

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 185 & 281, Page 1, Section A, Line 2, by  
2 inserting after said section and line the following:

3  
4 "452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,  
5 the court may order either or both parents owing a duty of support to a child of the marriage to pay  
6 an amount reasonable or necessary for the support of the child, including an award retroactive to the  
7 date of filing the petition, without regard to marital misconduct, after considering all relevant factors  
8 including:

- 9 (1) The financial needs and resources of the child;  
10 (2) The financial resources and needs of the parents;  
11 (3) The standard of living the child would have enjoyed had the marriage not been  
12 dissolved;  
13 (4) The physical and emotional condition of the child, and the child's educational needs;  
14 (5) The child's physical and legal custody arrangements, including the amount of time the  
15 child spends with each parent and the reasonable expenses associated with the custody or visitation  
16 arrangements; and  
17 (6) The reasonable work-related child care expenses of each parent.

18 2. The obligation of the parent ordered to make support payments shall abate, in whole or in  
19 part, for such periods of time in excess of thirty consecutive days that the other parent has  
20 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,  
21 notwithstanding any periods of visitation or temporary physical and legal or physical or legal  
22 custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a  
23 IV-D case, the family support division may determine the amount of the abatement pursuant to this  
24 subsection for any child support order and shall record the amount of abatement in the automated  
25 child support system record established pursuant to chapter 454. If the case is not a IV-D case and  
26 upon court order, the circuit clerk shall record the amount of abatement in the automated child  
27 support system record established in chapter 454.

28 3. Unless the circumstances of the child manifestly dictate otherwise and the court  
29 specifically so provides, the obligation of a parent to make child support payments shall terminate  
30 when the child:

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (1) Dies;

2 (2) Marries;

3 (3) Enters active duty in the military;

4 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child  
5 from parental control by express or implied consent;

6 (5) Reaches age eighteen or receives a high school diploma or certificate of graduation,  
7 unless the provisions of subsection 4 [or 5] of this section apply; or

8 (6) Reaches age twenty-one, unless the provisions of the child support order specifically  
9 extend the parental support order past the child's twenty-first birthday for reasons provided by  
10 subsection 4 of this section.

11 4. If the child is physically or mentally incapacitated from supporting himself and insolvent  
12 and unmarried, the court may extend the parental support obligation past the child's eighteenth  
13 birthday.

14 5. ~~[If when a child reaches age eighteen, the child is enrolled in and attending a secondary~~  
15 ~~school program of instruction, the parental support obligation shall continue, if the child continues~~  
16 ~~to attend and progresses toward completion of said program, until the child completes such program~~  
17 ~~or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of~~  
18 ~~vocational or higher education not later than October first following graduation from a secondary~~  
19 ~~school or completion of a graduation equivalence degree program and so long as the child enrolls~~  
20 ~~for and completes at least twelve hours of credit each semester, not including the summer semester,~~  
21 ~~at an institution of vocational or higher education and achieves grades sufficient to reenroll at such~~  
22 ~~institution, the parental support obligation shall continue until the child completes his or her~~  
23 ~~education, or until the child reaches the age of twenty-one, whichever first occurs. To remain~~  
24 ~~eligible for such continued parental support, at the beginning of each semester the child shall submit~~  
25 ~~to each parent a transcript or similar official document provided by the institution of vocational or~~  
26 ~~higher education which includes the courses the child is enrolled in and has completed for each~~  
27 ~~term, the grades and credits received for each such course, and an official document from the~~  
28 ~~institution listing the courses which the child is enrolled in for the upcoming term and the number of~~  
29 ~~credits for each such course. When enrolled in at least twelve credit hours, if the child receives~~  
30 ~~failing grades in half or more of his or her courseload in any one semester, payment of child support~~  
31 ~~may be terminated and shall not be eligible for reinstatement. Upon request for notification of the~~  
32 ~~child's grades by the noncustodial parent, the child shall produce the required documents to the~~  
33 ~~noncustodial parent within thirty days of receipt of grades from the education institution. If the~~  
34 ~~child fails to produce the required documents, payment of child support may terminate without the~~  
35 ~~accrual of any child support arrearage and shall not be eligible for reinstatement. If the~~  
36 ~~circumstances of the child manifestly dictate, the court may waive the October first deadline for~~  
37 ~~enrollment required by this subsection. If the child is enrolled in such an institution, the child or~~  
38 ~~parent obligated to pay support may petition the court to amend the order to direct the obligated~~  
39 ~~parent to make the payments directly to the child. As used in this section, an "institution of~~

