

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2148**  
**102ND GENERAL ASSEMBLY**

3972H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 210.854, 452.340, and 454.470, RSMo, and to enact in lieu thereof three new sections relating to the termination of child support obligations.

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

Section A. Sections 210.854, 452.340, and 454.470, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 210.854, 452.340, and 454.470,  
3 to read as follows:

210.854. 1. In the event of the entry of a judgment or judgments of paternity and  
2 support, whether entered in one judgment or separately, a person against whom such a  
3 judgment or judgments have been entered may file a petition requesting a circuit court with  
4 jurisdiction over the subject child or children to set aside said judgment or judgments in the  
5 interests of justice and upon the grounds set forth in this section. Such a petition may be filed  
6 at any time prior to December 31, 2011. After that date, the petition shall be filed within two  
7 years of the entry of the original judgment of paternity and support or within two years of  
8 entry of the later judgment in the case of separate judgments of paternity and support and  
9 shall be filed in the county which entered the judgment or judgments of paternity and support.  
10 Any such petition shall be served upon the biological mother and any other legal guardian or  
11 custodian in the same manner provided for service of process in the rules of civil procedure.  
12 The child or children shall be made a party and shall have a guardian ad litem appointed for  
13 the child or children before any further proceedings are had. If the child or children are  
14 recipients of IV-D services as defined in subdivision (8) of section 454.460, the family  
15 support division shall also be made a party and shall be duly served.

16 2. The petition shall include an affidavit executed by the petitioner alleging that  
17 evidence exists which was not considered before entry of judgment and either:

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 (1) An allegation that genetic testing was conducted within ninety days prior to the  
19 filing of such petition using DNA methodology to determine the probability or improbability  
20 of paternity, and performed by an expert as defined in section 210.834. The affidavit shall  
21 also allege that the test results, which are attached thereto, indicate that a person subject to the  
22 child support payment order has been excluded as the child's father; or

23 (2) A request to the court for an order of genetic paternity testing using DNA  
24 methodology.

25 3. The court, after a hearing wherein all interested parties have been given an  
26 opportunity to present evidence and be heard, and upon a finding of probable cause to believe  
27 said testing may result in a determination of nonpaternity, shall order the relevant parties to  
28 submit to genetic paternity testing. The genetic paternity testing costs shall be paid by the  
29 petitioner.

30 4. Upon a finding that the genetic test referred to herein was properly conducted,  
31 accurate, and indicates that the person subject to the child support payment order has been  
32 excluded as the child's father, the court shall, unless it makes written findings of fact and  
33 conclusions of law that it is in the best interest of the parties not to do so:

34 (1) Grant relief on the petition and enter judgment setting aside the previous judgment  
35 or judgments of paternity and support, or acknowledgment of paternity under section 210.823  
36 only as to the child or children found not to be the biological child or children of the  
37 petitioner;

38 (2) Extinguish any existing child support arrearage only as to the child or children  
39 found not to be the biological child or children of the petitioner; and

40 (3) Order the department of health and senior services to modify the child's birth  
41 certificate accordingly.

42 5. The provisions of this section shall not apply to grant relief to the parent of any  
43 adopted child.

44 6. A finding under subsection 4 of this section shall constitute a material mistake of  
45 fact under section 210.823.

46 7. The provisions of this section shall not be construed to create a cause of action to  
47 recover child support or state debt, under subdivision (2) of subsection 1 of section 454.465  
48 and subsection [H0] 9 of section 452.340, that was previously paid pursuant to the order. The  
49 petitioner shall have no right for reimbursement for any moneys previously paid pursuant to  
50 said order.

51 8. Any petitioner who has pled guilty to or been found guilty of an offense for  
52 criminal nonsupport under section 568.040, as to a child or children who have been found not  
53 to be the biological child or children of the petitioner, may apply to the court in which the  
54 petitioner pled guilty or was sentenced for an order to expunge from all official records all

55 recordations of his arrest, plea, trial, or conviction. If the court determines, after hearing, that  
56 the petitioner has had a judgment or judgments of paternity and support set aside under this  
57 section, the court shall enter an order of expungement. Upon granting of the order of  
58 expungement under this subsection, the records and files maintained in any administrative or  
59 court proceeding in an associate or circuit division of the circuit court under this section shall  
60 be confidential and only available to the parties or by order of the court for good cause shown.  
61 The effect of such order shall be to restore such person to the status he or she occupied prior  
62 to such arrest, plea, or conviction and as if such event had never taken place. No person as to  
63 whom such order has been entered shall be held thereafter under any provision of any law to  
64 be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or  
65 acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry  
66 made of him for any purpose whatsoever and no such inquiry shall be made for information  
67 relating to an expungement under this section.

