

# HOUSE BILL NO. 2039

## 97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAAHR.

6231H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 454, RSMo, by adding thereto two new sections relating to child support arrearages.

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

Section A. Chapter 454, RSMo, is amended by adding thereto two new sections, to be known as sections 454.2000 and 454.2003, to read as follows:

**454.2000. As used in this section and section 454.2003, the following terms shall mean:**

- (1) “Arrearage”, the amount created by a failure to provide:**
  - (a) Support for a child pursuant to an administrative or judicial support order; or**
  - (b) Support for a spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such spouse is the custodial parent;**
- (2) “Business day”, a day on which state government offices are open for regular business;**
- (3) “Director”, the director of the family support division;**
- (4) “Division”, the family support division of the department of social services;**
- (5) “Excursion gambling boat”, a boat, ferry, or other floating facility licensed by the Missouri gaming commission on which gambling games are allowed under sections 313.800 to 313.850;**
- (6) “Gambling boat winnings”, the winnings required to be reported to the Internal Revenue Service on Form W-2G or a substantially equivalent form;**
- (7) “IV-D case”, a case in which the division is providing services under section 454.400;**

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.

18 (8) “Obligor”, any person who owes a duty of support as determined by a court or  
19 administrative agency of competent jurisdiction;

20 (9) “Support order”, a judgment, decree, or order, whether temporary, final, or  
21 subject to modification, issued by a court or administrative agency of competent  
22 jurisdiction for the support and maintenance of a child, including a child who has attained  
23 the age of majority pursuant to the law of the issuing state, or of the parent with whom the  
24 child is living and providing monetary support, health care, child care, arrearages or  
25 reimbursement for such child, and which may include related costs and fees, interest and  
26 penalties, income withholding, attorney’s fees, and other relief.

454.2003. 1. The division is authorized in accordance with this section to intercept  
2 excursion gambling boat winnings from an obligor owing an arrearage under a support  
3 order in a IV-D case.

4 2. For purposes of intercepting excursion gambling boat winnings under this  
5 section, the division shall furnish excursion gambling boats with the following information:

6 (1) The obligor’s name and Social Security number;

7 (2) The IV-D case number; and

8 (3) The arrearage amount owed by the obligor.

9 3. The division shall provide and excursion gambling boats shall receive the  
10 information required under subsection 2 of this section through a secure electronic means.  
11 The information provided by the division shall be deemed confidential and shall be  
12 accessed and used only for the purposes set forth in this section.

13 4. Before payment of gambling boat winnings to a person, an excursion gambling  
14 boat shall:

15 (1) Obtain the name, address, and Social Security number of the winner from the  
16 Form W-2G or a substantially equivalent form required to be filed with the Internal  
17 Revenue Service; and

18 (2) Access the information provided by the division and make all reasonable efforts  
19 to determine if the winner is a delinquent support obligor.

20 5. If the winner is determined to be an obligor who owes an arrearage, all of the  
21 following shall apply:

22 (1) The excursion gambling boat shall deduct from the gambling boat winnings an  
23 amount equal to the total winnings after taxes or the arrearage amount provided by the  
24 division, whichever is less;

25 (2) In reimbursement of its costs of complying with this section, an excursion  
26 gambling boat may withhold an amount not to exceed twenty-five dollars from the

27 gambling boat winnings, if any, in excess of the amount withheld under subdivision (1) of  
28 this subsection;

29 (3) The excursion gambling boat shall provide the obligor with a written notice in  
30 the format set forth by the division that includes:

31 (a) The amount deducted from the gambling boat winnings under subdivisions (1)  
32 and (2) of this subsection;

33 (b) The reason and authority for the deduction; and

34 (c) An explanation of the obligor's right to contest the deduction to the division and  
35 information necessary to contact the division;

36 (4) The excursion gambling boat shall disburse winnings deducted under  
37 subdivision (1) of this subsection to the family support payment center within two business  
38 days of deducting the gambling boat winnings. The excursion gambling boat shall also  
39 provide to the family support payment center the obligor's full name, address, Social  
40 Security number, and IV-D case number or numbers provided by the division.

41 6. To contest the interception of gambling boat winnings the obligor may request  
42 a hearing from the division within thirty days of the interception. Failure to request a  
43 hearing in writing within thirty days of the interception shall be deemed a waiver of the  
44 opportunity to contest the interception. Upon timely receipt of a request for a hearing  
45 from an obligor, the director shall grant a hearing in accordance with section 454.475.

46 7. No excursion gambling boat shall be liable under any federal or state law to any  
47 person:

48 (1) For any disclosure of information to the division under this section;

49 (2) For deducting or surrendering gambling boat winnings in accordance with this  
50 section; or

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

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