be a rebuttable presumption that the amount of support that would result  
19 from the application of supreme court rule 88.01 is the correct amount of child support to be  
20 awarded. A written finding or specific finding on the record that the application of supreme  
21 court rule 88.01 would be unjust or inappropriate in a particular case, after considering all  
22 relevant factors including the factors in subsection 6 of this section, shall be sufficient to rebut  
23 the presumption in the case.

24 6. In determining the amount to be paid by a parent for support of the child and the  
25 period during which the duty of support is owed, the court shall consider all relevant facts,  
26 including:

- 27 (1) The needs of the child;  
28 (2) The standard of living and circumstances of the parents;  
29 (3) The relative financial means of the parents;  
30 (4) The earning ability of the parents;  
31 (5) The need and capacity of the child for education, including higher education;  
32 (6) The age of the child;  
33 (7) The financial resources and earning capacity of the child;  
34 (8) The responsibility of the parents for the support of other children;  
35 (9) The value of the services contributed by the custodial parent; and  
36 (10) The standard of living and circumstances of the family prior to the dissolution of  
37 marriage of parents or during the period of cohabitation of the parents.

38 7. Any award for periodic child support may be retroactive to the date of service of the  
39 original petition upon the obligor.

452.305. 1. The court shall enter a judgment of dissolution of marriage if:

2 (1) The court finds that one of the parties has been a resident of this state, or is a member  
3 of the armed services who has been stationed in this state, for ninety days immediately preceding  
4 the commencement of the proceeding and that thirty days have elapsed since the filing of the  
5 petition; and

6 (2) The court finds that there remains no reasonable likelihood that the marriage can be  
7 preserved and that therefore the marriage is irretrievably broken; and

8 (3) To the extent it has jurisdiction, the court has considered and made provision for  
9 child custody, the support of each child, the maintenance of either spouse and the disposition of  
10 property.

11 2. The court shall enter a judgment of legal separation if:

12 (1) The court finds that one of the parties has been a resident of this state, or is a member  
13 of the armed services who has been stationed in this state, for ninety days immediately preceding  
14 the commencement of the proceeding and that thirty days have elapsed since the filing of the  
15 petition; and

16 (2) The court finds that there remains a reasonable likelihood that the marriage can be  
17 preserved and that therefore the marriage is not irretrievably broken; and

18 (3) To the extent it has jurisdiction, the court has considered and made provision for the  
19 custody and the support of each child, the maintenance of either spouse and the disposition of  
20 property.

21 3. Any judgment of dissolution of marriage or legal separation shall [include the Social  
22 Security numbers of the parties] **state that the Social Security numbers of the parties have**  
23 **been provided to the court as required in section 452.312.**

452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a  
2 motion to modify, a motion for a family access order and a motion for contempt shall be verified.  
3 The petition in a proceeding for dissolution of marriage shall allege that the marriage is  
4 irretrievably broken and that therefore there remains no reasonable likelihood that the marriage  
5 can be preserved. The petition in a proceeding for legal separation shall allege that the marriage  
6 is not irretrievably broken and that therefore there remains a reasonable likelihood that the  
7 marriage can be preserved.

8 2. The petition in a proceeding for dissolution of marriage or legal separation shall set  
9 forth:

10 (1) The residence of each party, including the county, and the length of residence of each  
11 party in this state and in the county of residence;

12 (2) The date of the marriage and the place at which it is registered;

13 (3) The date on which the parties separated;

14 (4) The name, date of birth and address of each child, and the parent with whom each  
15 child has primarily resided for the sixty days immediately preceding the filing of the petition for  
16 dissolution of marriage or legal separation;

17 (5) Whether the wife is pregnant;

18 (6) [The Social Security number of the petitioner, respondent and each child;

19 (7)] Any arrangements as to the custody and support of the children and the maintenance  
20 of each party; and

21           ~~[(8)]~~ (7) The relief sought.

22           3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal  
23 separation, each child shall immediately be subject to the jurisdiction of the court in which the  
24 proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the  
25 child is pending in juvenile court. Until permitted by order of the court, neither parent shall  
26 remove any child from the jurisdiction of the court or from any parent with whom the child has  
27 primarily resided for the sixty days immediately preceding the filing of a petition for dissolution  
28 of marriage or legal separation.