68 9. Beginning in 2010, the family support division shall track and report to the general  
69 assembly the number of cases known to the division in which a court, within the calendar  
70 year, set aside a previous judgment or judgments of paternity and support under subsection 4  
71 of this section. The family support division shall submit the report annually by December  
72 thirty-first.

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

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

16 2. The obligation of the parent ordered to make support payments shall abate, in  
17 whole or in part, for such periods of time in excess of thirty consecutive days that the other  
18 parent has voluntarily relinquished physical custody of a child to the parent ordered to pay  
19 child support, notwithstanding any periods of visitation or temporary physical and legal or

20 physical or legal custody pursuant to a judgment of dissolution or legal separation or any  
21 modification thereof. In a IV-D case, the family support division may determine the amount  
22 of the abatement pursuant to this subsection for any child support order and shall record the  
23 amount of abatement in the automated child support system record established pursuant to  
24 chapter 454. If the case is not a IV-D case and upon court order, the circuit clerk shall record  
25 the amount of abatement in the automated child support system record established in chapter  
26 454.

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

30 (1) Dies;

31 (2) Marries;

32 (3) Enters active duty in the military;

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

35 (5) Reaches age eighteen **or receives a high school diploma, whichever occurs**  
36 **later**, unless the provisions of **the child support order specifically extend the parental**  
37 **support order past the child's eighteenth birthday for reasons provided by** subsection 4  
38 ~~[or 5]~~ of this section ~~[apply; or~~

39 ~~(6) Reaches age twenty one, unless the provisions of the child support order~~  
40 ~~specifically extend the parental support order past the child's twenty first birthday for reasons~~  
41 ~~provided by subsection 4 of this section] . **The provisions of this subdivision shall become**~~  
42 **effective for all future court orders issued on or after January 1, 2025.**

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

46 5. ~~[If when a child reaches age eighteen, the child is enrolled in and attending a~~  
47 ~~secondary school program of instruction, the parental support obligation shall continue, if the~~  
48 ~~child continues to attend and progresses toward completion of said program, until the child~~  
49 ~~completes such program or reaches age twenty one, whichever first occurs. If the child is~~  
50 ~~enrolled in an institution of vocational or higher education not later than October first~~  
51 ~~following graduation from a secondary school or completion of a graduation equivalency~~  
52 ~~degree program and so long as the child enrolls for and completes at least twelve hours of~~  
53 ~~credit each semester, not including the summer semester, at an institution of vocational or~~  
54 ~~higher education and achieves grades sufficient to reenroll at such institution, the parental~~  
55 ~~support obligation shall continue until the child completes his or her education, or until the~~  
56 ~~child reaches the age of twenty one, whichever first occurs. To remain eligible for such~~

~~57 continued parental support, at the beginning of each semester the child shall submit to each  
58 parent a transcript or similar official document provided by the institution of vocational or  
59 higher education which includes the courses the child is enrolled in and has completed for  
60 each term, the grades and credits received for each such course, and an official document  
61 from the institution listing the courses which the child is enrolled in for the upcoming term  
62 and the number of credits for each such course. When enrolled in at least twelve credit hours,  
63 if the child receives failing grades in half or more of his or her courseload in any one  
64 semester, payment of child support may be terminated and shall not be eligible for  
65 reinstatement. Upon request for notification of the child's grades by the noncustodial parent,  
66 the child shall produce the required documents to the noncustodial parent within thirty days of  
67 receipt of grades from the education institution. If the child fails to produce the required  
68 documents, payment of child support may terminate without the accrual of any child support  
69 arrearage and shall not be eligible for reinstatement. If the circumstances of the child  
70 manifestly dictate, the court may waive the October first deadline for enrollment required by  
71 this subsection. If the child is enrolled in such an institution, the child or parent obligated to  
72 pay support may petition the court to amend the order to direct the obligated parent to make  
73 the payments directly to the child. As used in this section, an "institution of vocational  
74 education" means any postsecondary training or schooling for which the student is assessed a  
75 fee and attends classes regularly. "Higher education" means any community college, college,  
76 or university at which the child attends classes regularly. A child who has been diagnosed  
77 with a developmental disability, as defined in section 630.005, or whose physical disability or  
78 diagnosed health problem limits the child's ability to carry the number of credit hours  
79 prescribed in this subsection, shall remain eligible for child support so long as such child is  
80 enrolled in and attending an institution of vocational or higher education, and the child  
81 continues to meet the other requirements of this subsection. A child who is employed at least  
82 fifteen hours per week during the semester may take as few as nine credit hours per semester  
83 and remain eligible for child support so long as all other requirements of this subsection are  
84 complied with.~~