1 ~~vocational education" means any postsecondary training or schooling for which the student is~~  
 2 ~~assessed a fee and attends classes regularly. "Higher education" means any community college,~~  
 3 ~~college, or university at which the child attends classes regularly. A child who has been diagnosed~~  
 4 ~~with a developmental disability, as defined in section 630.005, or whose physical disability or~~  
 5 ~~diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in~~  
 6 ~~this subsection, shall remain eligible for child support so long as such child is enrolled in and~~  
 7 ~~attending an institution of vocational or higher education, and the child continues to meet the other~~  
 8 ~~requirements of this subsection. A child who is employed at least fifteen hours per week during the~~  
 9 ~~semester may take as few as nine credit hours per semester and remain eligible for child support so~~  
 10 ~~long as all other requirements of this subsection are complied with.~~

11 ~~6.]~~ The court shall consider ordering a parent to waive the right to claim the tax dependency  
 12 exemption for a child enrolled in an institution of vocational or higher education in favor of the  
 13 other parent if the application of state and federal tax laws and eligibility for financial aid will make  
 14 an award of the exemption to the other parent appropriate.

15 ~~[7.]~~ 6. The general assembly finds and declares that it is the public policy of this state that  
 16 frequent, continuing and meaningful contact with both parents after the parents have separated or  
 17 dissolved their marriage is in the best interest of the child except for cases where the court  
 18 specifically finds that such contact is not in the best interest of the child. In order to effectuate this  
 19 public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in  
 20 the same manner. A court with jurisdiction may abate, in whole or in part, any past or future  
 21 obligation of support and may transfer the physical and legal or physical or legal custody of one or  
 22 more children if it finds that a parent has, without good cause, failed to provide visitation or physical  
 23 and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of  
 24 dissolution, legal separation or modifications thereof. The court shall also award, if requested and  
 25 for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the  
 26 prevailing party.

27 ~~[8.]~~ 7. The Missouri supreme court shall have in effect a rule establishing guidelines by  
 28 which any award of child support shall be made in any judicial or administrative proceeding. Said  
 29 guidelines shall contain specific, descriptive and numeric criteria which will result in a computation  
 30 of the support obligation. The guidelines shall address how the amount of child support shall be  
 31 calculated when an award of joint physical custody results in the child or children spending equal or  
 32 substantially equal time with both parents and the directions and comments and any tabular  
 33 representations of the directions and comments for completion of the child support guidelines and a  
 34 subsequent form developed to reflect the guidelines shall reflect the ability to obtain up to a fifty  
 35 percent adjustment or credit below the basic child support amount for joint physical custody or  
 36 visitation as described in subsection ~~[44]~~ 10 of this section. The Missouri supreme court shall  
 37 publish child support guidelines and specifically list and explain the relevant factors and  
 38 assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this

1 subsection shall be reviewed by the promulgating body not less than once every four years to ensure  
2 that its application results in the determination of appropriate child support award amounts.

3 ~~[9-]~~ 8. There shall be a rebuttable presumption, in any judicial or administrative proceeding  
4 for the award of child support, that the amount of the award which would result from the application  
5 of the guidelines established pursuant to subsection ~~[8]~~ 7 of this section is the correct amount of  
6 child support to be awarded. A written finding or specific finding on the record in a judicial or  
7 administrative proceeding that the application of the guidelines would be unjust or inappropriate in a  
8 particular case, after considering all relevant factors, including the factors set out in subsection 1 of  
9 this section, shall be required and shall be sufficient to rebut the presumption in the case. The  
10 written finding or specific finding on the record shall detail the specific relevant factors that required  
11 a deviation from the application of the guidelines.