29           4. The mere fact that one parent has actual possession of the child at the time of filing  
30 shall not create a preference in favor of such parent in any judicial determination regarding  
31 custody of the child.

32           5. The respondent shall be served in the manner provided by the rules of the supreme  
33 court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a  
34 verified answer within thirty days of the date of service which shall not only admit or deny the  
35 allegations of the petition, but shall also set forth:

36           (1) [The Social Security number of the petitioner, respondent and each child;

37           (2)] Any arrangements as to the custody and support of the child and the maintenance  
38 of each party; and

39           ~~[(3)]~~ (2) The relief sought.

40           6. Previously existing defenses to divorce and legal separation, including but not limited  
41 to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

42           7. The petitioner and respondent shall submit a proposed parenting plan, either  
43 individually or jointly, within thirty days after service of process or the filing of the entry of  
44 appearance, whichever event first occurs of a motion to modify or a petition involving custody  
45 or visitation issues. The proposed parenting plan shall set forth the arrangements that the party  
46 believes to be in the best interest of the minor children and shall include but not be limited to:

47           (1) A specific written schedule detailing the custody, visitation and residential time for  
48 each child with each party including:

49           (a) Major holidays stating which holidays a party has each year;

50           (b) School holidays for school-age children;

51           (c) The child's birthday, Mother's Day and Father's Day;

52           (d) Weekday and weekend schedules and for school-age children how the winter, spring,  
53 summer and other vacations from school will be spent;

54           (e) The times and places for transfer of the child between the parties in connection with  
55 the residential schedule;

56           (f) A plan for sharing transportation duties associated with the residential schedule;

57 (g) Appropriate times for telephone access;  
58 (h) Suggested procedures for notifying the other party when a party requests a temporary  
59 variation from the residential schedule;  
60 (i) Any suggested restrictions or limitations on access to a party and the reasons such  
61 restrictions are requested;  
62 (2) A specific written plan regarding legal custody which details how the  
63 decision-making rights and responsibilities will be shared between the parties including the  
64 following:  
65 (a) Educational decisions and methods of communicating information from the school  
66 to both parties;  
67 (b) Medical, dental and health care decisions including how health care providers will  
68 be selected and a method of communicating medical conditions of the child and how emergency  
69 care will be handled;  
70 (c) Extracurricular activities, including a method for determining which activities the  
71 child will participate in when those activities involve time during which each party is the  
72 custodian;  
73 (d) Child care providers, including how such providers will be selected;  
74 (e) Communication procedures including access to telephone numbers as appropriate;  
75 (f) A dispute resolution procedure for those matters on which the parties disagree or in  
76 interpreting the parenting plan;  
77 (g) If a party suggests no shared decision-making, a statement of the reasons for such a  
78 request;  
79 (3) How the expenses of the child, including child care, educational and extraordinary  
80 expenses as defined in the child support guidelines established by the supreme court, will be paid  
81 including:  
82 (a) The suggested amount of child support to be paid by each party;  
83 (b) The party who will maintain or provide health insurance for the child and how the  
84 medical, dental, vision, psychological and other health care expenses of the child not paid by  
85 insurance will be paid by the parties;  
86 (c) The payment of educational expenses, if any;  
87 (d) The payment of extraordinary expenses of the child, if any;  
88 (e) Child care expenses, if any;  
89 (f) Transportation expenses, if any.  
90 8. If the proposed parenting plans of the parties differ and the parties cannot resolve the  
91 differences or if any party fails to file a proposed parenting plan, upon motion of either party and  
92 an opportunity for the parties to be heard, the court shall enter a temporary order containing a

93 parenting plan setting forth the arrangements specified in subsection 7 of this section which will  
94 remain in effect until further order of the court. The temporary order entered by the court shall  
95 not create a preference for the court in its adjudication of final custody, child support or  
96 visitation.

97 9. Within one hundred twenty days after August 28, 1998, the Missouri supreme court  
98 shall have in effect guidelines for a parenting plan form which may be used by the parties  
99 pursuant to this section in any dissolution of marriage, legal separation or modification  
100 proceeding involving issues of custody and visitation relating to the child.