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

89       ~~[7.]~~ **6.** The general assembly finds and declares that it is the public policy of this state  
90 that frequent, continuing and meaningful contact with both parents after the parents have  
91 separated or dissolved their marriage is in the best interest of the child except for cases where  
92 the court specifically finds that such contact is not in the best interest of the child. In order to  
93 effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and

94 child support orders in the same manner. A court with jurisdiction may abate, in whole or in  
95 part, any past or future obligation of support and may transfer the physical and legal or  
96 physical or legal custody of one or more children if it finds that a parent has, without good  
97 cause, failed to provide visitation or physical and legal or physical or legal custody to the  
98 other parent pursuant to the terms of a judgment of dissolution, legal separation or  
99 modifications thereof. The court shall also award, if requested and for good cause shown,  
100 reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

101 ~~[8-]~~ 7. The Missouri supreme court shall have in effect a rule establishing guidelines  
102 by which any award of child support shall be made in any judicial or administrative  
103 proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which  
104 will result in a computation of the support obligation. The guidelines shall address how the  
105 amount of child support shall be calculated when an award of joint physical custody results in  
106 the child or children spending equal or substantially equal time with both parents and the  
107 directions and comments and any tabular representations of the directions and comments for  
108 completion of the child support guidelines and a subsequent form developed to reflect the  
109 guidelines shall reflect the ability to obtain up to a fifty percent adjustment or credit below the  
110 basic child support amount for joint physical custody or visitation as described in subsection  
111 ~~[4-]~~ 10 of this section. The Missouri supreme court shall publish child support guidelines and  
112 specifically list and explain the relevant factors and assumptions that were used to calculate  
113 the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by  
114 the promulgating body not less than once every four years to ensure that its application results  
115 in the determination of appropriate child support award amounts.

116 ~~[9-]~~ 8. There shall be a rebuttable presumption, in any judicial or administrative  
117 proceeding for the award of child support, that the amount of the award which would result  
118 from the application of the guidelines established pursuant to subsection ~~[8]~~ 7 of this section  
119 is the correct amount of child support to be awarded. A written finding or specific finding on  
120 the record in a judicial or administrative proceeding that the application of the guidelines  
121 would be unjust or inappropriate in a particular case, after considering all relevant factors,  
122 including the factors set out in subsection 1 of this section, shall be required and shall be  
123 sufficient to rebut the presumption in the case. The written finding or specific finding on the  
124 record shall detail the specific relevant factors that required a deviation from the application  
125 of the guidelines.

126 ~~[10-]~~ 9. Pursuant to this or any other chapter, when a court determines the amount  
127 owed by a parent for support provided to a child by another person, other than a parent, prior  
128 to the date of filing of a petition requesting support, or when the director of the family support  
129 division establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of  
130 section 454.465, the court or director shall use the guidelines established pursuant to

131 subsection [8] 7 of this section. The amount of child support resulting from the application of  
132 the guidelines shall be applied retroactively for a period prior to the establishment of a  
133 support order and the length of the period of retroactivity shall be left to the discretion of the  
134 court or director. There shall be a rebuttable presumption that the amount resulting from  
135 application of the guidelines under subsection [8] 7 of this section constitutes the amount  
136 owed by the parent for the period prior to the date of the filing of the petition for support or  
137 the period for which state debt is being established. In applying the guidelines to determine a  
138 retroactive support amount, when information as to average monthly income is available, the  
139 court or director may use the average monthly income of the noncustodial parent, as averaged  
140 over the period of retroactivity, in determining the amount of presumed child support owed  
141 for the period of retroactivity. The court or director may enter a different amount in a  
142 particular case upon finding, after consideration of all relevant factors, including the factors  
143 set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed  
144 amount.

