

Missouri Revised Statutes

Chapter 454 Enforcement of Support Law

[←Chapter: 453](#)

August 28, 2014

[Chapter: 455→](#)

Enforcing a support order from another state, response to a request, contents of the request.

454.390. The division shall use high-volume automated administrative enforcement, to the same extent as used in intrastate cases, in response to a request made by another state child support agency to enforce a support order and promptly report the results to the requesting state. If the division provides assistance to another state in such a case, neither this state nor the requesting state shall consider the case to be transferred to its caseload, but the division may establish a corresponding case based on such other state's request for assistance. The division shall maintain records of the number of such interstate requests for assistance, the number of cases for which support was collected and the amounts of such collections. The division is authorized to transmit to another state, by electronic or other means, a request for assistance in a case involving the enforcement of a support order. Such request shall:

(1) Include information to enable the receiving state to compare the information about the case to the information in state databases; and

(2) Constitute a certification by the division of the arrearage amount under the order and that the division has complied with all applicable procedural due process requirements as provided for in this chapter.

(L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 2007 S.B. 25)

Forms for income withholding, liens and subpoenas.

454.395. When prescribed by the federal government, the division shall use the forms promulgated pursuant to 42 U.S.C. Section 652(a)(11) for income withholding, imposition of liens and issuance of administrative subpoenas in interstate child support cases. Such forms, when received from the child support agency of another state, shall be enforceable as if issued by the division and shall be recognized as valid by any court, state agency, or officer or employee of the state or political subdivision of the state.

(L. 1997 S.B. 361)

Effective 7-1-97

Family support division established--duties, powers--rules, procedure.

454.400. 1. There is established within the department of social services the "Family Support Division" to administer the state plan for child support enforcement. The duty pursuant to the state plan to litigate or prosecute support actions shall be performed by the appropriate prosecuting attorney, or other attorney pursuant to a cooperative agreement with the department. The department shall fully utilize existing IV-A staff of the family support division to perform child support enforcement duties approved by the United States Department of Health and Human Services and consistent with federal requirements as specified in P.L. 93-647 and 45 CFR, section 303.20.

2. In addition to the powers, duties and functions vested in the family support division by other provisions of this chapter or by other laws of this state, the family support division shall have the power:

(1) To sue and be sued;

(2) To make contracts and carry out the duties imposed upon it by this or any other law;

(3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;

(4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of the same;

(5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter and which are not inconsistent with the constitution or laws of this state;

(6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the family support division is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of the state plan hereunder;

(7) To make such reports in such form and containing such information as the United States government may, from time to time, require, and comply with such provisions as the United States government may, from time to time, find necessary to assure the correctness and verification of such reports;

(8) To appoint, when and if it may deem necessary, advisory committees to provide professional or technical consultation in respect to child support enforcement problems and program administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the family support division, and such advisory committees shall consult with the family support division in respect to problems and policies incident to the administration of the particular function germane to their respective field of competence;

(9) To initiate or cooperate with other agencies in developing measures for the enforcement of support obligations;

(10) To collect statistics, make special fact-finding studies and publish reports in reference to child support enforcement;

(11) To establish or cooperate in research or demonstration projects relative to child support enforcement and the welfare program which will help improve the administration and effectiveness of programs carried on or assisted pursuant to the federal Social Security Act and the programs related thereto;

(12) To accept gifts and grants of any property, real or personal, and to sell such property and expend such gifts or grants not inconsistent with the administration of the state plan for child support enforcement and within the limitations of the donor thereof;

(13) To review every three years or such shorter cycle as the division may establish, upon the request of the obligee, the obligor or if there is an assignment under Part A of the federal Social Security Act, upon the request of the division, obligee or obligor taking into account the best interest of the child, the adequacy of child support orders in IV-D cases to determine whether modification is appropriate pursuant to the guidelines established by supreme court rule 88.01, to establish rules pursuant to chapter 536, to define the procedure and frequency of such reviews, and to initiate proceedings for modification where such reviews determine that a modification is appropriate. This subdivision shall not be construed to require the division or its designees to represent the interests of an absent parent against the interests of a custodial parent or the state;

(14) To provide services relating to the establishment of paternity and the establishment, modification and enforcement of child support obligations.

The division shall provide such services:

(a) Unless, as provided in this chapter, good cause or other exception exists, to each child for whom:

a. Assistance is provided under the state program funded under Part IV-A of the Social Security Act;

b. Benefits or services for foster care maintenance are provided under the state program funded under Part IV-E of the Social Security Act; or

c. Medical assistance is provided under the state plan approved under Title XIX of the Social Security Act; and

(b) To any other child, if an individual applies for such services with respect to such child;

(15) To enforce support obligations established with respect to:

(a) A child for whom the state provides services under the state plan for child support; or

(b) The custodial parent of a child;

(16) To enforce support orders against the parents of the noncustodial parent, jointly and severally, in cases where such parents have a minor child who is the parent and the custodial parent is receiving assistance under the state program funded under Part A of Title IV of the Social Security Act; and

(17) To prevent a child support debtor from fraudulently transferring property to avoid payment of child support. If the division has knowledge of such transfer, the division shall:

(a) Seek to void such transfer; or

(b) Obtain a settlement in the best interest of the child support creditor.

3. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

(L. 1982 S.B. 468 § 1, A.L. 1985 H.B. 814, A.L. 1986 H.B. 1479, A.L. 1990 S.B. 834, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

Power to administer oaths, issue subpoenas, compel witnesses and produce documents.

454.401. 1. In all actions relating to the establishment of paternity, or to the establishment, modification or enforcement of a support order instituted pursuant to this chapter or upon request of a IV-D agency of another state, the director of the division shall have the power to administer oaths, issue subpoenas, compel witnesses and to require the production of books, accounts, documents and evidence.

2. If a person refuses to comply with a subpoena issued pursuant to subsection 1 of this section, the director may request the circuit court to issue an order requiring the person to appear before the director or the director's designee to produce such subpoenaed documentary evidence or give testimony. The court may issue an order which justice requires to protect such a person from undue annoyance, embarrassment, expense or oppression. If such person fails to comply with such an order, the court may find such person to be in contempt of court.

(L. 1997 S.B. 361)

Effective 7-1-97

Equipment purchased by county for support enforcement to be property of county.

454.402. The provisions of law, rule or regulation notwithstanding, any equipment purchased by a county of this state for child support enforcement purposes shall be the property of the county and not the state.

(L. 1986 H.B. 1479 § 4)

Social Security number required on all license, permit or certificate applications.

454.403. Notwithstanding any other provision of law to the contrary, applicants for a professional, occupational or recreational license not coming under the purview of the division of professional registration shall be required by the appropriate licensing authority to provide the applicant's Social Security number on any application for a license, permit or certificate, or any renewal of a license, permit or certificate. The family support division is authorized to coordinate with and assist with such licensing authorities to develop procedures to implement this requirement.

(L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

Enforcement of support obligations, counties to cooperate--agreements,contents, funding, cancellation--prosecuting attorneys,additional staff, funds.

454.405. 1. Each county shall cooperate with the family support division in the enforcement of support obligations under the state plan by appropriating a sufficient sum of money for the offices of the prosecuting attorney or, by entering into a multiple county agreement to share the costs of enforcement of support obligations and appropriating sufficient funds for such enforcement, and by appropriating to the circuit clerk a sufficient sum to enable those offices to perform any duty imposed under this law or any other law with respect to the enforcement of support obligations or to the transmittal of support moneys to the family support division for deposit in the state treasury to the credit of the child support enforcement fund.

2. The family support division shall enter into cooperative agreements with city or county governing bodies or officers, including, but not necessarily limited to, circuit courts, circuit clerks and prosecuting attorneys who choose to enter into a cooperative agreement, except that the director of the family support division may, not less than sixty days prior to the expiration date of an existing cooperative agreement, notify a city or county governing body or officer that the division will not enter into a cooperative agreement because the city or county governing body or officer failed to comply with the terms of the existing cooperative agreement, or with rules established by the division pursuant to subsection 4 of this section. The notice shall be in writing and shall set forth the reason for not entering into a new cooperative agreement. The notice shall be sent by certified mail, return receipt requested, to all city or county signatories of the existing cooperative agreement. Within thirty days of receipt of the notice, the city or county governing body or officer may submit to the director of the family support division objections to the findings of the director, or a proposed plan to bring the city, county or officer into compliance. The director shall respond to the objections or the proposed plan prior to the expiration date of the existing cooperative agreement.

3. The cooperative agreements to be executed shall provide, as a minimum, for the following:

(1) For the governing body of the city or county to hire such additional stenographic, secretarial and administrative assistants as may be required to administer the child support enforcement program within that jurisdiction or, if the city or county is a participant in a multiple county agreement, to participate in the cost of the additional staff;

(2) For the city or county, upon recommendation of the prosecuting attorney, to hire such additional assistant prosecuting attorneys as may be required to administer the child support enforcement program within that jurisdiction or, if the city or county is a participant in a multiple county agreement, to participate in the cost of attorneys retained for that purpose;

(3) For the city or county to furnish office space and other administrative requirements for the proper administration of the child support enforcement program within that jurisdiction or, if the city or county is a participant in a multiple county agreement, to participate in the cost of the office space and other administrative requirements;

(4) For the reimbursement by the state from moneys received from the federal government of reasonable and necessary costs, as determined by the director of the family support division, associated with enforcement of support obligations by the county or city or, if applicable, the multiple

county unit, at the applicable rate, to be paid at least monthly if properly authenticated vouchers are submitted by the city or county. Payments shall be made no later than thirty days from the date of submission of the vouchers;

(5) For the city or county or, if applicable, the multiple county unit, to maintain financial and performance records required by federal regulation to be available for inspection by representatives of the department of social services, the state auditor, or the United States Department of Health and Human Services; and

(6) For the payment of incentive payments by the state from moneys received from the federal government as provided by the Social Security Act and federal and state regulations promulgated thereunder. The family support division shall calculate and promptly pay to the city or county a basic incentive payment not less than the minimum incentive payment rate established by 45 CFR 303.52; provided, however, that the total amount paid as incentives for non-AFDC collections shall not exceed the total amount paid as incentives for AFDC collections, unless otherwise agreed upon in the cooperative agreement between the state and county or city. Incentive payments by the state to the counties shall not occur for any period during which the state does not receive incentive payments from the federal government.

4. The family support division shall have the authority to promulgate rules pursuant to this section, section 454.400 and chapter 536 in order to establish criteria for record keeping and performance relating to the effective administration of the child support enforcement program, which shall apply to a city or county office or officer, or multiple county unit, with whom a cooperative agreement is entered. The division may cancel a cooperative agreement with a city or county office if the office fails to comply with the rules established under this subsection, or fails to comply with the terms of the cooperative agreement. The division director shall notify the city or county governing body or officer in writing, setting forth the reason for the cancellation. Notice of cancellation shall be sent by certified mail, return receipt requested, to all city or county signatories of the cooperative agreement, and shall be mailed at least sixty days prior to the effective date of cancellation. Within thirty days of receipt of the notice, the city or county governing body or officer may submit to the director of the family support division objections to the findings of the director, or a proposed plan to bring the city, county or officer into compliance with the cooperative agreement or rules established under this subsection. The director shall respond to the objections or proposed plan prior to the effective date of cancellation.

5. At any time after the director determines not to enter into a cooperative agreement under subsection 2 of this section or cancels a cooperative agreement under subsection 4 of this section, the city or county governing body or officer may request that a new cooperative agreement be negotiated. At the time of the request, the city or county governing body or officer shall submit a proposed plan for compliance with a cooperative agreement or with rules established under this section. After the request and submission of the proposed plan, the director may enter into a cooperative agreement with the city or county governing body or officer. The cooperative agreement shall contain the provisions set out in subsection 3 of this section.

6. The limitations set out in chapter 56 regarding the salaries and the number of assistant prosecuting attorneys and the stenographic or administrative personnel shall not apply, and the county or city governing body shall appropriate sufficient funds to compensate such additional staff or multiple county unit for implementing the provisions of the child support enforcement program.

7. With the approval of the city or county governing body and the director of the family support division, and for the purpose of investigating the child support cases, the prosecuting attorney, circuit attorney or multiple county unit may employ sufficient investigators to properly administer the provisions of the child support enforcement program.

(L. 1982 S.B. 468 § 2, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1990 S.B. 834, A.L. 1993 S.B. 52, A.L. 2014 H.B. 1299 Revision)

Duties of the family support division.

454.408. The family support division:

(1) Shall determine whether a person who has applied for or is receiving assistance from a program funded pursuant to Part A or Part E of Title IV of the Social Security Act, Title XIX of the Social Security Act or the Food Stamp Act is cooperating in good faith with the division in establishing the paternity of, or in establishing, modifying or enforcing a support order for any child of such person by providing the division with the name of the noncustodial parent or any other information the division may require. The division may, by regulation, excuse compliance with the provisions of this subsection on a case-by-case basis for good cause or other exceptions as the division may deem to be in the best interest of the child;

(2) Shall require as a condition of cooperation that such person supply additional information deemed necessary by the division and appear at any interviews, hearings or legal proceedings;

(3) Shall require as a condition of cooperation that such person and such person's child submit to genetic testing pursuant to a judicial or administrative order;

(4) May request that such person sign a voluntary acknowledgment of paternity, after notice of the rights and consequences of such an acknowledgment, but may not require such person to sign an acknowledgment or otherwise relinquish the right to a genetic test as a condition of cooperation and eligibility for assistance from a state program funded pursuant to Part A or Part E of Title IV of the Social Security Act, Title XIX of the Social Security Act or the Food Stamp Act; and

(5) Shall promptly notify such person, the family support division, or the MO HealthNet division of every determination made pursuant to this section, including a determination that such person is not cooperative and the basis for such determination.

(L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 2014 H.B. 1299 Revision)

Assignment of support rights, obligation to state, when.

454.410. Support rights assigned to the state shall constitute an obligation owed to the state by the person responsible for providing such support and the obligation shall be collectible pursuant to all legal processes.

(L. 1982 S.B. 468 § 3, A.L. 1986 H.B. 1479, A.L. 1997 S.B. 361)

Effective 7-1-97

CROSS REFERENCE:

Lottery winnings subject to delinquent child support payments, 313.321

State case registry established, records kept.

454.412. 1. The division shall establish a "State Case Registry" which shall contain records of:

- (1) Each case in which services are provided by the division pursuant to this chapter; and
- (2) Each support order established or modified in the state on or after October 1, 1998.

2. The records in the state case registry shall use standardized data elements for both parents, including, but not limited to, the names, Social Security numbers, other uniform identification numbers, dates of birth, case identification numbers and any other information as required by federal statutes and regulations.

3. The clerk of the circuit court shall be responsible for providing the division with data elements for each support order established or modified by the circuit court on or after October 1, 1998. The data shall be provided in a format established by the division and may be furnished electronically.

4. Information in the state case registry shall be furnished to the Federal Case Registry of Child Support Orders established as provided for by 42 U.S.C. section 654A, and other federal and state agencies pursuant to federal statutes and regulations.

(L. 1997 S.B. 361)

Effective 7-1-97

Filing with the state case registry, when.

454.413. 1. Each party to a paternity or child support proceeding establishing, modifying or enforcing a support order pursuant to chapter 210, chapter 211, chapter 452, or this chapter, shall file with the state case registry upon entry of an order, information on the location and identity of such party including the party's Social Security number, residential address, mailing address, telephone number, driver's license number and the name, address and telephone number of the party's employer. If such information changes, such party shall provide the new information to the state case registry within thirty days of any such change.

2. In any subsequent child support enforcement action between the parties, the court or division shall deem that the due process requirements for notice and service of process are met with respect to such party upon a sufficient showing that diligent effort has been made to ascertain the location of a party including written notice by certified mail to the last known address of the party and attempted service by publication, and written notice has been delivered to the most recent residential or employer address of such party filed with the state case registry.