101 10. The filing of a parenting plan for any child over the age of eighteen for whom  
102 custody, visitation, or support is being established or modified by a court of competent  
103 jurisdiction is not required. Nothing in this section shall be construed as precluding the filing  
104 of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child  
105 over the age of eighteen for whom custody, visitation, or support is being established or modified  
106 by a court of competent jurisdiction.

452.312. 1. [Every petition for dissolution of marriage or legal separation, every motion  
2 for modification of a decree respecting maintenance or support, and every petition or motion for  
3 support of a minor child shall contain the name and address of the current employer and the  
4 Social Security number of the petitioner or movant, if a person, and, if known to petitioner or  
5 movant, the name and address of the current employer and the Social Security number of the  
6 respondent.

7 2. Every responsive pleading to a petition for dissolution of marriage or legal separation,  
8 motion for modification of a decree respecting maintenance or support, and petition or motion  
9 for support of a minor child shall contain the name and address of the current employer and the  
10 Social Security number of the respondent, if the respondent is a person.

11 3. Every decree dissolving a marriage, every order modifying a previous decree of  
12 dissolution or divorce, and every order for support of a minor child shall contain the Social  
13 Security numbers of the parties, if disclosed by the pleadings] **Contemporaneously with the**  
14 **filing of every responsive pleading petition for dissolution of marriage, legal separation,**  
15 **motion for modification, and petition or motion for support of a minor child, the**  
16 **responding party shall file a family court information sheet with the court which provides:**

17 (1) **The name and address of the current employer and the Social Security number**  
18 **of the petitioner or movant, if a person;**

19 (2) **If known to the petitioner or movant, the name and address of the current**  
20 **employer and the Social Security number of the respondent; and**

21 (3) **The name, date of birth, and Social Security number of each child who is the**  
22 **subject of the matter before the court.**

23

24 **Such information shall remain sealed by the court and not subject to public inspection.**

25 **2. For good cause shown, the court may release information contained in the family**  
26 **information sheet.**

454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and  
2 454.475, the obligated parent, the division, or the person or agency having custody of the  
3 dependent child may file a motion for modification with the director. Such motion shall be in  
4 writing, shall set forth the reasons for modification, and shall state the address of the moving  
5 party. The motion shall be served by the moving party in the manner provided for in subsection  
6 5 of section 454.465 upon the obligated parent or the party holding the support rights, as  
7 appropriate. In addition, if the support rights are held by the division of family services on behalf  
8 of the state, a true copy of the motion shall be mailed by the moving party by certified mail to  
9 the person having custody of the dependent child at the last known address of that person. A  
10 hearing on the motion shall then be provided in the same manner, and determinations shall be  
11 based on considerations set out in section 454.475, unless the party served fails to respond within  
12 thirty days, in which case the director may enter an order by default. If the child for whom the  
13 order applies is no longer in the custody of a person receiving public assistance or receiving  
14 support enforcement services from the department, or a division thereof, pursuant to section  
15 454.425, the director may certify the matter for hearing to the circuit court in which the order was  
16 filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the  
17 director certifies the matter for hearing to the circuit court, service of the motion to modify shall  
18 be had in accordance with the provisions of subsection 5 of section 452.370, RSMo. If the  
19 director does not certify the matter for hearing to the circuit court, service of the motion to  
20 modify shall be considered complete upon personal service, or on the date of mailing, if sent by  
21 certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the  
22 "appropriate agent" to receive the notice of the motion to modify for the obligee or the obligor,  
23 but only in those instances in which the matter is not certified to circuit court for hearing, and  
24 only when service of the motion is attempted on the obligee or obligor by certified mail.

25 2. A motion for modification made pursuant to this section shall not stay the director  
26 from enforcing and collecting upon the existing order pending the modification proceeding  
27 unless so ordered by the court.

28 3. Only payments accruing subsequent to the service of the motion for modification upon  
29 all named parties to the motion may be modified. Modification may be granted only upon a  
30 showing of a change of circumstances so substantial and continuing as to make the terms  
31 unreasonable. In a proceeding for modification of any child support award, the director, in  
32 determining whether or not a substantial change in circumstances has occurred, shall consider

33 all financial resources of both parties, including the extent to which the reasonable expenses of  
34 either party are, or should be, shared by a spouse or other person with whom he or she cohabits,  
35 and the earning capacity of a party who is not employed. If the application of the guidelines and  
36 criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would  
37 result in a change of child support from the existing amount by twenty percent or more, then a  
38 prima facie showing has been made of a change of circumstances so substantial and continuing  
39 as to make the present terms unreasonable.