145 ~~[11.]~~ **10. If issued on or after January 1, 2025, the court [may award] awards child**  
146 **support [in an amount that provides up to], there shall be a rebuttable presumption in cases**  
147 **in which there is a custody award of joint physical custody where the child or children**  
148 **spend equal or substantially equal time with both parents that the calculation of child**  
149 **support begins with a fifty percent credit for overnight visitation or custody** adjustment  
150 below the basic child support amount authorized by the child support guidelines described  
151 under subsection [8] 7 of this section ~~[for custody awards of joint physical custody where the~~  
152 ~~child or children spend equal or substantially equal time with both parents].~~

153 ~~[12.]~~ **11.** The obligation of a parent to make child support payments may be  
154 terminated as follows:

155 (1) Provided that the state case registry or child support order contains the child's date  
156 of birth, the obligation shall be deemed terminated without further judicial or administrative  
157 process when the child reaches age ~~[twenty-one]~~ **eighteen or receives a high school**  
158 **diploma, whichever occurs later,** if the child support order does not specifically require  
159 payment of child support beyond age ~~[twenty-one]~~ **eighteen or when the child receives a**  
160 **high school diploma, whichever occurs later,** for reasons provided by subsection 4 of this  
161 section. **The provisions of this subdivision shall become effective for all future court**  
162 **orders issued on or after January 1, 2025;**

163 (2) The obligation shall be deemed terminated without further judicial or  
164 administrative process when the parent receiving child support furnishes a sworn statement  
165 or affidavit notifying the obligor parent of the child's emancipation in accordance with the  
166 requirements of subsection 4 of section 452.370, and a copy of such sworn statement or

167 affidavit is filed with the court which entered the order establishing the child support  
168 obligation, or the family support division for an order entered under section 454.470;

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

177 (4) The obligation shall be terminated as provided by this subdivision by the court  
178 which entered the order establishing the child support obligation, or the family support  
179 division for an order entered under section 454.470, when the parent paying child support  
180 files a sworn statement or affidavit with the court which entered the order establishing the  
181 child support obligation, or the family support division, as applicable, stating that the child is  
182 emancipated and reciting the factual basis for such statement; and which statement or  
183 affidavit is served by the court or division, as applicable, on the child support obligee. If the  
184 obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn  
185 statement or affidavit as a request for hearing and shall proceed to hear and adjudicate such  
186 request for hearing as provided by law; provided that the court may require the payment of a  
187 deposit as security for court costs and any accrued court costs, as provided by law, in relation  
188 to such request for hearing. When the division receives a request for hearing, the hearing  
189 shall be held in the manner provided by section 454.475.

190 ~~[13-]~~ **12.** The court may enter a judgment terminating child support pursuant to  
191 subdivisions (1) to (3) of subsection ~~[12]~~ **11** of this section without necessity of a court  
192 appearance by either party. The clerk of the court shall mail a copy of a judgment terminating  
193 child support entered pursuant to subsection ~~[12]~~ **11** of this section on both the obligor and  
194 obligee parents. The supreme court may promulgate uniform forms for sworn statements and  
195 affidavits to terminate orders of child support obligations for use pursuant to subsection ~~[12]~~  
196 **11** of this section and subsection 4 of section 452.370.

454.470. 1. The director may issue a notice and finding of financial responsibility to  
2 a parent who owes a state debt or who is responsible for the support of a child on whose  
3 behalf the custodian of that child is receiving support enforcement services from the division  
4 pursuant to section 454.425 if a court order has not been previously entered against that  
5 parent, a court order has been previously entered but has been terminated by operation of law  
6 or if a support order from another state has been entered but is not entitled to recognition  
7 under sections 454.850 to 454.997. Service of the notice and finding shall be made on the



8 parent or other party in the manner prescribed for service of process in a civil action by an  
9 authorized process server appointed by the director, or by certified mail, return receipt  
10 requested. The director may appoint any uninterested party, including but not limited to  
11 employees of the division, to serve such process. For purposes of this subsection, a parent  
12 who refuses receipt of service by certified mail is deemed to have been served. Service upon  
13 an obligee who is receiving support enforcement services under section 454.425 may be made  
14 by regular mail. When appropriate to the circumstances of the individual action, the notice  
15 shall state:

16 (1) The name of the person or agency with custody of the dependent child and the  
17 name of the dependent child for whom support is to be paid;

18 (2) The monthly future support for which the parent shall be responsible;

19 (3) The state debt, if any, accrued and accruing, and the monthly payment to be made  
20 on the state debt which has accrued;

21 (4) A statement of the costs of collection, including attorney's fees, which may be  
22 assessed against the parent;

23 (5) That the parent shall be responsible for providing medical insurance for the  
24 dependent child;

25 (6) That if a parent desires to discuss the amount of support that should be paid, the  
26 parent or person having custody of the child may, within twenty days after being served,  
27 contact the division office which sent the notice and request a negotiation conference. The  
28 other parent or person having custody of the child shall be notified of the negotiated  
29 conference and may participate in the conference. If no agreement is reached on the monthly  
30 amount to be paid, the director may issue a new notice and finding of financial responsibility,  
31 which may be sent to the parent required to pay support by regular mail addressed to the  
32 parent's last known address or, if applicable, the parent's attorney's last known address. A  
33 copy of the new notice and finding shall be sent by regular mail to the other parent or person  
34 having custody of the child;