(L. 1997 S.B. 361, A.L. 1998 S.B. 910)

Definitions--assignment of support rights to division,procedure--clerk of court or family support payment center madetrustee, when, duties--termination of assignment, effect of.

454.415. 1. For the purposes of this section, the term "IV-A agency" shall mean:

(1) An agency that has been designated by a state to administer programs pursuant to Title IV-A of the Social Security Act;

(2) An agency that has been designated by a state to administer programs pursuant to Title IV-D of the Social Security Act; or

(3) Any other entity entitled to receive and disburse child support payments in that state.

2. When a court has ordered support payments to a person who has made an assignment of support rights to the family support division or the IV-A agency of another state on behalf of this or such other state, the family support division shall notify the court.

(1) Until October 1, 1999, upon such notice, the court shall order all support payments to be made to the clerk of the court as trustee for the division of family services or the other state's IV-A agency, whichever is appropriate, as assignee of the support rights. The clerk shall forward all support payments to the department of social services, which payments have been identified by the department for deposit in the appropriate fund within the state treasury when assignments have been made to the division of family services. The clerk shall forward support payments to the other state's IV-D agency when assignments have been made to that state's IV-A agency. Notification to the court by the division of child support enforcement of the assignment of support rights shall, in and of itself, authorize the court to make the clerk trustee, notwithstanding any provision of any existing court order, statute, or other law to the contrary, and the court need not hold a hearing on the matter. The amount of the obligation owed to this state or the other state's IV-A agency shall be the amount specified in a court order which covers the assigned rights. The clerk shall keep an accurate record of such orders and such payments and shall note such assignment in the case file in such a manner as to make the fact of the assignment easily discernible.

(2) Effective October 1, 1999, support payments are to be made to the payment center pursuant to section 454.530 as trustee for the family support division or other state's IV-A agency, whichever is appropriate, as assignee of the support rights. The payment center shall forward all support payments to the state, which payments have been identified by the family support division for deposit in the appropriate fund within the state treasury when assignments have been made to the family support division. The payment center shall forward support payments to the other state's IV-D agency when assignments have been made to that state's IV-A agency. Notification to the court by the family support division of the assignment of support rights shall, in and of itself, make the payment center trustee, notwithstanding any provision of any existing court order or state law to the contrary, and the court shall not be required to hold a hearing on the matter. The amount of the obligation owed to this state or the other state's IV-A agency shall be the amount specified in a court order which covers the assigned rights. The payment center shall keep an accurate record of such orders and payments.

3. (1) Upon termination of the assignment for any case in which payments are not to be made to the payment center pursuant to section 454.530, the clerk of the court shall continue as trustee for the family support division or the other state's IV-A agency for any accrued unpaid support at the time of the termination and as trustee for the obligee for any support becoming due after the termination. If there has been an assignment to the family support division and there is no current assignment to another state's IV-A agency, the clerk of the court shall forward to the obligee all payments for support accruing subsequent to the termination and shall forward to the department of social services all payments for support which had accrued and were unpaid at the time of the termination. If there has been an assignment to another state's IV-A agency and there is no current assignment to the family support division, the clerk of the court shall continue to forward to that state's IV-D agency all payments for support accruing subsequent to the termination of the assignment as well as all payments for support which had accrued and were unpaid at the time of the termination. When there has been an assignment to the family support division, the clerk of the court shall apply payments first to support which has accrued subsequent to the termination, to the extent thereof, and then to support which accrued prior to termination, except such payments collected by the family support division through debt setoff or legal process shall be forwarded to the department of social services, unless the department of social services directs otherwise. After termination of the assignment, the trusteeship may be dissolved upon motion of a party after notice and hearing on behalf of all parties to the proceeding or pursuant to subsections 3 to 7 of section 454.430. Prior to termination of the assignment, no motion may be filed, nor maintained, for the purpose of terminating or abating any trusteeship in favor of the family support division or another state's IV-A agency.

(2) Effective October 1, 1999, upon termination of the assignment for any case in which payments are to be made to the payment center pursuant to section 454.530, the payment center shall continue as trustee for the family support division or the other state's IV-A agency for any accrued unpaid support at the time of the termination and as trustee for the obligee for any support coming due after the termination. If there has been an assignment to the family support division and there is no current assignment to another state's IV-A agency, the payment center shall forward to the obligee all payments for support which accrue after the termination and shall forward to the family support division all payments for support which had accrued and were unpaid at the time of termination. If there has been an assignment to another state's IV-A agency and there is no current assignment to the family support division, the payment center shall continue to forward to that state's IV-D agency all payments for support which accrue after the termination of the assignment as well as all payments for support which had accrued and were unpaid at the time of termination. If there has been an assignment to the family support division, the payment center shall apply payments first to support which accrues after the termination, to the extent thereof, and then to support which accrued prior to termination; except that such payments collected by the family support division through debt setoff or legal process shall be forwarded to the family support division, unless the division directs otherwise. After termination of the assignment, the trusteeship may be dissolved upon motion of a party after notice and hearing on behalf of all parties to the proceeding or pursuant to subsections 3 to 7 of section 454.430. Prior to termination of the assignment, no motion shall be filed or maintained for the purpose of terminating or abating any trusteeship in favor of the family support division or another state's IV-A agency.

4. For purposes of this section, "assignment" includes an assignment to the state by a person who has applied or is receiving assistance under a program funded pursuant to Part A of Title IV or Title XIX of the Social Security Act.

(L. 1982 S.B. 468 § 4, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361, A.L. 1999 S.B. 291, A.L. 2014 H.B. 1299 Revision)

Legal actions to establish or enforce support obligations, brought, by whom, procedure--assignment to division terminates, when, effect--money collected, where deposited.

454.420. Any legal action necessary to establish or enforce support obligations owed to the state shall be brought by prosecuting attorneys, or other attorneys under cooperative agreement with the family support division, upon being furnished notice by the division of such obligation. If the amount of the support obligation owed to the state has not been determined because no court order exists, the family support division may refer the case to the appropriate prosecuting attorney, or other attorney under cooperative agreement with the division, for establishment and enforcement of a support order or order for reimbursement. When a recipient is no longer eligible for aid to families with dependent children benefits, the assignment shall terminate, unless the recipient and the family support division agree otherwise, except for those unpaid support obligations still owing to the state under the assignment at the time of the discontinuance of aid. Upon referral from the family support division, such unpaid obligations shall be collected by the prosecuting attorney, or other attorney under cooperative agreement with the division, up to the amount of unreimbursed aid paid by the family support division prior to or after execution of the assignment of support rights. Moneys collected pursuant to this section shall be paid to the department of social services for deposit in the child support enforcement fund in the state treasury.

(L. 1982 S.B. 468 § 5, A.L. 1986 H.B. 1479, A.L. 2014 H.B. 1299 Revision)

Support enforcement services by division, when, for whom--fees, when allowed.

454.425. The family support division shall render child support services authorized pursuant to this chapter to persons who are not recipients of public assistance as well as to such recipients. Services may be provided to children, custodial parents, noncustodial parents and other persons entitled to receive support. An application may be required by the division for services and fees may be charged by the division pursuant to 42 U.S.C. Section 654 and federal regulations. Services provided under a state plan shall be made available to residents of other states on the same terms as residents of this state. If a family receiving services ceases to receive assistance under a state program funded under Part A of Title IV of the Social Security Act, the division shall provide appropriate notice to such family, and services shall continue under the same terms and conditions as that provided to other individuals under the state plan, except that an application for continued services shall not be required and the requirement for payment of fees shall not apply to the family.

(L. 1982 S.B. 468 § 6, A.L. 1986 H.B. 1479, A.L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

(2011) Section authorizes Department of Social Services to enter child support orders on behalf of persons who are not citizens of the United States. *Lajeunesse v. State of Missouri, Department of Social Services*, 350 S.W.3d 842 (Mo.App.W.D.).

IV-D agency, defined--clerk of court or family support payment center to serve as trustee, when, duties--termination of trustee responsibilities by division, procedure.

454.430. 1. For the purposes of this section, the term "IV-D agency" means an agency that has been designated by a state to administer programs pursuant to Title IV-D of the Social Security Act or any other entity entitled to receive and disburse child support payments in that state.

2. When a court has ordered support payments to a person who is receiving child support services pursuant to section 454.425, or pursuant to application for IV-D agency services in another state, the family support division shall so notify the court. Until October 1, 1999, upon such notice the court shall order all support payments to be made to the clerk of the court as trustee for such person. The notification to the court by the division shall, in and of itself, authorize the court to make the clerk trustee, notwithstanding any provision of any existing court order, statute, or other law to the contrary, and the court need not hold a hearing on the matter. The clerk shall keep an accurate record of such orders and such payments, and shall report all such collections to the division in the manner specified by the division. The circuit clerk shall forward all such payments to the person receiving child support services pursuant to section 454.425, or to the IV-D agency in the state in which the person is currently receiving IV-D services, as appropriate. Effective October 1, 1999, upon notice by the division, all support payments shall be made to the payment center pursuant to section 454.530 as trustee for such person. The notification by the division shall, in and of itself, authorize the payment center pursuant to section 454.530 to be trustee, notwithstanding any provision of any existing court order or state law to the contrary, and the court shall not be required to hold a hearing on the matter. The payment center shall keep an accurate record of such orders and payments, and shall report all such collections to the division in a manner specified by the division. The payment center shall forward all such payments to the person receiving child support services pursuant to section 454.425 or to the IV-D agency in the state in which the person is currently receiving IV-D services, as appropriate.

3. The division is authorized to terminate trusteeship responsibilities for future support in IV-D cases pursuant to the procedures set forth in this section. If the division determines that the order no longer provides a continuing obligation for support or the custodial party is no longer receiving child support enforcement services, the division shall send a notice of its intent to terminate the trusteeship by regular mail to the custodial and noncustodial parties. The notice shall advise each party that unless written objection is received by the division within fifteen days of the date the notice is sent, the trusteeship for current support shall be terminated. Unless a party objects to the termination of the trusteeship in writing within the specified period, the division shall terminate the trusteeship for current support.

4. If an objection is filed by either party to the case, the trusteeship may be terminated for future support only upon the filing of a motion with the court in which the trusteeship is established and after notice to all parties and hearing on the motion.

5. If the requirements of subsection 3 of this section have been met, the trusteeship responsibilities for future support shall terminate. The trusteeship shall remain in effect only to the extent that payments are made to satisfy any accrued unpaid support that was due as of the date of the notice. The notice shall, in and of itself, terminate the trusteeship responsibilities for future support, and the court need not hold a hearing on the matter.

6. Any party whose trusteeship is terminated pursuant to this section may reopen a trusteeship pursuant to section 452.345.

7. Termination of a trusteeship pursuant to this section shall not, in and of itself, constitute a judicial determination as to the rights of a party to receive support or the obligation of a party to pay support pursuant to a support order entered in the case.

(L. 1982 S.B. 468 § 7, A.L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1999 S.B. 291, A.L. 2014 H.B. 1299 Revision)

Circuit clerk, recording of credits for amounts not received, restrictions, credits on state debt for job training and education, conditions and restrictions.

454.432. 1. The circuit clerk in a case that is not a IV-D case or the division in a IV-D case shall record credits on the automated child support system records established pursuant to this chapter or chapter 452 for amounts not received by the clerk or the division.

2. Credits allowed pursuant to this section shall include, but not be limited to, in-kind payments as provided in this section, amounts collected from an obligor from federal and state income tax refunds, state lottery payments, Social Security payments, unemployment and workers' compensation benefits, income withholdings authorized by law, liens, garnishment actions, abatements pursuant to section 452.340, and any other amounts required to be credited by statute or case law.

3. Credits shall be recorded on the trusteeship record for payments received by the family support division and, at the discretion of the family support division, and upon receipt of waivers requested pursuant to subsection 4 of this section, credits may be given on state debt judgments obtained pursuant to subsection 1 of section 454.465 for completion of such activities as job training and education, if mutually agreed upon by the division and the obligor. The circuit clerk shall make such credits upon receipt of paper or electronic notification of the amount of the credit from the division. The division may record the credit or adjust the records to reflect payments and disbursements shown on the trusteeship record when the trusteeship record is contained or maintained in the automated child support system established in this chapter.

4. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements pursuant to federal law necessary to implement the provisions of subsection 3 of this section.

5. Credits shall be entered on the automated child support system for direct and in-kind payments received by the custodial parent when the custodial parent files an affidavit stating the particulars of the direct and in-kind payments to be credited on the court record with the circuit clerk;

however, no such credits shall be entered for periods during which child support payments are assigned to the state pursuant to law. Such credits may include, but shall not be limited to, partial and complete satisfaction of judgment for support arrearages.

6. Nothing contained in this section shall prohibit satisfaction of judgment as provided for in sections 511.570 to 511.620 and by supreme court rule.

7. Application for the federal earned income tax credit shall, when applicable, be required as a condition of participating in the alternative child support credit programs of subsection 3 of this section.

(L. 1993 S.B. 253 § 2, A.L. 1994 H.B. 1547 & 961, A.L. 1998 S.B. 910, A.L. 1999 S.B. 291, A.L. 2014 H.B. 1299 Revision)

Order of foreign courts, notification by division, duties of circuitclerk--clerk or family support payment center trustee, duty to keep records.

454.433. 1. When a tribunal of another state as defined in section 454.850 has ordered support payments to a person who has made an assignment of child support rights to the family support division or who is receiving child support services pursuant to section 454.425, the family support division may notify the court of this state in the county in which the obligor, obligee or the child resides or works. Until October 1, 1999, upon such notice the circuit clerk shall accept all support payments and remit such payments to the person or entity entitled to receive the payments. Effective October 1, 1999, the division shall order the payment center to accept all support payments and remit such payments to the person or entity entitled to receive the payments.

2. Notwithstanding any provision of law to the contrary, the notification to the court by the division shall authorize the court to make the clerk trustee. The clerk shall keep an accurate record of such payments and shall report all collections to the division in the manner specified by the division. Effective October 1, 1999, the duties of the clerk as trustee pursuant to this section shall terminate and all payments shall be made to the payment center pursuant to section 454.530.

(L. 1996 H.B. 992, A.L. 1999 S.B. 291, A.L. 2014 H.B. 1299 Revision)

Prosecuting attorneys, cooperative or multiple county agreement,duties--other attorneys may prosecute, when.

454.435. 1. Each prosecuting attorney may enter into a cooperative agreement or may enter into a multiple county agreement to litigate or prosecute any action necessary to secure support for any person referred to such office by the family support division including, but not limited to, reciprocal actions under this chapter, actions to establish, modify and enforce support obligations, actions to enforce medical support obligations ordered in conjunction with a child support obligation, actions to obtain reimbursement for the cost of medical care provided by the state for which an obligor is liable under subsection 9 of section 208.215, and actions to establish the paternity of a child for whom support is sought. In all cases where a prosecuting attorney seeks the establishment or modification of a support obligation, the prosecuting attorney shall, in addition to periodic monetary support, seek and enforce orders from the court directing the obligated parent to maintain

medical insurance on behalf of the child for whom support is sought, which insurance shall, in the opinion of the court, be sufficient to provide adequate medical coverage; or to otherwise provide for such child's necessary medical expenses.

2. In all cases where a prosecuting attorney has entered into a cooperative agreement to litigate or prosecute an action necessary to secure child support, and an information is not filed or civil action commenced within sixty days of the receipt of the referral from the division, the division may demand return of the referral and the case filed and the prosecuting attorney shall return the referral and the case file. The division may then use any other attorney which it employs or with whom it has a cooperative agreement to establish or enforce the support obligation.