40 4. The circuit court may, upon such terms as may be just, relieve a parent from an  
41 administrative order entered against that parent because of mistake, inadvertence, surprise, or  
42 excusable neglect.

43 5. No order entered pursuant to section 454.476 shall be modifiable pursuant to this  
44 section, except that an order entered pursuant to section 454.476 shall be amended by the director  
45 to conform with any modification made by the court that entered the court order upon which the  
46 director based his or her order.

47 6. When the party seeking modifications has met the burden of proof set forth in  
48 subsection 3 of this section, then the child support shall be determined in conformity with the  
49 criteria set forth in supreme court rule 88.01.

50 [7. The Social Security number of the parents shall be recorded on any order entered  
51 pursuant to this section.]

454.905. (a) A petitioner seeking to establish or modify a support order or to determine  
2 parentage in a proceeding under sections 454.850 to 454.997, must verify the petition. Unless  
3 otherwise ordered under section 454.907, the petition or accompanying documents must provide,  
4 so far as known, the name, residential address, and Social Security numbers of the obligor and  
5 the obligee, and the name, sex, residential address, Social Security number, and date of birth of  
6 each child for whom support is sought. The petition must be accompanied by a certified copy  
7 of any support order in effect. The petition may include any other information that may assist  
8 in locating or identifying the respondent.

9 (b) The petition must specify the relief sought. The petition and accompanying  
10 documents must conform substantially with the requirements imposed by the forms mandated  
11 by federal law for use in cases filed by a support enforcement agency.

12 (c) **Contemporaneously with the filing of every petition under this section, the filing**  
13 **party shall file a family court information sheet with the court which provides:**

14 (1) **The name and address of the current employer and the Social Security number**  
15 **of the petitioner or movant, if a person;**

16 (2) **If known to the petitioner or movant, the name and address of the current**  
17 **employer and the Social Security number of the respondent; and**



18           **(3) The name, date of birth, and Social Security number of each child who is the**  
19 **subject of the matter before the court.**

20

21 **Such information shall remain sealed by the court and not subject to public inspection.**

          454.951. (a) A support order or income withholding order of another state may be  
2 registered in this state by sending the following documents and information to the appropriate  
3 tribunal in this state:

4           (1) a letter of transmittal to the tribunal requesting registration and enforcement;

5           (2) two copies, including one certified copy, of all orders to be registered, including any  
6 modification of an order;

7           (3) a sworn statement by the party seeking registration or a certified statement by the  
8 custodian of the records showing the amount of any arrearage;

9           (4) the name of the obligor and, if known:

10           (i) [the obligor's address and Social Security number;

11           (ii)] the name and address of the obligor's employer and any other source of income of  
12 the obligor; and

13           [(iii)] (ii) a description and the location of property of the obligor in this state not exempt  
14 from execution; and

15           (5) the name and address of the obligee and, if applicable, the agency or person to whom  
16 support payments are to be remitted.

17           (b) On receipt of a request for registration, the registering tribunal shall cause the order  
18 to be filed as a foreign judgment, together with one copy of the documents and information,  
19 regardless of their form.

20           (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought  
21 under other law of this state may be filed at the same time as the request for registration or later.  
22 The pleading must specify the grounds for the remedy sought.

23           **(d) Contemporaneously with the filing of every petition under this section, the filing**  
24 **party shall file a family court information sheet with the court which provides:**

25           **(1) The name and address of the current employer and the Social Security number**  
26 **of the petitioner or movant, if a person;**

27           **(2) If known to the petitioner or movant, the name and address of the current**  
28 **employer and the Social Security number of the respondent; and**

29           **(3) The name, date of birth, and Social Security number of each child who is the**  
30 **subject of the matter before the court.**

31

32 **Such information shall remain sealed by the court and not subject to public inspection.**

2           [452.343. Notwithstanding any provision of law to the contrary, every  
3 judgment or order issued in this state which, in whole or in part, affects child  
4 custody, child support, visitation, modification of custody, support or visitation,  
5 or is issued pursuant to section 454.470 or 454.475, RSMo, shall contain the  
6 Social Security number of the parties to the action which gives rise to such  
judgment or order.]

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