35 (7) That if a parent or person having custody of the child objects to all or any part of  
36 the notice and finding of financial responsibility and no negotiation conference is requested,  
37 within twenty days of the date of service the parent or person having custody of the child shall  
38 send to the division office which issued the notice a written response which sets forth any  
39 objections and requests a hearing; and, that if the director issues a new notice and finding of  
40 financial responsibility, the parent or person having custody of the child shall have twenty  
41 days from the date of issuance of the new notice to send a hearing request;

42 (8) That if such a timely response is received by the appropriate division office, and if  
43 such response raises factual questions requiring the submission of evidence, the parent or  
44 person having custody of the child shall have the right to a hearing before an impartial hearing

45 officer who is an attorney licensed to practice law in Missouri and, that if no timely written  
46 response is received, the director may enter an order in accordance with the notice and finding  
47 of financial responsibility;

48 (9) That the parent has the right to be represented at the hearing by an attorney of the  
49 parent's own choosing;

50 (10) That the parent or person having custody of the child has the right to obtain  
51 evidence and examine witnesses as provided for in chapter 536, together with an explanation  
52 of the procedure the parent or person having custody of the child shall follow in order to  
53 exercise such rights;

54 (11) That as soon as the order is entered, the property of the parent required to pay  
55 support shall be subject to collection actions, including, but not limited to, wage withholding,  
56 garnishment, liens, and execution thereon;

57 (12) A reference to sections 454.460 to 454.510;

58 (13) That the parent is responsible for notifying the division of any change of address  
59 or employment;

60 (14) That if the parent has any questions, the parent should telephone or visit the  
61 appropriate division office or consult an attorney; and

62 (15) Such other information as the director finds appropriate.

63 2. The statement of periodic future support required by subdivision (2) of subsection  
64 1 of this section is to be computed under the guidelines established in subsection [8] 7 of  
65 section 452.340.

66 3. Any time limits for notices or requests may be extended by the director, and such  
67 extension shall have no effect on the jurisdiction of the court, administrative body, or other  
68 entity having jurisdiction over the proceedings.

69 4. If a timely written response setting forth objections and requesting a hearing is  
70 received by the appropriate division office, and if such response raises a factual question  
71 requiring the submission of evidence, a hearing shall be held in the manner provided by  
72 section 454.475. If no timely written response and request for hearing is received by the  
73 appropriate division office, the director may enter an order in accordance with the notice, and  
74 shall specify:

75 (1) The amount of periodic support to be paid, with directions on the manner of  
76 payment;

77 (2) The amount of state debt, if any, accrued in favor of the department;

78 (3) The monthly payment to be made on state debt, if any;

79 (4) The amount of costs of collection, including attorney's fees, assessed against the  
80 parent;

81 (5) The name of the person or agency with custody of the dependent child and the  
82 name and birth date of the dependent child for whom support is to be paid;

83 (6) That the property of the parent is subject to collection actions, including, but not  
84 limited to, wage withholding, garnishment, liens, and execution thereon; and

85 (7) If appropriate, that the parent shall provide medical insurance for the dependent  
86 child, or shall pay the reasonable and necessary medical expenses of the dependent child.

87 5. The parent or person having custody of the child shall be sent a copy of the order  
88 by regular mail addressed to the parent's last known address or, if applicable, the parent's  
89 attorney's last known address. The order is final, and action by the director to enforce and  
90 collect upon the order, including arrearages, may be taken from the date of issuance of the  
91 order.

92 6. Copies of the orders issued pursuant to this section shall be mailed within fourteen  
93 days of the issuance of the order.

94 7. Any parent or person having custody of the child who is aggrieved as a result of  
95 any allegation or issue of fact contained in the notice and finding of financial responsibility  
96 shall be afforded an opportunity for a hearing, upon the request in writing filed with the  
97 director not more than twenty days after service of the notice and finding is made upon such  
98 parent or person having custody of the child, and if in requesting such hearing, the aggrieved  
99 parent or person having custody of the child raises a factual issue requiring the submission of  
100 evidence.

101 8. At any time after the issuance of an order under this section, the director may issue  
102 an order vacating that order if it is found that the order was issued without subject matter or  
103 personal jurisdiction or if the order was issued without affording the obligor due process of  
104 law.

✓