3. As used in this section, the term "prosecuting attorney" means, with reference to any city not within a county, the circuit attorney.

4. Prosecuting attorneys are hereby authorized to initiate judicial or administrative modification proceedings on IV-D cases at the request of the division.

(L. 1982 S.B. 468 § 8, A.L. 1984 S.B. 675, A.L. 1986 H.B. 1479, A.L. 1987 H.B. 484 merged with S.B. 65, et al., A.L. 1988 H.B. 1272, et al., A.L. 1990 S.B. 834, A.L. 2014 H.B. 1299 Revision)

Definitions--division may use parent locator service, when--financial entities to provide information, when, penalty for refusal, immunity--statement of absent parents, contents--prohibited acts, penalties--confidentiality of records, exceptions, penalties.

454.440. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Business" includes any corporation, partnership, association, individual, and labor or other organization including, but not limited to, a public utility or cable company;

(2) "Division", the Missouri family support division of the department of social services;

(3) "Financial entity" includes any bank, trust company, savings and loan association, credit union, insurance company, or any corporation, association, partnership, or individual receiving or accepting money or its equivalent on deposit as a business;

(4) "Government agency", any department, board, bureau or other agency of this state or any political subdivision of the state;

(5) "Information" includes, but is not necessarily limited to, the following items:

(a) Full name of the parent;

(b) Social Security number of the parent;

(c) Date of birth of the parent;

(d) Last known mailing and residential address of the parent;

(e) Amount of wages, salaries, earnings or commissions earned by or paid to the parent;

- (f) Number of dependents declared by the parent on state and federal tax information and reporting forms;
 - (g) Name of company, policy numbers and dependent coverage for any medical insurance carried by or on behalf of the parent;
 - (h) Name of company, policy numbers and cash values, if any, for any life insurance policies or annuity contracts, carried by or on behalf of, or owned by, the parent;
 - (i) Any retirement benefits, pension plans or stock purchase plans maintained on behalf of, or owned by, the parent and the values thereof, employee contributions thereto, and the extent to which each benefit or plan is vested;
 - (j) Vital statistics, including records of marriage, birth or divorce;
 - (k) Tax and revenue records, including information on residence address, employer, income or assets;
 - (l) Records concerning real or personal property;
 - (m) Records of occupational, professional or recreational licenses or permits;
 - (n) Records concerning the ownership and control of corporations, partnerships or other businesses;
 - (o) Employment security records;
 - (p) Records concerning motor vehicles;
 - (q) Records of assets or liabilities;
 - (r) Corrections records;
 - (s) Names and addresses of employers of parents;
 - (t) Motor vehicle records; and
 - (u) Law enforcement records;
- (6) "Parent", a biological or adoptive parent, including a presumed or putative father. The word parent shall also include any person who has been found to be such by:
- (a) A court of competent jurisdiction in an action for dissolution of marriage, legal separation, or establishment of the parent and child relationship;
 - (b) The division under section 454.485;
 - (c) Operation of law under section 210.823; or
 - (d) A court or administrative tribunal of another state.

2. For the purpose of locating and determining financial resources of the parents relating to establishment of paternity or to establish, modify or enforce support orders, the division or other state IV-D agency may request and receive information from the federal Parent Locator Service, from available records in other states, territories and the District of Columbia, from the records of all government agencies, and from businesses and financial entities. A request for information from a

public utility or cable television company shall be made by subpoena authorized pursuant to this chapter. The government agencies, businesses, and financial entities shall provide information, if known or chronicled in their business records, notwithstanding any other provision of law making the information confidential. In addition, the division may use all sources of information and available records and, pursuant to agreement with the secretary of the United States Department of Health and Human Services, or the secretary's designee, request and receive from the federal Parent Locator Service information pursuant to 42 U.S.C. Sections 653 and 663, to determine the whereabouts of any parent or child when such information is to be used to locate the parent or child to enforce any state or federal law with respect to the unlawful taking or restraining of a child, or of making or enforcing a child custody or visitation order.

3. Notwithstanding the provisions of subsection 2 of this section, no financial entity shall be required to provide the information requested by the division or other state IV-D agency unless the division or other state IV-D agency alleges that the parent about whom the information is sought is an officer, agent, member, employee, depositor, customer or the insured of the financial institution, or unless the division or other state IV-D agency has complied with the provisions of section 660.330.

4. Any business or financial entity which has received a request from the division or other state IV-D agency as provided by subsections 2 and 3 of this section shall provide the requested information or a statement that any or all of the requested information is not known or available to the business or financial entity, within sixty days of receipt of the request and shall be liable to the state for civil penalties up to one hundred dollars for each day after such sixty-day period in which it fails to provide the information so requested. Upon request of the division or other state IV-D agency, the attorney general shall bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The court shall have the authority to determine the amount of the civil penalty to be assessed.

5. Any business or financial entity, or any officer, agent or employee of such entity, participating in good faith in providing information requested pursuant to subsections 2 and 3 of this section shall be immune from liability, civil or criminal, that might otherwise result from the release of such information to the division.

6. Upon request of the division or other state IV-D agency, any parent shall complete a statement under oath, upon such form as the division or other state IV-D agency may specify, providing information, including, but not necessarily limited to, the parent's monthly income, the parent's total income for the previous year, the number and name of the parent's dependents and the amount of support the parent provides to each, the nature and extent of the parent's assets, and such other information pertinent to the support of the dependent as the division or other state IV-D agency may request. Upon request of the division or other state IV-D agency, such statements shall be completed annually. Failure to comply with this subsection is a class A misdemeanor.

7. The disclosure of any information provided to the business or financial entity by the division or other state IV-D agency, or the disclosure of any information regarding the identity of any applicant for or recipient of public assistance, by an officer or employee of any business or financial entity, or by any person receiving such information from such employee or officer is prohibited. Any person violating this subsection is guilty of a class A misdemeanor.

8. Any person who willfully requests, obtains or seeks to obtain information pursuant to this section under false pretenses, or who willfully communicates or seeks to communicate such information to any agency or person except pursuant to this chapter, is guilty of a class A misdemeanor.

9. For the protection of applicants and recipients of services pursuant to sections 454.400 to 454.645, all officers and employees of, and persons and entities under contract to, the state of Missouri are prohibited, except as otherwise provided in this subsection, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of services or relating to proceedings or actions to establish paternity or to establish or enforce support, or relating to the contents of any records, files, papers and communications, except in the administration of the child support program or the administration of public assistance, including civil or criminal proceedings or investigations conducted in connection with the administration of the child support program or the administration of public assistance. Such officers, employees, persons or entities are specifically prohibited from disclosing any information relating to the location of one party to another party:

(1) If a protective order has been entered against the other party; or

(2) If there is reason to believe that such disclosure of information may result in physical or emotional harm to the other party.

In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of child support services or public assistance, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence. Nothing in this subsection shall be construed to prohibit the circuit clerk from releasing information, not otherwise privileged, from court records for reasons other than the administration of the child support program, if such information does not identify any individual as an applicant for or recipient of services pursuant to sections 454.400 to 454.645. Anyone who purposely or knowingly violates this subsection is guilty of a class A misdemeanor.

(L. 1982 S.B. 468 § 9, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1994 H.B. 1491 & 1134 merged with S.B. 508, A.L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 2007 S.B. 25, A.L. 2014 H.B. 1299 Revision)

Fees for certain actions and documents, division not required to pay.

454.445. No deposit or other filing fee, court fee, library fee, or fee for making copies of documents shall be required to be paid by the family support division, or any attorney bringing action pursuant to a referral by the family support division, by any circuit clerk or other county or state officer for the filing of any action or document necessary to establish paternity, or to establish, modify or enforce a child support obligation.

(L. 1982 S.B. 468 § 10, A.L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 2014 H.B. 1299 Revision)

Support money owed state due, when, failure to pay within time limit,rights of family services--agreements for collection of support,invalid, when, fee allowed person making collection, when,amount--depriving division of support payments, penalty.

454.450. 1. Whenever a custodian of a child, or other person, receives support moneys paid to him or her, which moneys are paid in whole or in part in satisfaction of a support obligation which is owed to the family support division under subsection 2 of section 454.465, or which has been assigned to the family support division under subsection 2 of section 208.040, the moneys shall be remitted to the department of social services within ten days of receipt by such custodian or other person. If not so remitted, such custodian or other person shall be indebted to the department in an amount equal to the amount of the support money received and not remitted. By not paying over the moneys to the department, such custodian or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the family support division of any support delinquency owed which is not already assigned to the family support division or to any support delinquency which may accrue in the future in an amount equal to the amount of the support money retained. The department may utilize any available administrative or legal process to collect the assigned delinquency to effect recoupment and satisfaction of the debt incurred by reason of the failure of such custodian or other person to remit. The department is also authorized to make a setoff to effect satisfaction of the debt by deduction from support moneys in its possession or in the possession of any clerk of the court or other forwarding agent which would otherwise be payable to such custodian or other person for the satisfaction of any support delinquency. Nothing in this section authorizes the department to make a setoff as to current support paid during the month for which the payment is due and owing.

2. A custodian of a child, or other person, who has made an assignment of support rights to the family support division shall not make any agreement with any private attorney or other person regarding the collection of assigned support obligations without approval of the department of social services. If any private attorney or other person who in good faith and without knowledge of such assignment collects all or part of the assigned support obligations, any agreement regarding the distribution of the proceeds of the assigned support obligations by such private attorney or other person shall not bind the department; provided, however, the department shall be liable to such private attorney or other person for a fee computed in accordance with subsection 3 of this section. When a private attorney or other person has begun to collect a support obligation, and thereafter a notice of assignment of support rights to the division is filed with the court pursuant to section 454.415, notice of such assignment shall be given to that attorney or other person as provided by supreme court rule 43.01.

3. (1) Where an assignment of support rights has been made to the family support division but notice of such assignment was not filed with the court pursuant to section 454.415, a private attorney who in good faith and without knowledge of such assignment collects all or part of such assigned support obligation shall be awarded by the department a fee of twenty-five percent of the support obligation collected. Such fees shall be paid out of state funds in lieu of federal funds.

(2) Where an assignment of support rights has been made to the family support division and notice of the assignment was not filed with the court pursuant to section 454.415 until after the private attorney has begun collection proceedings, a private attorney who collects assigned support obligations shall be awarded a fee, as the court shall determine, based upon the time expended, but in no event shall the fee exceed twenty-five percent of the support obligation collected.

(3) Where no assignment of support rights has been made to the family support division until after the private attorney has collected any part of the support obligation, no recoupment shall be had by the department of the portion collected, and the fee awarded to the private attorney or other person shall be the fee negotiated between the client and the private attorney or other person.

4. A person commits the crime of stealing, as defined by section 570.030, if such person takes, obtains, uses, transfers, conceals, or retains possession of child support payments which have been assigned to the family support division with the purpose to deprive the division thereof, either without the consent of the division or by means of deceit or coercion.

(L. 1982 S.B. 468 § 11, A.L. 1986 H.B. 1479, A.L. 1988 H.B. 1272, et al., A.L. 2014 H.B. 1299 Revision)

Assignments by caretaker relatives, terminate, when, exceptions--caretaker relative defined.

454.455. 1. In any case wherein an order for child support has been entered and the legal custodian and obligee pursuant to the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, and the caretaker relative makes an assignment of support rights to the family support division in order to receive aid to families with dependent children benefits, the relinquishment and the assignment, by operation of law, shall transfer the child support obligation pursuant to the order to the division in behalf of the state. The assignment shall terminate when the caretaker relative no longer has physical custody of the child, except for those unpaid support obligations still owing to the state pursuant to the assignment at that time.

2. As used in subsection 1 of this section, the term "caretaker relative" includes only those persons listed in subdivision (2) of subsection 1 of section 208.040.

3. If an order for child support has been entered, no assignment of support has been made, and the legal custodian and obligee under the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, or the child is placed by the court in the legal custody of a state agency, the division may, thirty days after the transfer of custody and upon notice to the obligor and obligee, direct the obligor or other payer to change the payee to the caretaker relative or appropriate state agency. An order changing the payee to a caretaker relative shall terminate when the caretaker relative no longer has physical custody of the child, or the state agency is relieved of legal custody, except for the unpaid support obligations still owed to the caretaker relative or the state.

4. If there has been an assignment of support to an agency or division of the state or a requirement to pay through a state disbursement unit, the division may, upon notice to the obligor and obligee, direct the obligor or other payer to change the payee to the appropriate state agency.

(L. 1982 S.B. 468 § 12, A.L. 1986 H.B. 1479, A.L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 2007 S.B. 25, A.L. 2014 H.B. 1299 Revision)

Definitions.

454.460. As used in sections 454.400 to 454.560, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Court", any circuit court of this state and any court or agency of any other state having jurisdiction to determine the liability of persons for the support of another person;
- (2) "Court order", any judgment, decree, or order of any court which orders payment of a set or determinable amount of support money;
- (3) "Department", the department of social services of the state of Missouri;
- (4) "Dependent child", any person under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the Armed Forces of the United States;
- (5) "Director", the director of the family support division, or the director's designee;
- (6) "Division", the family support division of the department of social services of the state of Missouri;
- (7) "IV-D agency", an agency designated by a state to administer programs under Title IV-D of the Social Security Act;
- (8) "IV-D case", a case in which services are being provided pursuant to section 454.400;
- (9) "Obligee", any person, state, or political subdivision to whom or to which a duty of support is owed as determined by a court or administrative agency of competent jurisdiction;
- (10) "Obligor", any person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction;
- (11) "Parent", a biological or adoptive parent, including a presumed or putative father. The word parent shall also include any person who has been found to be such by:
 - (a) A court of competent jurisdiction in an action for dissolution of marriage, legal separation, or establishment of the parent and child relationship;
 - (b) The division under section 454.485;
 - (c) Operation of law under section 210.823; or
 - (d) A court or administrative tribunal of another state;
- (12) "Public assistance", any cash or benefit pursuant to Part IV-A, Part IV-B, Part IV-E, or Title XIX of the federal Social Security Act paid by the department to or for the benefit of any dependent child or any public assistance assigned to the state;
- (13) "State", any state or political subdivision, territory or possession of the United States, District of Columbia, and the Commonwealth of Puerto Rico;
- (14) "Support order", a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority pursuant to the

law of the issuing state, or of the parent with whom the child is living and providing monetary support, health care, child care, arrearages or reimbursement for such child, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees and other relief.

(L. 1982 S.B. 468 § 13, A.L. 1986 H.B. 1479, A.L. 1988 H.B. 1272, et al., A.L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 1999 S.B. 291, A.L. 2007 S.B. 25, A.L. 2014 H.B. 1299 Revision)

State debt, defined, calculation--rights of division regarding statedebts--service of process, procedure.

454.465. 1. For purposes of sections 454.460 to 454.505, a payment of public assistance by the family support division to or for the benefit of any dependent child, including any payment made for the benefit of the caretaker of the child, creates an obligation, to be called "state debt", which is due and owing to the department by the parent, or parents, absent from the home where the dependent child resided at the time the public assistance was paid. The amount of the state debt shall be determined as follows:

(1) Where there exists a court order directed to a parent which covers that parent's support obligation to a dependent during a period in which the family support division provided public assistance to or for the benefit of that dependent, the state debt of that parent shall be an amount equal to the obligation ordered by the court, including arrearages and unpaid medical expenses, up to the full amount of public assistance paid; or

(2) Where no court order covers a parent's support obligation to a dependent during a period in which the family support division provided public assistance to or for the benefit of that dependent, the state debt may be set or reset by the director in an amount not to exceed the amount of public assistance so provided by the family support division.

2. No agreement between any obligee and any obligor regarding any duty of support, or responsibility therefor, or purporting to settle past, present, or future support obligations either as settlement or prepayment shall act to reduce or terminate any rights of the division to recover from that obligor for public assistance provided.