12 ~~[10-]~~ 9. Pursuant to this or any other chapter, when a court determines the amount owed by a  
13 parent for support provided to a child by another person, other than a parent, prior to the date of  
14 filing of a petition requesting support, or when the director of the family support division establishes  
15 the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, the court  
16 or director shall use the guidelines established pursuant to subsection ~~[8]~~ 7 of this section. The  
17 amount of child support resulting from the application of the guidelines shall be applied  
18 retroactively for a period prior to the establishment of a support order and the length of the period of  
19 retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable  
20 presumption that the amount resulting from application of the guidelines under subsection ~~[8]~~ 7 of  
21 this section constitutes the amount owed by the parent for the period prior to the date of the filing of  
22 the petition for support or the period for which state debt is being established. In applying the  
23 guidelines to determine a retroactive support amount, when information as to average monthly  
24 income is available, the court or director may use the average monthly income of the noncustodial  
25 parent, as averaged over the period of retroactivity, in determining the amount of presumed child  
26 support owed for the period of retroactivity. The court or director may enter a different amount in a  
27 particular case upon finding, after consideration of all relevant factors, including the factors set out  
28 in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

29 ~~[11-]~~ 10. The court may award child support in an amount that provides up to a fifty percent  
30 adjustment below the basic child support amount authorized by the child support guidelines  
31 described under subsection ~~[8]~~ 7 of this section for custody awards of joint physical custody where  
32 the child or children spend equal or substantially equal time with both parents.

33 ~~[12-]~~ 11. The obligation of a parent to make child support payments may be terminated as  
34 follows:

35 (1) Provided that the state case registry or child support order contains the child's date of  
36 birth, the obligation shall be deemed terminated without further judicial or administrative process  
37 when the child reaches age twenty-one if the child support order does not specifically require  
38 payment of child support beyond age twenty-one for reasons provided by subsection 4 of this  
39 section;

1 (2) The obligation shall be deemed terminated without further judicial or administrative  
2 process when the parent receiving child support furnishes a sworn statement or affidavit notifying  
3 the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of  
4 section 452.370, and a copy of such sworn statement or affidavit is filed with the court which  
5 entered the order establishing the child support obligation, or the family support division for an  
6 order entered under section 454.470;

7 (3) The obligation shall be deemed terminated without further judicial or administrative  
8 process when the parent paying child support files a sworn statement or affidavit with the court  
9 which entered the order establishing the child support obligation, or the family support division for  
10 an order entered under section 454.470, stating that the child is emancipated and reciting the factual  
11 basis for such statement; which statement or affidavit is served by the court or division, as  
12 applicable, on the child support obligee; and which is either acknowledged and affirmed by the child  
13 support obligee in writing, or which is not responded to in writing within thirty days of receipt by  
14 the child support obligee;

15 (4) The obligation shall be terminated as provided by this subdivision by the court which  
16 entered the order establishing the child support obligation, or the family support division for an  
17 order entered under section 454.470, when the parent paying child support files a sworn statement or  
18 affidavit with the court which entered the order establishing the child support obligation, or the  
19 family support division, as applicable, stating that the child is emancipated and reciting the factual  
20 basis for such statement; and which statement or affidavit is served by the court or division, as  
21 applicable, on the child support obligee. If the obligee denies the statement or affidavit, the court or  
22 division shall thereupon treat the sworn statement or affidavit as a request for hearing and shall  
23 proceed to hear and adjudicate such request for hearing as provided by law; provided that the court  
24 may require the payment of a deposit as security for court costs and any accrued court costs, as  
25 provided by law, in relation to such request for hearing. When the division receives a request for  
26 hearing, the hearing shall be held in the manner provided by section 454.475.

27 [~~13~~] 12. The court may enter a judgment terminating child support pursuant to subdivisions  
28 (1) to (3) of subsection [~~12~~] 11 of this section without necessity of a court appearance by either  
29 party. The clerk of the court shall mail a copy of a judgment terminating child support entered  
30 pursuant to subsection [~~12~~] 11 of this section on both the obligor and obligee parents. The supreme  
31 court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child  
32 support obligations for use pursuant to subsection [~~12~~] 11 of this section and subsection 4 of section  
33 452.370."; and

34  
35 Further amend said bill by amending the title, enacting clause, and intersectional references  
36 accordingly.