3. The division shall have the right to make a motion to a court or administrative tribunal for modification of any court order creating a support obligation which has been assigned to the family support division to the same extent as a party to that action.

4. The department, or any division thereof, as designated by the department director is hereby authorized to promulgate such rules pursuant to section 454.400 and chapter 536 as may be necessary to carry out the provisions of this chapter and the requirements of the federal Social Security Act, including, but not necessarily limited to, the opportunity for a hearing to contest an order of the division establishing or modifying support rules for narrowing issues and simplifying the methods of proof at hearings, and establishing procedures for notice and the manner of service to be employed in all proceedings and remedies instituted pursuant to sections 454.460 to 454.505.

5. Service pursuant to sections 454.460 to 454.505 may be made on the parent or other party in the manner prescribed for service of process in a civil action, by an authorized process server appointed by the director, or by certified mail, return receipt requested. The director may appoint

any uninterested party, including, but not necessarily limited to, employees of the division, to serve such process. For the purposes of this subsection, a parent who refuses receipt of service by certified mail is deemed to have been served.

6. Creation of or exemption from a state debt pursuant to this section shall not limit any rights which the department has or may obtain pursuant to common or statutory law, including, but not limited to, those obtained pursuant to an assignment of support rights obtained pursuant to section 208.040.

(L. 1982 S.B. 468 § 14, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1993 S.B. 52, A.L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

Director to issue notice and finding of financial responsibility, when, procedure, contents-- computation of periodic future support--hearing, when, failure of parent to request, result.

454.470. 1. The director may issue a notice and finding of financial responsibility to a parent who owes a state debt or who is responsible for the support of a child on whose behalf the custodian of that child is receiving support enforcement services from the division pursuant to section 454.425 if a court order has not been previously entered against that parent, a court order has been previously entered but has been terminated by operation of law or if a support order from another state has been entered but is not entitled to recognition under sections 454.850 to 454.997. Service of the notice and finding shall be made on the parent or other party in the manner prescribed for service of process in a civil action by an authorized process server appointed by the director, or by certified mail, return receipt requested. The director may appoint any uninterested party, including but not limited to employees of the division, to serve such process. For purposes of this subsection, a parent who refuses receipt of service by certified mail is deemed to have been served. Service upon an obligee who is receiving support enforcement services under section 454.425 may be made by regular mail. When appropriate to the circumstances of the individual action, the notice shall state:

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

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

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

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

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

(6) That if a parent desires to discuss the amount of support that should be paid, the parent or person having custody of the child may, within twenty days after being served, contact the division office which sent the notice and request a negotiation conference. The other parent or person having custody of the child shall be notified of the negotiated conference and may participate in the conference. If no agreement is reached on the monthly amount to be paid, the director may issue a

new notice and finding of financial responsibility, which may be sent to the parent required to pay support by regular mail addressed to the parent's last known address or, if applicable, the parent's attorney's last known address. A copy of the new notice and finding shall be sent by regular mail to the other parent or person having custody of the child;

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

(8) That if such a timely response is received by the appropriate division office, and if such response raises factual questions requiring the submission of evidence, the parent or person having custody of the child shall have the right to a hearing before an impartial hearing officer who is an attorney licensed to practice law in Missouri and, that if no timely written response is received, the director may enter an order in accordance with the notice and finding of financial responsibility;

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

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

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

(12) A reference to sections 454.460 to 454.510;

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

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

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

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

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

4. If a timely written response setting forth objections and requesting a hearing is received by the appropriate division office, and if such response raises a factual question requiring the submission of evidence, a hearing shall be held in the manner provided by section 454.475. If no

timely written response and request for hearing is received by the appropriate division office, the director may enter an order in accordance with the notice, and shall specify:

- (1) The amount of periodic support to be paid, with directions on the manner of payment;
- (2) The amount of state debt, if any, accrued in favor of the department;
- (3) The monthly payment to be made on state debt, if any;
- (4) The amount of costs of collection, including attorney's fees, assessed against the parent;
- (5) The name of the person or agency with custody of the dependent child and the name and birth date of the dependent child for whom support is to be paid;
- (6) That the property of the parent is subject to collection actions, including, but not limited to, wage withholding, garnishment, liens, and execution thereon; and
- (7) If appropriate, that the parent shall provide medical insurance for the dependent child, or shall pay the reasonable and necessary medical expenses of the dependent child.

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

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

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

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

(L. 1982 S.B. 468 § 15. A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1997 S.B. 361, A.L. 2007 S.B. 25)

No suit maintained if child support is current.

454.472. No garnishment, withholding, or other financial legal proceeding under chapter 454 to enforce a support order as defined in section 454.460 shall be levied or maintained by the family support division against a party who alleges that no current or unpaid child support is due if, after review of the allegations and evidence, the division determines that no current or unpaid child support is due. The enforcement action may continue pending a review by the division, and the division may only levy an enforcement action if current or unpaid support should later become due

and owing. The division shall advise a party to a support obligation being enforced by the division of the amount currently due under the support order and how that amount was calculated upon request.

(L. 1998 S.B. 910 § 2, A.L. 2014 H.B. 1299 Revision)

Administrative hearing, procedure, effect on orders of socialservices--support, how determined--failure of parent to appear,result--judicial review--errors and vacation of orders.

454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter 536 by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall consider the factors set forth in section 452.340.

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that person, the hearing officer shall enter findings and order in accordance with the provisions of the notice or motion unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140 by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision. Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child, the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822. In determining the amount of child support, the director shall consider the factors set forth in section 452.340. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a

hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.

7. (1) Any administrative decision or order issued under this section containing clerical mistakes arising from oversight or omission, except proposed administrative modifications of judicial orders, may be corrected by an agency administrative hearing officer at any time upon their own initiative or written motion filed by the division or any party to the action provided the written motion is mailed to all parties. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. Proposed administrative modifications of judicial orders may be corrected by an agency administrative hearing officer prior to the filing of the proposed administrative modification of a judicial order with the court that entered the underlying judicial order as required in section 454.496, or upon express order of the court that entered the underlying judicial order. No correction shall be made during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(2) Any administrative decision or order or proposed administrative modification of judicial order issued under this section containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect or inadvertence, may be corrected prior to being filed with the court by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties and filed within sixty days of the administrative decision, order, or proposed decision and order. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. No decision, order, or proposed administrative modification of judicial order may be corrected after ninety days from the mailing of the administrative decision, order, or proposed order or during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(3) Any administrative decision or order or proposed administrative modification of judicial order issued under this section may be vacated by an agency administrative hearing officer upon their own initiative or by written motion filed by the division or any party to the action provided the written motion is mailed to all parties, if the administrative hearing officer determines that the decision or order was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process. Any objection or response to the written motion shall be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion. A proposed administrative modification of a judicial order may only be vacated prior to being filed with the court. No decision, order, or proposed administrative modification of a judicial order may be vacated during the court's review of the administrative decision, order, or proposed order as authorized under sections 536.100 to 536.140, except in response to an express order from the reviewing court.

(L. 1982 S.B. 468 § 18, A.L. 1984 H.B. 1275, A.L. 1997 S.B. 361, A.L. 2010 H.B. 1692, et al., A.L. 2013 H.B. 374 & 434 merged with S.B. 69 merged with S.B. 100)

Administrative orders may be issued, when--duties of director--hearing.

454.476. 1. If a court order has previously been entered, the director may enter an administrative order in accordance with the court order, upon receiving from the obligee, a child support enforcement agency of another state, or the court:

(1) A certified copy of the court order together with all modifications thereto;

(2) A sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages under the court order;

(3) A statement of the name, last known address and, if known, the Social Security number of the obligor; and

(4) The name and address of the obligor's employer or other payor, if known.

2. The obligor shall be sent a copy of the administrative order by certified mail, return receipt requested, addressed to the obligor's last known address or, if applicable, the obligor's attorney's last known address. The obligee shall be sent a copy of the administrative order by regular mail. Copies of the order shall be mailed within fourteen days of issuance.

3. Upon entry of the order, the director shall issue an order directing an employer or other payor to withhold and pay over money due or to become due to the obligated parent as set out in section 454.505.

4. The obligor or obligee, within fourteen days after receiving notice of the director's order, may request an administrative hearing as provided in section 454.475 to contest the order or withholding thereunder. At such hearing, the certified copy of the court order and the sworn or certified statement of arrearages shall constitute *prima facie* evidence that the director's order is valid and enforceable. Once the *prima facie* case is established, the obligor may assert only mistake of fact as a defense. Mistake of fact shall mean an error in the amount of arrearages or an error as to the identity of the obligor. The obligor shall have the burden of proof as to these issues. The obligor may not obtain relief from the withholding by paying the overdue support.

5. If the obligor requests a hearing, the withholding will be implemented unless the obligor posts a bond or other security satisfactory to the director to insure payment of support.

6. Every order which contains a provision for the support of a child, whether entered by a court or an administrative body of this or any other state, and whether entered prior to or subsequent to enactment of this section, shall be enforceable by an order to withhold as provided for by section 454.505 immediately upon compliance with subsection 1 of this section.

(L. 1986 H.B. 1479, A.L. 1997 S.B. 361)

Effective 7-1-97

Summary of expenses required, when.

454.478. In cases where an administrative order is entered pursuant to the provisions of section 454.470 or section 454.476, the director of the family support division may, upon petition of the party obligated to pay support and upon good cause shown, order the recipient to furnish the

party obligated to pay support with a regular summary of expenses paid by such parent on behalf of the child. The director shall prescribe the form and substance of the summary.

(L. 1998 S.B. 910, A.L. 2014 H.B. 1299 Revision)

Paternity order, establishing--entered when--genetic testing requiredwhen--docketing of order, result--copies to be sent to bureau of vital records of department of health and senior services--defense of nonpaternity--decision, how rendered.

454.485. 1. The director may enter an order establishing paternity of a child in the course of a support proceeding pursuant to sections 454.460 to 454.510 when the man is presumed to be the child's father pursuant to section 210.822 or when both parents sign sworn statements that the paternity of the dependent child for whom support is sought has not been legally established and that the male parent is the father of the child. For purposes of paternity establishment pursuant to this section, a sworn statement shall include a statement verified by a person authorized to take oaths pursuant to section 207.020 or section 454.465.

2. The director may enter an order requiring genetic testing in the course of an action to establish paternity pursuant to sections 454.460 to 454.510 or upon the request of a IV-D agency of another state that is seeking to establish paternity. The order may require that the child, the mother or an alleged father submit to tests performed by an expert designated by the division to be qualified as an examiner of genetic markers present on blood cells and components, or other tissue or fluid. Such an examiner shall be qualified to be an expert as defined in section 210.834, and shall be considered an expert pursuant to subdivision (5) of subsection 1 of section 210.822. In addition to any other provisions for enforcement of the order, the order may be filed pursuant to section 454.490 and refusal to comply with the order shall constitute civil contempt.

3. The docketing, pursuant to section 454.490, of an order establishing paternity pursuant to this section shall establish legal paternity for all purposes. The division shall provide an additional copy of each administrative order to be docketed and the circuit clerk shall, upon docketing, forward such copy to the bureau of vital records of the department of health and senior services. The bureau of vital records shall enter the name of the father on the birth records pursuant to sections 193.085 and 193.215 and shall record the Social Security account numbers of both parents, pursuant to section 193.075.

4. In no event shall a hearing official conducting a hearing pursuant to sections 454.460 to 454.510 be authorized to enter a finding of nonpaternity in the case of a man presumed to be the biological father of any child pursuant to Missouri law, or of the father of any child born out of wedlock who has acknowledged paternity in writing under oath or has acknowledged that he is responsible for the support, maintenance and education of such child, unless such presumption has been overruled, or such acknowledgment has been ruled void by a court of competent jurisdiction.

5. In an action contesting paternity, the director shall require genetic testing at the request of a party to such action if such request is supported by a sworn statement of such party which:

(1) Alleges paternity and sets forth facts establishing a reasonable possibility of sexual contact between the parties; or

(2) Denies paternity and sets forth facts establishing a reasonable possibility that there was no sexual contact between the parties.

6. The division shall pay the cost of any genetic test ordered pursuant to this section. If the paternity of the alleged father is established, such father may be ordered to pay the cost of such tests. If a genetic test is contested, the director shall not order additional genetic testing when requested by the person contesting the test unless such person pays in advance for such tests.

(L. 1982 S.B. 468 § 17, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1990 S.B. 834, A.L. 1993 S.B. 253, A.L. 1994 H.B. 1491 & 1134 merged with S.B. 508, A.L. 1997 S.B. 361)

Effective 7-1-97

Orders entered by director, docketing of, effect.

454.490. 1. A true copy of any order entered by the director pursuant to sections 454.460 to 454.997, along with a true copy of the return of service, may be filed with the clerk of the circuit court in the county in which the judgment of dissolution or paternity has been entered, or if no such judgment was entered, in the county where either the parent or the dependent child resides or where the support order was filed. Upon filing, the clerk shall enter the order in the judgment docket. Upon docketing, the order shall have all the force, effect, and attributes of a docketed order or decree of the circuit court, including, but not limited to, lien effect and enforceability by supplementary proceedings, contempt of court, execution and garnishment. Any administrative order or decision of the family support division filed in the office of the circuit clerk of the court shall not be required to be signed by an attorney, as provided by supreme court rule of civil procedures 55.03(a), or required to have any further pleading other than the director's order.

2. In addition to any other provision to enforce an order docketed pursuant to this section or any other support order of the court, the court may, upon petition by the division, require that an obligor who owes past due support to pay support in accordance with a plan approved by the court, or if the obligor is subject to such plan and is not incapacitated, the court may require the obligor to participate in work activities.

3. In addition to any other provision to enforce an order docketed pursuant to this section or any other support order of the court, division or other IV-D agency, the director may order that an obligor who owes past due support to pay support in accordance with a plan approved by the director, or if the obligor is subject to such plan and is not incapacitated, the director may order the obligor to participate in work activities. The order of the director shall be filed with a court pursuant to subsection 1 of this section and shall be enforceable as an order of the court.

4. As used in this section, "work activities" include:

- (1) Unsubsidized employment;
 - (2) Subsidized private sector employment;
 - (3) Subsidized public sector employment;
- (4) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

- (5) On-the-job training;
- (6) Job search and readiness assistance;
- (7) Community services programs;
- (8) Vocational educational training, not to exceed twelve months for any individual;
- (9) Job skills training directly related to employment;
- (10) Education directly related to employment for an individual who has not received a high school diploma or its equivalent;
- (11) Satisfactory attendance at a secondary school or course of study leading to a certificate of general equivalence for an individual who has not completed secondary school or received such a certificate; or
- (12) The provision of child care services to an individual who is participating in a community service program.

(L. 1982 S.B. 468 § 19, A.L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 2014 H.B. 1299
Revision)

Circuit clerk or family support payment center made trustee, when, duties--assignment, defined.

454.495. 1. Until October 1, 1999, when an administrative order has been docketed pursuant to section 454.490, the court shall order all support payments to be made to the circuit clerk as trustee for the division of family services or other person entitled to receive such payments pursuant to the order. The filing of such order by the director shall in and of itself authorize the court to make the circuit clerk the trustee, notwithstanding any existing court order, statute, or other law to the contrary, and the court need not hold a hearing on the matter. The circuit clerk shall:

- (1) Forward all such payments to the department or other person entitled to receive such payments pursuant to the order;
- (2) Keep an accurate record of the orders and the payments; and
- (3) Report all such collections to the department in the manner specified by the department.

2. Effective October 1, 1999, and if an administrative order has been docketed pursuant to section 454.490, the payment center pursuant to section 454.530 shall be trustee for the family support division or other person entitled to receive such payments pursuant to the order. The order by the director shall, in and of itself, authorize the payment center to be the trustee, notwithstanding any existing court order or state law to the contrary, and the court shall not be required to hold a hearing on the matter. The payment center shall:

- (1) Forward all such payments to the department or other person entitled to receive such payments pursuant to the order;
- (2) Keep an accurate record of the orders and payments; and
- (3) Report all such collections to the division in the manner specified by the division.

3. As used in this section, "assignment" includes an assignment to the state by a person who has applied for or is receiving assistance under a program funded pursuant to Part A of Title IV or Title XIX of the Social Security Act.

(L. 1982 S.B. 468 § 20, A.L. 1986 H.B. 1479, A.L. 1997 S.B. 361, A.L. 1999 S.B. 291, A.L. 2014 H.B. 1299 Revision)

Motion to modify order, review--form of motion, service, procedure--effective, when--venue for judicial review of administrative order, procedure.

454.496. 1. At any time after the entry of a court order for child support in a case in which support rights have been assigned to the state pursuant to section 208.040, or a case in which support enforcement services are being provided pursuant to section 454.425, the obligated parent, the obligee or the family support division may file a motion to modify the existing child support order pursuant to this section, if a review has first been completed by the director of the family support division under subdivision (13) of subsection 2 of section 454.400. The motion shall be in writing in a form prescribed by the director, shall set out the reasons for modification and shall state the telephone number and address of the moving party. The motion shall be served in the same manner provided for in subsection 5 of section 454.465 upon the obligated parent, the obligee and the division, as appropriate. In addition, if the support rights are held by the family support division on behalf of the state, the moving party shall mail a true copy of the motion by certified mail to the person having custody of the dependent child at the last known address of that person. The party against whom the motion is made shall have thirty days either to resolve the matter by stipulated agreement or to serve the moving party and the director, as appropriate, by regular mail with a written response setting forth any objections to the motion and a request for hearing. When requested, the hearing shall be conducted pursuant to section 454.475 by hearing officers designated by the department of social services. In such proceedings, the hearing officers shall have the authority granted to the director pursuant to subsection 6 of section 454.465.

2. When no objections and request for hearing have been served within thirty days, the director, upon proof of service, shall enter an order granting the relief sought. Copies of the order shall be mailed to the parties within fourteen days of issuance.

3. A motion to modify made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order unless so ordered by the court in which the order is docketed.

4. The only support payments which may be modified are payments accruing subsequent to the service of the motion upon all parties to the motion.

5. The party requesting modification shall have the burden of proving that a modification is appropriate pursuant to the provisions of section 452.370.

6. Notwithstanding the provisions of section 454.490 to the contrary, an administrative order modifying a court order is not effective until the administrative order is filed with and approved by the court that entered the court order. The court may approve the administrative order if no party affected by the decision has filed a petition for judicial review pursuant to sections 536.100 to 536.140. After the thirty-day time period for filing a petition of judicial review pursuant to chapter 536 has passed, the court shall render its decision within fifteen days. If the court finds the administrative

order should be approved, the court shall make a written finding on the record that the order complies with section 452.340 and applicable supreme court rules and approve the order. If the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo.

7. If a petition for judicial review is filed, the court shall review all pleadings and the administrative record, as defined in section 536.130, pursuant to section 536.140. After such review, the court shall determine if the administrative order complies with section 452.340 and applicable supreme court rules. If it so determines, the court shall make a written finding on the record that the order complies with section 452.340 and applicable supreme court rules and approve the order or, if after review pursuant to section 536.140 the court finds that the administrative order does not comply with supreme court rule 88.01, the court may select any of the remedies set forth in subsection 5 of section 536.140. The court shall notify the parties and the division of any setting pursuant to this section.

8. Notwithstanding the venue provisions of chapter 536 to the contrary, for the filing of petitions for judicial review of final agency decisions and contested cases, the venue for the filing of a petition for judicial review contesting an administrative order entered pursuant to this section modifying a judicial order shall be in the court which entered the judicial order. In such cases in which a petition for judicial review has been filed, the court shall consider the matters raised in the petition and determine if the administrative order complies with section 452.340 and applicable supreme court rules. If the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo. The court shall notify the parties and the division of the setting of such proceeding. If the court determines that the matters raised in the petition are without merit and that the administrative order complies with the provisions of section 452.340 and applicable supreme court rules, the court shall approve the order.

(L. 1993 S.B. 253, A.L. 1994 H.B. 1491 & 1134 merged with S.B. 508, A.L. 1997 S.B. 361, A.L. 2007 S.B. 25, A.L. 2014 H.B. 1299 Revision)

Director's duty to modify a child support order--automated methods used for eligibility for modification.

454.498. 1. Notwithstanding section 452.370 and sections 454.496 and 454.500, or any other section requiring a showing of substantial and continuing change in circumstances to the contrary, and as provided for in subdivision (13) of subsection 2 of section 454.400 and taking into account the best interest of the child, the director shall:

(1) Modify, if appropriate, a support order being enforced under Title IV-D of the Social Security Act in accordance with the guidelines and criteria set forth in supreme court rule 88.01 if the amount in the current order differs from the amount that would be awarded in accordance with such guidelines; or

(2) Use automated methods (including automated comparisons with wage or state income tax data) to identify orders eligible for review, conduct the review, identify orders eligible for adjustment and apply the adjustment to the orders eligible for adjustment under any threshold that may be established by the state.

2. If the division conducts a review pursuant to subdivision (2) of subsection 1 of this section, either party to the order may contest the adjustment within thirty days after the date of the notice of adjustment by requesting, if appropriate, a review and modification in accordance with the guidelines and criteria set forth in supreme court rule 88.01. If the review is timely requested, the division shall review and modify the order, if appropriate, in accordance with supreme court rule 88.01. The division may conduct a review pursuant to subdivision (2) of subsection 1 of this section only if the division is unable to conduct a review pursuant to subdivision (1) of subsection 1 of this section.

3. The division may review and adjust a support order upon request outside the three-year cycle only upon a demonstration by the requesting party of a substantial change in circumstances which shall be determined by the division. If the division determines that an adjustment shall not be made, the division shall, within fourteen days, mail notice of such determination to the parents or other child support agency, if any.

(L. 1997 S.B. 361)

Effective 7-1-97

Modification of an administrative order, procedure, effect--relief from orders, when.

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

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

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support award, the director, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a *prima facie* showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable.

4. If the division has entered an order under section 454.470 or 454.500, and an additional child or children not the subject of the order are born to the parties, the division may, following the filing of a motion to modify, service of process, and opportunity for a hearing pursuant to this section, modify the underlying child support order to include a single child support obligation for all children of the parties in conformity with the criteria set forth in supreme court rule 88.01.

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

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

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

8. The last four digits of the Social Security number of the parents shall be recorded on any order entered pursuant to this section. The full Social Security number of each party and each child shall be retained in the manner required by section 509.520.

(L. 1982 S.B. 468 § 21, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1987 H.B. 484, A.L. 1990 S.B. 834, A.L. 1994 H.B. 1491 & 1134 merged with S.B. 508, A.L. 1997 S.B. 361, A.L. 2009 H.B. 481, A.L. 2014 H.B. 1231 merged with H.B. 1299 Revision)

Support, courts, jurisdiction, effect of determinations.

454.501. Nothing contained in sections 454.465 to 454.510 shall deprive courts of competent jurisdiction from determining the support duty of a parent against whom an order is entered by the director pursuant to the authority created by sections 454.460 to 454.505. Such a determination by

the court shall supersede the director's order as to support payments due subsequent to the entry of the order by the court, but shall not affect any support arrearage which may have accrued under the director's order. The director's order shall be pleaded and received by the court as evidence of the extent of the parent's duty of support.

(L. 1984 H.B. 1275)

Garnishment of wages, when, procedure, limitations--notice to employer, contents--employer, duties, liabilities--priorities--discharge of employee prohibited, when, penalties for-orders issued by another state, laws to govern.

454.505. 1. In addition to any other remedy provided by law for the enforcement of support, if a support order has been entered, the director shall issue an order directing any employer or other payer of the parent to withhold and pay over to the division, the payment center pursuant to section 454.530 or the clerk of the circuit court in the county in which a trusteeship is or will be established, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

(1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the parties that provides for an alternative payment arrangement.

If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation.

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the Social Security number of the obligor if available. In addition, the order shall contain a provision that the obligor shall notify the family support division regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of section 454.460 and this section shall be appended to the order.

3. An order entered pursuant to this section shall be served on the employer or other payer either by regular mail or by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payer two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from

withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payer shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b). The employer or other payer shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payer shall, along with the amounts transmitted, provide the date the amount was withheld from each obligor. If the order does not contain the Social Security number of the obligor, the employer or other payer shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payer other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payer on the date of service or which may come into the possession of the payer after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The division shall notify an employer or other payer upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the payment center pursuant to the order as to future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payer may, at the request of the obligee or the director, withhold and pay over to the payment center an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payer upon whom it is directed until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the

wages of the obligor to exceed applicable wage withholding limitations and includes a wage withholding from another state pursuant to section 454.932, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations and does not include a wage withholding from another state pursuant to section 454.932, the employer shall withhold and pay to the payment center an amount equal to the wage withholding limitations. The payment center shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for distributing current support, up to the applicable limitation.

8. No employer or other payer who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payer who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payer for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payer of the obligated parent in the same manner and to the same extent as where the employer or other payer is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the division the name and address of the obligor's new employer, if known. When the division determines the identity of the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payer is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payer may transmit all such withholdings which are to be remitted to the same circuit clerk, other collection unit or to the payment center after October 1, 1999, as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

(L. 1982 S.B. 468 § 22, A.L. 1984 H.B. 1275, A.L. 1986 H.B. 1479, A.L. 1987 H.B. 484, A.L. 1990 S.B. 834, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361, A.L. 1998 S.B. 910, A.L. 1999 S.B. 291, A.L. 2003 H.B. 613 merged with S.B. 330 merged with S.B. 471, A.L. 2014 H.B. 1299 Revision)

Financial institutions, division may request information, when, fees--definitions--data match system--notice of lien.

454.507. 1. In addition to the authority of the division to request information pursuant to section 454.440, the division may request information from financial institutions pursuant to this section.

2. As used in this section:

- (1) "Account" includes a demand deposit, checking or negotiable withdrawal order account, savings account, time deposit account or money market mutual fund account;
- (2) "Encumbered assets", the noncustodial parent's interest in an account which is encumbered by a lien arising by operation of law or otherwise;
- (3) "Financial institution" includes:
 - (a) A depository institution as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. Section 1813(c));
 - (b) An institution affiliated party as defined in Section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Section 1813(u));
 - (c) Any federal credit union or state credit union, as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. Section 1752), including an institution affiliated party of such a credit union as defined in Section 206(r) of the Federal Credit Union Act (12 U.S.C. Section 1786(r)); or
 - (d) Any benefit association, insurance company, safe deposit company, money market fund or similar entity authorized to do business in the state.

3. The division shall enter into agreements with financial institutions to develop and operate a data match system which uses automated exchanges to the maximum extent feasible. Such agreements shall require the financial institution to provide to the division, for each calendar quarter, the name, record address, Social Security number or other taxpayer identification number, and other identifying information of each noncustodial parent who maintains an account at such institution and who owes past due support, as identified by the division by name and Social Security number or other taxpayer identification number. The financial institution shall only provide such information stated in this subsection that is readily available through existing data systems, and as such data systems are enhanced, solely at the financial institution's discretion and for its business purposes, the financial institution shall provide any original and additional information which becomes readily available for any new data match request.

4. The division shall pay a reasonable fee to the financial institution for conducting the data match pursuant to this section, but such amount shall not exceed the costs incurred by the financial institution.

5. The division or a IV-D agency may issue liens against any account in a financial institution and may release such liens.

6. (1) If a notice of lien is received from the division or a IV-D agency, the financial institution shall immediately encumber the assets held by such institution on behalf of any noncustodial parent who is subject to such lien. However, if the account is in the name of a noncustodial parent and such parent's spouse or parent, the financial institution at its discretion may not encumber the assets and when it elects not to encumber such assets, shall so notify the division or IV-D agency. The amount of assets to be encumbered shall be stated in the notice and shall not exceed the amount of unpaid support due at the time of issuance. The financial institution shall, within ten business days of receipt of a notice of lien, notify the division or IV-D agency of the financial institution's response to the notice of lien.

(2) Within ten business days of notification by the financial institution that assets have been encumbered, the division or IV-D agency shall notify by mail the noncustodial parent of the issuance of the lien and the reasons for such issuance. The notice shall advise the noncustodial parent of the procedures to contest such lien pursuant to section 454.475 by requesting a hearing within thirty days from the date the notice was mailed by the division to the noncustodial parent.

7. (1) Except as provided in subsection 6 of this section, the interest of the noncustodial parent shall be presumed equal to all other joint owners, unless at least one of the joint owners provides the division or IV-D agency with a true copy of a written agreement entered prior to the date of issuance of notice of lien, or other clear and convincing evidence regarding the various ownership interests of the joint owners within twenty days of the financial institution's mailing of the notice of lien. The financial institution shall only encumber the amount presumed to belong to the noncustodial parent. The division or IV-D agency may proceed to issue an order for the amount in the account presumed to belong to the noncustodial parent if no prior written agreement or other evidence is provided.

(2) If a prior written agreement or other clear and convincing evidence is furnished to the division, and based on such agreement or evidence the division or IV-D agency determines that the interest of the noncustodial parent is less than the presumed amount, the division or IV-D agency shall amend the lien to reflect the amount in the account belonging to the noncustodial parent or shall release the lien if the noncustodial parent has no interest in the account. In no event shall the division or IV-D agency obtain more than the presumed amount of the account without a judicial determination that a greater amount of the account belongs to the noncustodial parent. The division or IV-D agency may by levy and execution on a judgment in a court of competent jurisdiction seek to obtain an amount greater than the amount presumed to belong to the noncustodial parent upon proof that the noncustodial parent's interest is greater than the amount presumed pursuant to this subsection.

(3) For purposes of this subsection, accounts are not joint accounts when the noncustodial parent has no legal right to the funds, but is either a contingent owner or agent. Such nonjoint accounts shall include, but are not limited to, a pay-on-death account or any other account in which the noncustodial parent owner may act as agent by a power of attorney or otherwise. Furthermore, when any account naming the noncustodial parent has not been disclosed to the noncustodial parent which is evidenced by a signature card or other deposit agreement not containing the signature of such noncustodial parent, then for the purposes of this subsection, such account shall not be treated as a joint account.

(4) Notwithstanding any other provision of this section, a financial institution shall not encumber any account of less than one hundred dollars.

8. Upon service of an order to surrender issued pursuant to this section, any financial institution in possession of a jointly owned account may interplead such property as otherwise provided by law.

9. Any other joint owner may petition a court of competent jurisdiction for a determination that the interests of the joint owners are disproportionate. The party filing the petition shall have the burden of proof on such a claim. If subject to the jurisdiction of the court, all persons owning affected accounts with a noncustodial parent shall be made parties to any proceeding to determine

the respective interests of the joint owners. The court shall enter an appropriate order determining the various interests of each of the joint owners and authorizing payment against the obligor's share for satisfaction of the child support or maintenance obligation.

10. The court may assess costs and reasonable attorney's fees against the noncustodial parent if the court determines that the noncustodial parent has an interest in the affected joint account.

11. The division may order the financial institution to surrender all or part of the encumbered assets. The order shall not issue until sixty days after the notice of lien is sent to the financial institution. The financial institution shall, within seven days of receipt of the order, pay the encumbered amount as directed in the order to surrender.

12. A financial institution shall not be liable pursuant to any state or federal law, including 42 U.S.C. Section 669A, to any person for:

(1) Any disclosure of information to the division pursuant to this section;

(2) Encumbering or surrendering any assets held by the financial institution in response to a lien or order pursuant to this section and notwithstanding any other provisions in this section to the contrary, encumbering or surrendering assets from any account in the financial institution connected in any way to the noncustodial parent; or

(3) Any other action taken in good faith to comply with the requirements of this section.

13. A financial institution that fails without due cause to comply with a notice of lien or order to surrender issued pursuant to this section shall be liable for the amount of the encumbered assets and the division may bring an action against the financial institution in circuit court for such amount. For purposes of this subsection, "due cause" shall include, but not be limited to, when a financial institution demonstrates to a court of competent jurisdiction that the institution established in good faith a routine to comply with the requirements of this section and that one or more transactions to enforce the lien or order to surrender were not completed due to an accidental error, a misplaced computer entry, or other accidental human or mechanical problems.

(L. 1997 S.B. 361, A.L. 2002 S.B. 895)

Supreme court to provide rules for certain hearings.

454.510. The supreme court of the state of Missouri may provide rules for expeditious hearings on all matters referred to the circuit court pursuant to this act*.

(L. 1982 S.B. 468 § 23)

*Original rolls contain words "this act". The act (S.B. 468, 1982) contains numerous sections. Consult Disposition of Sections table for definitive listing.

Denial of a passport for child support arrearage, when--mistake offact, defined.

454.511. The division may certify a person who owes a child support arrearage in excess of the amount set forth in 42 U.S.C. 654(31) to the appropriate federal government agency for the purpose of denying a passport to such person, or revoking, suspending or limiting a passport

previously issued to such person. Such person shall be mailed, by the division or on behalf of the division, a notice of the proposed certification and the consequences thereof upon such person. Within thirty days of receipt of the notice, the person may contest the proposed certification by requesting in writing a hearing pursuant to the procedures in section 454.475. At such hearing the obligor may assert only mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of arrearages or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The division shall not certify the person until after a final decision has been reached.

(L. 1997 S.B. 361, A.L. 2007 S.B. 25)

Consumer reporting agency, defined--division reports to agencies of delinquent support--duties of division--notice, when.

454.512. 1. The division shall periodically report the name of any noncustodial parent who is delinquent in the payment of support and the amount of overdue support owed by such parent to consumer reporting agencies defined in 15 U.S.C. Section 1681a(f).

2. The noncustodial parent shall be provided notice and a reasonable opportunity to contest the accuracy of the information before such information is reported to a consumer reporting agency under procedures adopted by the division.

3. Before referring information to any entity pursuant to this section, the division shall ensure that such entity has provided evidence that is qualified as a consumer reporting agency.

(L. 1986 H.B. 1479, A.L. 1997 S.B. 361)

Attorney representation exclusive--attorney/client relationship not to exist, when--notice to party not represented by attorney, when.

454.513. 1. Any attorney initiating any legal proceedings at the request of the Missouri family support division shall represent the state of Missouri, department of social services, family support division exclusively. An attorney/client relationship shall not exist between the attorney and any applicant or recipient of child support enforcement services for and on behalf of a child or children, without regard to the name in which legal proceedings are initiated. The provisions of this section shall apply to a prosecuting attorney, circuit attorney, attorney employed by the state or attorney under contract with the family support division.

2. An attorney representing the division in a proceeding in which a child support obligation may be established or modified shall, whenever possible, notify an applicant or recipient of child support enforcement services of such proceedings if such applicant or recipient is a party to such a proceeding but is not represented by an attorney.

(L. 1993 S.B. 253 § 1, A.L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

Lien on obligor's share of a decedent's estate, when, procedure--notice, contents, filed

where--personal representative liable on bond for failure to pay--notice to lienholder or payor required, when.

454.514. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon an obligor's distributive share of a decedent's estate.

2. No such lien shall be effective unless and until a written notice is filed with the clerk of the probate court in which the decedent's estate is being administered, a copy of the notice is sent by regular United States mail to the personal representative of the decedent, and, if the obligor's distributive share includes real estate, in the real estate records of the county where the real estate is located. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support.

3. The lien shall attach to the obligor's distributive share upon the filing of the notice of the lien with the clerk. Thereafter, the personal representative of the decedent shall pay to the obligee, director or the director's designated agent, the lesser of the obligor's distributive share or the unpaid and delinquent child or spousal support. If the personal representative fails to pay the obligee or the state of Missouri, as the case may be, the personal representative shall be liable upon the representative's bond to the obligee or the state of Missouri.

4. In cases which are not IV-D cases to cause a lien pursuant to the provisions of this section the obligee or the obligee's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

(L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361)

Effective 7-1-97

Order for child support, lien on real estate, when, procedure--duration, priority, revival, release, when.

454.515. 1. A judgment or order for child support or maintenance payable in periodic installments shall not be a lien on the real estate of the person against whom the judgment or order is rendered until the person entitled to receive payments pursuant to the judgment or order, the division or IV-D agency files a lien and the lien is recorded in the office of the circuit clerk of any county in this state in which such real estate is situated in the manner provided for by the supreme court and chapter 511. Thereafter, the judgment shall become a lien on all real property of the obligor in such county, owned by the obligor at the time, or which the obligor may acquire afterwards and before the lien expires.

2. Liens pursuant to this section shall commence on the day filed and shall continue for a period of three years. A judgment creditor, the division or IV-D agency may revive a lien by filing another lien on or before each three-year anniversary of the original judgment. At the time each lien is revived, all unpaid installments shall remain a lien for the subsequent three-year period.

3. The lien shall state the name, last known address of the obligor, the last four digits of the obligor's Social Security number, the obligor's date of birth, if known, and the amount of support or maintenance due and unpaid.

4. A copy of the lien shall be mailed by the person entitled to receive payments under the judgment or order, the division or IV-D agency to the last known address of the obligor.

5. The person entitled to receive payments pursuant to the judgment or order, the division or IV-D agency may execute a partial or total release of the liens created by this section, either generally or as to specific property.

(L. 1982 S.B. 468 § 24, A.L. 1984 H.B. 1275, A.L. 1997 S.B. 361, A.L. 2010 H.B. 2056)

Lien on motor vehicles, boats, motors, manufactured homes and trailers, when, procedure--notice, contents--registration of lien, restrictions, removal of lien--public sale, when--goodfaith purchasers--child support lien database to be maintained.

454.516. 1. The director or IV-D agency may cause a lien pursuant to subsections 2 and 3 of this section or the obligee may cause a lien pursuant to subsection 8 of this section for unpaid and delinquent child support to block the issuance of a certificate of ownership for motor vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in the name of a delinquent child support obligor.

2. The director or IV-D agency shall notify the department of revenue with the required information necessary to impose a lien pursuant to this section by filing a notice of lien.

3. The director or IV-D agency shall not notify the department of revenue and the department of revenue shall not register lien except as provided in this subsection. After the director or IV-D agency decide that such lien qualifies pursuant to this section and forward it to the department of revenue, the director of revenue or the director's designee shall only file such lien against the obligor's certificate of ownership when:

(1) The obligor has unpaid child support which exceeds one thousand dollars;

(2) The property has a value of more than three thousand dollars as determined by current industry publications that provide such estimates to dealers in the business, and the property's year of manufacture is within seven years of the date of filing of the lien except in the case of a motor vehicle that has been designated a historic vehicle;

(3) The property has no more than two existing liens for child support;

(4) The property has had no more than three prior liens for child support in the same calendar year.

4. In the event that a lien is placed and the obligor's total support obligation is eliminated, the director shall notify the department of revenue that the lien shall be removed.

5. Upon notification that a lien exists pursuant to this section, the department of revenue shall register the lien on the records of the department of revenue. Such registration shall contain the type and model of the property and the serial number of the property.

6. Upon notification by the director that the lien shall be removed pursuant to subsection 4 of this section, the department of revenue shall register such removal of lien on its database, that shall contain the type and model of the property and the serial number of the property.

7. A good faith purchaser for value without notice of the lien or a lender without notice of the lien takes free of the lien.

8. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligee's attorney shall file notice of the lien with the department of revenue. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

9. Notwithstanding any other law to the contrary, the department of revenue shall maintain a child support lien database that may be collected against the owner on a certificate of ownership provided for by chapters 301, 306 and 700. To determine any existing liens for child support pursuant to this section, the lienholder, dealer or buyer may inquire electronically into the database. A good faith purchaser for value without notice of the lien or a lender without notice of the lien takes free of the lien.

(L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361, A.L. 2002 S.B. 895
(Repealed L. 2009 H.B. 481 § A), A.L. 2002 H.B. 2008)

*This section was amended in 2002 by both H.B. 2008 and S.B. 895. Due to possible conflict, two versions of this section were printed. The language from S.B. 895 was repealed by H.B. 481, 2009. The language from H.B. 2008 is still existing law.

Lien on workers' compensation, when, procedure--notice,contents--enforcement of lien--duties of director of workers'compensation--mistake of fact.

454.517. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon any workers' compensation benefits payable to an obligor delinquent in child or spousal support payments.

2. No such lien shall be effective unless and until a written notice is filed with the director of the division of workers' compensation. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support.

3. Notice of lien shall not be filed unless the delinquent child or spousal support obligation exceeds one hundred dollars.

4. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment of workers' compensation benefits to such obligor or to such obligor's attorneys, heirs or legal representative, after receipt of such notice, as defined in subsection 5 of this section, shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section 208.040, to the state or IV-D agency in an amount equal to the lesser of the workers' compensation benefits paid or delinquent child or spousal support. In such event, the lien may be enforced by a suit at law against any person or persons, firm or firms, corporation or corporations making the workers' compensation benefit payment.

5. Upon the filing of a notice pursuant to this section, the director of the division of workers' compensation shall mail to the obligor and to all attorneys and insurance carriers of record, a copy of the notice. The obligor, attorneys and insurance carriers shall be deemed to have received the notice within five days of the mailing of the notice by the director of the division of workers' compensation. The lien described in this section shall attach to all workers' compensation benefits which are thereafter payable.

6. A notice issued by the IV-D agency of this state shall advise the obligor of the procedures to contest the lien under section 454.475 on the grounds that such lien is improper due to a mistake of fact by requesting a hearing within thirty days of the mailing date of the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the overdue support or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues.

7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligor's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

(L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361, A.L. 2010 H.B. 1692, et al.)

Lien on law suits, claims or counterclaims, when, procedure--notice,contents--liability of persons making payment or settlement after notice--duties of clerk.

454.518. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon any and all claims, counterclaims, or suits at law of any obligor delinquent in child or spousal support payments.

2. No such lien shall be effective unless and until a written notice is filed with the clerk of the court in which the claim, counterclaim or suit at law is pending, and the clerk of the court mails the notices required by subsection 5 of this section. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support.

3. Notice of this lien shall not be filed unless the delinquent child or spousal support obligation exceeds one hundred dollars.

4. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment or settlement in full or partial satisfaction of the claim, counterclaim or suit at law, after receipt of such notice, as defined in subsection 5 of this section, shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section 208.040, to the state or IV-D agency in an amount equal to the lesser of the payment or settlement, or the delinquent child or spousal support. In such event, the lien may be enforced by a suit at law against any person or persons, firm or firms, corporation or corporations making the payment or settlement.

5. Upon the filing of a notice pursuant to this section, the clerk of the court shall mail to the obligor and to all attorneys of record a copy of the notice. The obligor and attorneys of record shall be deemed to have received the notice within five days of the mailing by the clerk. The lien described in this section shall attach to any payment or settlement made more than five days after the clerk mailed the notice.

6. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligee's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

(L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361)

Effective 7-1-97

Lien on rights of action for personal injury or negligence, when, procedure--notice, contents--liability of persons making payment or settlement after notice.

454.519. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon any and all demands or rights of action for negligence or personal injury which any obligor delinquent in child or spousal support payments may have.

2. No such lien shall be effective unless and until a written notice is mailed by certified mail, return receipt requested, to the alleged tort-feasor or the attorney of record, if any. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support. The notice shall also instruct the tort-feasor to mail a copy of the notice of lien to the tort-feasor's insurance carrier, if any.

3. Notice of this lien shall not be mailed unless the delinquent child or spousal support obligation exceeds one hundred dollars.

4. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment or settlement in full or partial satisfaction of the demand or right of action, after receipt by the tort-feasor of the notice of lien, shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section 208.040, to the state or IV-D agency in an amount equal to the lesser of the payment or settlement, or the delinquent child or spousal support. In such event, the lien may be enforced by a suit at law against any person or persons, firm or firms, corporation or corporations making the payment or settlement.

5. In cases which are not IV-D cases to cause a lien pursuant to the provisions of this section the obligee or the obligee's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

(L. 1986 H.B. 1479, A.L. 1993 S.B. 253, A.L. 1997 S.B. 361)

Effective 7-1-97

Delinquent child support and maintenance, interest on, rate, how computed--execution for interest, when, procedure.

454.520. 1. All delinquent child support and maintenance payments which have accrued based upon judgments or orders of courts of this state entered prior to September 29, 1979, shall draw interest at the rate of six percent per annum through September 28, 1979; at the rate of nine percent per annum from September 29, 1979, through August 31, 1982; and thereafter at the rate of one percent per month.

2. All delinquent child support and maintenance payments which have accrued based upon judgments or orders of courts of this state entered after September 28, 1979, but prior to September 1, 1982, shall draw interest at the rate of nine percent per annum through August 31, 1982, and thereafter at the rate of one percent per month.

3. All delinquent child support and maintenance payments which accrue based upon judgments of courts of this state entered on or after September 1, 1982, shall draw interest at the rate of one percent per month.

4. The interest imposed pursuant to subsections 1 to 3 of this section shall be simple interest. Interest shall accrue at the close of the business day on the last day of each month and shall be calculated by multiplying the total arrearage existing at the end of the day, less the amount of that month's installments, by the applicable rate of interest. The total amount of interest collectible is the sum of the interest which has accrued on the last day of each month following the first delinquent payment. This interest computation method shall apply to all support and maintenance orders, regardless of the frequency of the installments required by the court. If the order does not specify the date on which support or maintenance payments are to begin, it shall be assumed that the first installment was due on the date the order was entered, and subsequent installments fall due on the same day of the week, or date of the month, as is appropriate. Payments which were to begin on the twenty-ninth, thirtieth or thirty-first of any month shall be deemed due on the last day of any month not containing such date. The interest imposed pursuant to this section shall automatically accrue and attach to the underlying support or maintenance judgment or order, and may be collected together with the arrearage, except that no payment or collection shall be construed to be interest until the entire support arrearage has been satisfied. Such interest shall be considered support or maintenance for the purposes of exemptions, restrictions on amounts which may be recovered by garnishment, and nondischargeability in bankruptcy.

5. As a condition precedent to execution for interest on delinquent child support or maintenance payments, the obligee shall present to the circuit clerk a sworn affidavit setting forth the payment history of the obligor under the judgment or order, together with a statement which details the computation of the interest claimed to be due and owing; except, that the payment history affidavit shall not be required for periods during which the clerk is acting as trustee pursuant to section 452.345, or the division is acting as trustee pursuant to this chapter or any other provision of the laws of this state. It shall not be the responsibility of the circuit clerk to compute the interest due and owing. The payment history affidavit and statement of interest shall be entered in the case record by

the circuit clerk. If the obligor disputes the payment history as sworn to by the obligee, or the interest claimed, the obligor may petition the court for a determination. The court shall hold a hearing and shall make such a determination prior to the return date of the execution, or if this is not possible, the court shall direct the sheriff to pay the proceeds of the execution into the court pending such determination. If the determination as made by the court is inconsistent with the payment history affidavit of the obligee, or the interest claimed, the amount of the execution shall be so amended.

(L. 1982 S.B. 468 § 25, A.L. 1999 S.B. 291)

Effective 7-1-99

Subordination of liens, when.

454.522. 1. The director of revenue shall subordinate any lien filed pursuant to the provisions of subsection 1 of section 143.902, or any lien filed pursuant to the provisions of subsection 1 of section 144.380, to any lien for child support filed pursuant to chapter 454, without regard to whether the lien filed pursuant to subsection 1 of section 143.902 or subsection 1 of section 144.380 was filed earlier in time. This subsection shall not apply unless the child, or at least one of two or more children, on whose behalf a lien for child support has been filed pursuant to chapter 454 resides in Missouri. This subsection shall not apply if the effect of the subordination of the lien filed pursuant to subsection 1 of section 143.902 or subsection 1 of section 144.380 is to permit other lienholders senior to the child support lien to receive all the proceeds from the sale of the assets to which the lien filed pursuant to subsection 1 of section 143.902 or subsection 1 of section 144.380 attaches, with no part of the proceeds going to the child or children on whose behalf the lien has been filed pursuant to chapter 454.

2. Any collusive attempt between a child support obligor and obligee to use the provisions of subsection 1 of this section to evade or defeat any tax imposed by sections 143.011 to 143.996, or the payment thereof, shall be considered a criminal offense which may be prosecuted pursuant to section 143.911, in addition to any other penalty provided by law.

3. Any collusive attempt between a child support obligor and obligee to use the provisions of subsection 1 of this section to evade or defeat any tax imposed by sections 144.010 to 144.525, or the payment thereof, shall be considered a violation subject to the penalties provided in sections 144.500 and 144.510.

(L. 1998 S.B. 910 § 7)

Obligor, defined--conveyances of entirety, property set aside,when--hearing, presumption, burden of proving good faith.

454.525. 1. For purposes of this section, an "obligor" is a person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction.

2. Any conveyance of real or personal property made by the obligor, including conveyances made by the obligor to himself and his spouse as tenants by the entirety, for the purpose and with the intent to delay, hinder or defraud the person to whom the support obligation is owed shall be

voidable, as long as the tenancy by the entirety exists and until a good faith purchaser for value gains title to the property. This subsection shall not operate to impair the commercial banks' defense under section 362.470.

3. Any party owed a support obligation may maintain an action for the purpose of setting aside a fraudulent conveyance by filing an appropriate motion in the cause of action that produced the support order, or if the order was established pursuant to sections 454.440 to 454.510, by filing a petition in the court in which the order was filed pursuant to section 454.490. Where the party seeking to set aside the conveyance presents evidence that the conveyance was made voluntarily and without adequate consideration or in anticipation of entry or enforcement of a judicial or administrative support order, a presumption shall arise that the conveyance was made with fraudulent intent. Upon such a showing, the burden of* proving that the conveyance was made in good faith shall rest with the obligor.

4. If after a hearing the court determines that the conveyance was made for the purpose and with the intent to delay, hinder or defraud the person to whom the support obligation is owed, the court shall set the conveyance aside and subject the property to execution for satisfaction of the support judgment subject to the interest of the good faith purchaser for value, mortgagee, or commercial bank.

(L. 1986 H.B. 1479 § 2)

*Word "or" appears in original rolls.

Execution on jointly held property, when, procedure--obligor defined--parties to action--attorney's fees, assessed against whom.

454.528. 1. The interests of one or more owners of any real or personal property held in joint tenancy with right of survivorship, or otherwise held in any form of joint interest, except for property held in the name of a husband and wife and no other, are subject to execution as provided in this section for the sole purpose of enforcing judgments or orders for child support or maintenance.

2. For purposes of this section, an "obligor" is a person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction.

3. Any party in possession of a judgment or order for child support or maintenance may request levy and execution from a court of competent jurisdiction against real or personal property held by the obligor jointly with another person as provided in this section. Unless one or more of the joint owners presents to the court, within ten days after the return date of the execution, a true copy of a prior written agreement setting forth the various interests of the joint owners, or the court determines otherwise after holding a hearing as provided for in subsection 5 of this section, it shall be presumed that the interests of the joint owners are equal. Upon levy, the execution shall constitute a lien against the obligor's presumed interest in the property. Any one or more of the joint owners may obtain relief from the lien by filing with the court a copy of a prior written agreement setting forth the various interests of the joint owners, without the necessity of filing a petition under subsection 5 of this section. A copy of the written agreement shall be sent by regular United States mail to the party requesting execution, who may challenge the validity or authenticity of the agreement by filing a petition pursuant to subsection 5 of this section.

4. Upon being served with an execution issued pursuant to this section, any third party in possession of jointly owned property may interplead said property as otherwise provided by law. Commercial banks may utilize the interpleader procedure authorized by the provisions of section 362.360. The third party shall notify the owners of the property that the property has been levied upon if the owners have addresses of record with the third party.

5. Either party, or any other joint owner as provided in subsection 1 of this section, may petition the court for a determination that the interests of the joint owners are disproportionate by filing a proper motion in the cause of action from which the levy and execution was issued. The party filing the motion shall have the burden of proof as to the claim that the interests of the joint owners are disproportionate. If subject to the jurisdiction of the court, all persons owning affected real or personal property jointly with an obligor shall be made parties to any proceeding to determine the respective interests of the joint owners. After a hearing on the motion, the court shall enter an appropriate order determining the various interests of each of the joint owners, and authorizing execution against the obligor's share for satisfaction of the child support or maintenance obligation.

6. The court may assess costs and reasonable attorney's fees against the obligor, if the court determines that the obligor has an interest in the affected jointly held property. If the court determines that the obligor has no interest in the property, costs and attorney's fees may be assessed against the party who requested the execution.

(L. 1986 H.B. 1479 § 3)

CROSS REFERENCE:

Roth IRA not exempt from attachment for child support and maintenance, 513.430

Family support payment center established by the division for childsupport orders--disbursement of child support--business day,defined--electronic funds transfer system.

454.530. 1. On or before October 1, 1999, the family support division shall establish and operate a state disbursement unit to be known as the "Family Support Payment Center" for the receipt and disbursement of payments pursuant to support orders for:

(1) All cases enforced by the division pursuant to section 454.400; and

(2) Any case required by federal law to be collected or disbursed by the payment center including, but not limited to, cases in which a support order is initially issued on or after January 1, 1994, in which the income of the obligor is subject to withholding; and

(3) Beginning July 1, 2001:

(a) Any other case with a support order in which payments are ordered or directed by a court or the division to be made to the payment center or in which the income of the obligor is subject to withholding; and

(b) Any case prior to July 1, 2001, in which support payments are ordered paid to the clerk of the court as trustee pursuant to section 452.345.

2. The family support payment center shall be operated by the division, in conjunction with other state agencies pursuant to a cooperative agreement, or by a contractor responsible directly to the division. Notwithstanding any other provision of law to the contrary, after notice by the division or the court that issued the support order to the obligor that all future payments shall be made to the payment center, the payment center shall become trustee for payments made by parents, employers, states and other entities, and all future payments shall be made to the payment center. The payment center shall disburse payments to custodial parents and other obligees, the state or agencies of other states. If the payment center is operated by a contractor and the contractor receives and disburses the payments, the contractor shall have an annual audit conducted by an independent certified public accountant. The audit will determine whether funds received are disbursed or otherwise accounted for, and make recommendations as to the procedures and changes that the contractor should take to protect the funds received from misappropriation and theft. A copy of the audit shall be delivered to the division, the office of administration and the office of the state courts administrator.

3. Except as otherwise provided in sections 454.530 to 454.560, the payment center shall disburse support payments within two business days after receipt from the employer or other source of periodic income, if sufficient information identifying the payee is provided. As used in sections 454.530 to 454.560, "business day" means a day state government offices are open for regular business. Disbursement of payments made toward arrearages may be delayed until the resolution of any timely appeal with respect to such arrearage or upon order of a court.

4. The family support payment center shall establish an electronic funds transfer system for the transfer of child support payments. Obligees who want electronic transfer of support payments to a designated account shall complete an application for direct deposit and submit it to the family support payment center. The family support payment center may issue an electronic access card for the purpose of disbursing support payments to any obligee not using automated deposit to a designated account. Any person or employer may, without penalty, choose to disburse payments to the payment center by check or draft instead of by electronic transfer.

(L. 1997 S.B. 361, A.L. 1999 S.B. 291, A.L. 2006 S.B. 618, A.L. 2014 H.B. 1299
Revision)

Recovery of erroneously paid child support, procedures--penalty.

454.531. 1. Whenever a parent or other person receives support moneys for a child paid to him or her by the family support division under the provisions of chapter 454, and the division subsequently determines that such payment, through no fault of the division, was erroneously made, either in good faith, or due to fraud or receipt of inaccurate information from the recipient of such support, such parent or other person shall be indebted to the division in an amount equal to the amount of the support money received by the parent or other person for that child. The division may utilize any available administrative or legal process to collect the erroneously paid support to effect recoupment and satisfaction of the debt incurred by reason of the failure of such parent or other person to reimburse the division for such erroneously paid child support. The division is also authorized to make a setoff to effect satisfaction of the debt by deduction from support moneys for that child in its possession or in the possession of any clerk of the court or other forwarding agent

which would otherwise be payable to such parent or other person for the satisfaction of any support reimbursement. Nothing in this section authorizes the division to make a setoff as to current support paid during the month for which the payment is due and owing.

2. A person commits the crime of stealing, as defined by section 570.030, if he or she knowingly retains possession of child support payments which have been erroneously paid by the division through no fault of the division and the division has requested reimbursement of such support paid, if the purpose is to deprive the division of such reimbursement, either without the consent of the division or by means of deceit or coercion.

(L. 1998 S.B. 910 § 4, A.L. 2014 H.B. 1299 Revision)

Family support trust fund established.

454.533. 1. All support payments collected by the payment center shall be deposited in a special trust fund, which is hereby created, to be known as the "Family Support Trust Fund". Interest, if any, earned by the money in the trust fund shall be deposited into the general revenue fund in the state treasury.

2. The moneys in the family support trust fund shall not be deemed to be state funds and shall not be commingled with any state funds. Any moneys that are payable to the state of Missouri from the trust fund shall be deposited in the state's general revenue fund.

3. The payment center shall keep accurate record of the money received and disbursed through the trust fund and such records shall be available for inspection by state and federal officers and employees, obligors, obligees and the courts authorized by law.

4. The director or division may authorize the state treasurer to make refunds to the trust fund for erroneous payments and overpayments to the state.

(L. 1999 S.B. 291)

Effective 7-1-99

Records of payments and disbursements kept by division--clerks to certify records, when--non IV-D cases, procedure.

454.536. 1. The division shall maintain or cause to be maintained records showing payments and disbursements made by the payment center. The records shall be maintained in the automated child support system established pursuant to this chapter. The records shall include the amount of current support due and the total amount due for past unpaid support, and payment and disbursement records previously maintained by the circuit clerks of this state.

2. The circuit clerk shall certify the records of past payments and disbursements to the payment center at the time payments are directed to be made to the center. The payment and disbursement records of the circuit clerks, as shown on the automated child support system, shall be deemed certified by the clerks. The division or circuit clerk shall record or cause to be recorded other credits against a support order. Credits allowed pursuant to this section shall include, but not be limited to, abatements pursuant to section 452.340, in-kind payments pursuant to section 454.432, amounts

collected from an obligor from federal and state income tax refunds, state lottery payments, Social Security payments, unemployment and workers' compensation benefits, income withholdings authorized by law, liens, garnishment* actions, and any other amounts required to be credited by state law.

3. In a case that is not a IV-D case, the division shall only record payments that are received by the payment center, with all other credits recorded by the clerk. The division may change the name and address information as shown on the automated child support system based on information received by the payment center. In cases in which payments are to be made to the payment center, obligors and obligees shall notify the payment center of any changes in their names or addresses. Such notice shall be sufficient notice for the division for purposes of section 454.413.

(L. 1999 S.B. 291)

Effective 7-1-99

*Word "garnishments" appears in original rolls.

Admissibility of payment center records--certification by the director.

454.539. 1. A copy of records of payments to and disbursements by the payment center, including but not limited to the records maintained in the automated child support system, or a circuit clerk, including but not limited to copies produced by electronic or optically scanned means, whether certified by the division, circuit clerk or an employee of the payment center, shall be admissible without further proof or foundation in any judicial or administrative proceeding as proof of credits and payments made to or by the payment center or circuit clerk. Records include, but are not limited to, records maintained in the automated child support system.

2. The records shall be certified by the director, a circuit clerk or such clerk's designee, or an employee of the payment center, and additional proof of the official character of the person certifying such record or the authenticity of his or her signature shall not be required. The director, circuit clerk or such clerk's designee, or an employee of the payment center may certify payment and disbursement records contained or maintained in, or shown by, the automated child support system. The certification of the director, circuit clerk or such clerk's designee, or an employee of the payment center shall certify payments or disbursements regardless of who made the entry of the payment or disbursement. Such records shall constitute *prima facie* evidence of the amount of support paid.

(L. 1999 S.B. 291)

Effective 7-1-99

Compliance with subpoenas.

454.542. If an employee of the division, a circuit clerk or an employee of the payment center is served* with a subpoena, subpoena duces tecum or an order to produce records, the employee or clerk may comply with the subpoena or order by transmitting a certified copy of the record to the requesting party. No party shall offer such records into evidence in response to a subpoena

pursuant to this section unless all other parties to the action have been served with copies of such records and certification at least seven days prior to the commencement of the trial. A copy of properly certified records shall be admissible as evidence in all court or administrative proceedings.

(L. 1999 S.B. 291)

Effective 7-1-99

*Word "serviced" appears in original rolls.

Rebuttable presumption for authenticity of certain judicial orders and documents.

454.545. 1. A copy of a judicial order and other documents on file with the court which are transmitted, whether transmitted by facsimile or other electronic means, to the division shall be rebuttably presumed to be true and correct copies of the original document, and may be offered into evidence without authentication or verification in any hearing or proceeding pursuant to this chapter.

2. A person contesting the authenticity of the document may rebut the presumption with a certified copy. The clerk shall furnish the division with certified copies upon request and without charge.

(L. 1999 S.B. 291)

Effective 7-1-99

Processing fee permitted, amount.

454.548. In addition to any fees imposed pursuant to section 454.425 and if allowed by federal law, the division may charge and collect a fee of ten dollars from support received through the payment center for each order for every year or portion of a year during which payments are received by the payment center. Such fee shall be used to reimburse the state for the costs associated with processing support payments.

(L. 1999 S.B. 291)

Effective 7-1-99

Certified or guaranteed check required, when--fee for insufficient funds checks, amount.

454.551. 1. The division may require, after notice to the obligor, that any check paid to the payment center by the obligor must be certified or guaranteed for payment. An originator of a check other than a payor shall not be required to pay by certified or guaranteed check, unless an insufficient funds check is received and the provisions of this section have been followed.

2. In addition to any fees imposed pursuant to section 454.425, the payment center, when authorized by the division, or the state may charge a fee not to exceed twenty-five dollars for processing an insufficient funds check as a reimbursement for the costs of processing such check,

and may issue a notice to the originator of any such check that no further checks will be accepted unless the check is certified or guaranteed for payment. The division may collect the fee which shall be considered a support order for enforcement pursuant to this chapter.

(L. 1999 S.B. 291)

Effective 7-1-99

Notice to obligor, when--contempt motion filed, when.

454.554. If not required by an existing order, the division or circuit clerk shall notify by first class mail any obligor under a support order, and an employer or other payor who has or will be withholding income to direct support payments to the payment center. The division shall file a copy of the notice with the court with jurisdiction over the support order. Any obligor, employer or other payor who receives notice to direct payments to the payment center and thereafter fails to direct payments to the payment center shall receive a second written notice by certified mail, return receipt requested. Failure to pay the payment center after a second notice shall be grounds for contempt and a motion for contempt may be filed in the county or city not within a county in which the support order is filed.

(L. 1999 S.B. 291)

Effective 7-1-99

Obligations not recorded in automated system, when.

454.557. 1. A current support obligation shall not be recorded in the records maintained in the automated child support system in the following cases:

(1) In a IV-D case with a support order pursuant to section 454.465 or 454.470 when the division determines that payments for current support are no longer due and should no longer be made to the payment center. The division shall notify by first class mail the obligor and obligee under the support orders that payments shall no longer be made to the payment center, and any withholding of income shall be terminated unless it is subsequently determined by the division or court having jurisdiction that payments will continue. The division's determination shall terminate the division's support order, but shall not terminate any obligation of support established by court order. The obligor and obligee may contest the decision of the division to terminate the division's support order by requesting a hearing within thirty days of the mailing of the notice provided pursuant to this section. The hearing shall comply with the provisions of section 454.475;

(2) In all cases with a support order entered by a court when the court that issued the support order terminates such order. The division shall also cease enforcing the order if no past support is due; or

(3) In all cases when the obligation of a parent to make child support payments is deemed terminated under subdivisions (1) to (4) of subsection 11 of section 452.340.

2. Nothing in this section shall affect or terminate the amount due for unpaid past support.

(L. 1999 S.B. 291, A.L. 2010 H.B. 1692, et al.)

Payments made to center upon request.

454.559. The court shall order payments to be made to the payment center upon request of the division or attorneys representing the division.

(L. 1999 S.B. 291)

Effective 7-1-99

Endorsement of negotiable instruments, when.

454.560. Payment on a support order to the payment center shall authorize the division to endorse a negotiable instrument payable to the obligee, the circuit clerk, the state or the state agency.

(L. 1999 S.B. 291)

Effective 7-1-99

Report to the general assembly, when.

454.565. Beginning in 2000, the family support division shall report to the general assembly regarding the family support payment center by December 1, 2000, and by each December first thereafter. Such report shall include recommendations and an analysis of the efficiency and effectiveness of the system.

(L. 1999 S.B. 291, A.L. 2014 H.B. 1299 Revision)

Definitions.

454.600. As used in sections 454.600 to 454.645, the following terms mean:

(1) "Court", any circuit court establishing a support obligation pursuant to an action under this chapter, chapter 210, chapter 211 or chapter 452;

(2) "Director", the director of the family support division of the department of social services;

(3) "Division", the family support division of the department of social services;

(4) "Employer", any individual, organization, agency, business or corporation hiring an obligor for pay;

(5) "Health benefit plan", any benefit plan or combination of plans, other than public assistance programs, providing medical or dental care or benefits through insurance or otherwise, including but not limited to health service corporations, as defined in section 354.010; prepaid dental plans, as defined in section 354.700; health maintenance organization plans, as defined in section 354.400; and self-insurance plans, to the extent allowed by federal law;

(6) "Minor child", a child for whom a support obligation exists under law;

(7) "Obligee", a person to whom a duty of support is owed or a person, including any division of the department of social services, who has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order, regardless of whether the person to whom a duty of support is owed is a recipient of public assistance;

(8) "Obligor", a person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced; *

(9) "IV-D case", a case in which support rights have been assigned to the state of Missouri pursuant to section 208.040, or in which the family support division is providing support enforcement services pursuant to section 454.425.

(L. 1993 S.B. 253 § 3, A.L. 2014 H.B. 1299 Revision)

*Word "and" appears here in original rolls.

Health benefit plan may be required--terms--order of coverage--liability for expenses not covered--abatement, termination of coverage.

454.603. 1. At any stage of a proceeding in which the circuit court or the division has jurisdiction to establish or modify an order for child support, including but not limited to actions brought pursuant to this chapter, chapters 210, 211, and 452, the court or the division shall determine whether to require a parent to provide medical care for the child through a health benefit plan.

2. With or without the agreement of the parents, the court or the division may require that a child be covered under a health benefit plan. Such a requirement shall be imposed whenever a health benefit plan is available at reasonable cost through a parent's employer or union or in any IV-D case. If such a plan is not available at reasonable cost through an employer or union and the case is not a IV-D case, the court in determining whether to require a parent to provide such coverage, shall consider:

(1) The best interests of the child;

(2) The child's present and anticipated needs for medical care;

(3) The financial ability of the parents to afford the cost of a health benefit plan; and

(4) The extent to which the cost of the health benefit plan is subsidized or reduced by participation on a group basis or otherwise.

3. To the extent that such options are available under the terms of the health benefit plan, an order may specify required terms of the health benefit plan, including:

(1) Minimum required policy limits;

(2) Minimum required coverage;

(3) Maximum terms for deductibles or required co-payments; or

(4) Other significant terms, including, but not limited to, any provision required for a health benefit plan under the federal Employee Retirement Income Security Act of 1974, as amended.

4. If the child is not covered by a health benefit plan but such a plan is available to one of the parents, the court or the division shall order that coverage under the health benefit plan be provided for the child unless there is available to the other parent a health benefit plan with comparable or better benefits at comparable or reduced cost. If health benefit plans are available to both parents upon terms which provide comparable benefits and costs, the court or the division shall determine which health benefit plan, if any, shall be required, giving due regard to the possible advantages of each plan.

5. The court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the minor child that are not covered by the required health benefit plan coverage if:

(1) The court finds that the health benefit plan coverage required to be obtained by the obligor or available to the obligee does not pay all the reasonable and necessary medical or dental expenses of the minor child; and

(2) The court finds that the obligor has the financial resources to contribute to the payment of these medical or dental expenses; and

(3) The court finds the obligee has substantially complied with the terms of the health benefit coverage.

6. The cost of health benefit plan employee contributions or premiums shall not be a direct offset to child support awards established pursuant to this chapter, chapters 210, 211, and 452, but it shall be considered when determining the amount of child support to be paid by the obligor.

7. If two or more health benefit plans are available to one or both parents that are complementary to one another or are compatible as primary and secondary coverage for the child, the court or the division may order each parent to maintain one or more health benefit plans for the child.

8. Prior to terminating enrollment in a health benefit plan or changing from one health benefit plan to another, consideration by the court or division shall be given to the child's medical condition and best interests and whether there is reason to believe that a new health benefit plan would omit or limit benefits because of a preexisting condition.

9. An abatement of a parent's child support obligation shall not automatically abate that parent's duty to provide for the child's health care needs. Unless an order of the court or the division specifically provides for abatement or termination of health care coverage, an order to maintain health benefits or otherwise provide for a child's health care needs shall continue in force until further order of the court or the division, or until the child's right to parental support terminates.

(L. 1993 S.B. 253 § 4, A.L. 1997 S.B. 361)

Effective 7-1-97

Notice to employer or union, National Medical Support Notice to be used--notice, how delivered--division duties.

454.606. 1. In all IV-D cases in which income withholding for child support is to be initiated on the effective date of the order pursuant to section 452.350 and section 454.505, respectively, the circuit clerk or division, as appropriate, shall send a notice to the employer or union of the parent who has been ordered to provide the health benefit plan coverage at the same time the support order withholding notice is issued. In cases in which the division enforces an order to obtain health benefit plan coverage, it also shall send a notice to the employer or union of the parent who has been ordered to provide the health benefit plan coverage.

2. The notice shall be sent to the employer or union either by regular mail or by certified mail, return receipt requested.

3. The division shall use the National Medical Support Notice required by 42 U.S.C. Section 666(a)(19) and 45 C.F.R. Section 303.32 to enforce health benefit plan coverage under this chapter. All employers, unions, and plan administrators shall comply with the terms of the National Medical Support Notice, including the instructions therein, whether issued by the division or the IV-D agency of another state which appears regular on its face. The division shall:

(1) Transfer the National Medical Support Notice to an employer within two business days after the date of entry of an employee who is an obligor in a IV-D case in the state directory of new hires; and

(2) Promptly notify the appropriate employer or union if a current order for medical support for which the division is responsible is no longer in effect.

4. The notice issued by the circuit clerk shall contain, at a minimum, the following information:

(1) The parent's name and Social Security number;

(2) A statement that the parent is required to provide and maintain health benefit plan coverage for a dependent minor child; and

(3) The name, date of birth, and Social Security number, if available, for each child.

5. The notice to withhold sufficient funds from the earnings due the obligor to cover employee contributions or premiums, when necessary to comply with the order to provide health benefit plan coverage, is binding on current and successor employers for current and subsequent periods of employment. Such notice shall continue until further notice by the court or division.

6. The withholding of health benefit plan employee contributions or premiums from income, if required to comply with the order, shall not be held in abeyance pending the outcome of any hearing provided pursuant to section 454.609.

(L. 1993 S.B. 253 § 5, A.L. 2002 S.B. 923, et al., A.L. 2003 S.B. 330)

Notice to obligor, contents--grounds for contesting, hearing.

454.609. 1. At the same time an employer or union notice is sent pursuant to section 454.606, the circuit clerk or the division, as appropriate, shall send a notice to the obligor by any form of mail to the obligor's last known address. The information contained in that notice shall include:

- (1) A statement that the parent has been directed to provide and maintain health benefit plan coverage for the benefit of a minor child;
- (2) The name and date of birth of the minor child;
- (3) A statement that the income withholding for health benefit coverage applies to current and subsequent periods of employment;
- (4) A statement that the parent may within thirty days of the mailing date of the order or notice submit a written contest to the withholding on the grounds that the withholding is not proper because of mistake of fact or because the obligor provides other insurance that was obtained prior to issuance of the withholding order or notice that is comparable to the health benefit plan available through the employer or union or nonemployer or nonunion group;
- (5) A statement that if the obligor contests the withholding, the obligor shall be afforded an opportunity to present his or her case to the court or the division within thirty days of receipt of the notice of contest;
- (6) A statement of exemptions which may apply to limit the portion of the obligated party's disposable earnings which are subject to the withholding under federal or state law;

(7) The Social Security number of the obligor, if available;

(8) A statement that state law prohibits employers from retaliating against an obligor under an order to provide health benefit plan coverage and that the court or the division should be contacted if the obligor has been retaliated against by his or her employer as a result of the order for health benefit plan coverage.

2. The only grounds to contest a withholding order or notice for health benefit plan coverage sent to an employer or union shall be mistake of fact or that the obligor obtained other insurance prior to issuance of the withholding order or notice that is comparable to the health benefit plan available through the employer or union, or nonemployer or nonunion group. For purposes of sections 454.600 to 454.645, "mistake of fact" means an error as to the identity of the obligor.

3. If the obligor contests the withholding order or notice for health plan coverage because of mistake of fact or because the obligor obtained comparable insurance prior to issuance of the withholding order or notice, the court or the director shall hold a hearing, enter an order disposing of all issues disputed by the obligor and notify the obligated party of the determination and date, within forty-five days of the date of receipt of the obligated party's notice of contest.

(L. 1993 S.B. 253 § 6, A.L. 2002 S.B. 923, et al.)

Written proof of obligor's compliance with order--forwarding to unionor employer.

454.612. 1. In cases other than IV-D cases, the obligor shall provide to the obligee within thirty days of receipt of effective notice of a court order for health benefit plan coverage pursuant to sections 454.600 to 454.645 written proof of the obligor's compliance with that order. Compliance means either that the health benefit plan coverage has been obtained or that a correct and complete application for such coverage has been made.

2. The obligee shall forward a copy of the court order for health benefit plan coverage issued pursuant to sections 454.600 to 454.645 to the obligor's employer or union when ordered to do so by the court or when:

- (1) The obligor fails to provide written proof of compliance with the court order to the obligee within thirty days of the obligor's receipt of effective written notice of the court order;
- (2) The obligee serves by mail at the obligor's known post office address written notice on the obligor of the obligee's intent to enforce the order;
- (3) The obligor fails to provide, within fifteen days after the date the obligee mailed the notice provided for in this section, written proof to the obligee that the obligor has obtained the health benefit plan coverage ordered by the court or has applied for such coverage; and
- (4) The obligee files an affidavit with the circuit clerk alleging that the obligor failed to provide written proof of compliance after mailing the notice required by this section to the obligor.

(L. 1993 S.B. 253 § 7)

Effective 5-26-93

Employer or union to transfer order to group health plan--duties of plan administrator.

454.615. 1. Upon receipt of a court or administrative order, or notice, for health benefit plan coverage, the employer or union shall transfer the order or notice to the appropriate group health plan providing the health plan coverage for which the child is eligible, excluding any severable notice to withhold for health care coverage directing the employer or union to withhold any mandatory employee contribution to the plan, within twenty business days after the date of the order or notice.

2. Within forty business days after the date of the order or notice, the plan administrator shall:

(1) Notify the issuing agency whether coverage of the child is available under the terms of the plan and, if so, whether such child is covered under the plan and either the effective date of such coverage or, if necessary, any steps to be taken by the custodial parent or issuing agency to effectuate such coverage; and

(2) Provide to the custodial parent or issuing agency a description of the coverage available and any forms or documents necessary to effectuate such coverage.

(L. 1993 S.B. 253 § 8, A.L. 2002 S.B. 923, et al.)

Enrolling of child as eligible dependent in health benefit plan, withholding of contributions--provision of information and authorization--denial or restriction of coverage, prohibited, when.

454.618. 1. Upon receipt of the court or administrative order, or notice, for health benefit plan coverage, or upon application of the obligor pursuant to that order, the employer or union shall take necessary action to enroll the minor child as an eligible dependent in the health benefit plan and, upon enrollment, withhold any required employee contribution or premium from the obligor's income or wages necessary for the coverage of the child and send any amount withheld directly to the

health benefit plan administrator. If more than one health benefit plan is offered by the employer or union, the minor child shall be enrolled in the plan in which the obligor is enrolled. When one or more plans are available and the obligor is not enrolled in a plan that covers dependents or is not enrolled in any plan, the minor child and the obligor if necessary shall be enrolled under the least costly plan that provides service to the area where the child resides if the order or notice for health benefit plan coverage is not a National Medical Support Notice issued by the division or IV-D agency of another state. If the notice for health benefit plan coverage is a National Medical Support Notice issued by the division or IV-D agency of another state, the health benefit plan administrator shall provide to the issuing agency copies of the applicable summary plan descriptions or other documents that describe available coverage, including the additional participant contribution necessary to obtain coverage for the child under each option and whether there is a limited service area for any option. The issuing agency, in consultation with the custodial parent, must promptly select from the available plan options. If the issuing agency does not make such selection within twenty business days from the date the plan administrator provided the option, the plan administrator shall enroll the child in the plan's default option, if any. If the plan does not have a default option, the plan administrator shall enroll the child in the option selected by the issuing agency.

2. In those instances where the obligor fails or refuses to execute any document necessary to enroll the minor child in the health benefit plan ordered by the court, the required information and authorization may be provided by the division or the custodial parent or guardian of the minor child.

3. Information and authorization provided by the division or the custodial parent or guardian of the minor child shall be valid for the purpose of meeting enrollment requirements of the health benefit plan and shall not affect the obligation of the employer or union and the insurer to enroll the minor child in the health benefit plan for which other eligibility, enrollment, underwriting terms and other requirements are met. However, any health benefit plan provision which denies or restricts coverage to a minor child of the obligor due to birth out of wedlock shall be void as against public policy.

4. A minor child that an obligor is required to cover as an eligible dependent pursuant to sections 454.600 to 454.645 shall be considered for health benefit plan coverage purposes as a dependent of the obligor until the child's right to parental support terminates or until further order of the court, but in no event past the limiting age set forth in the health benefit plan.

(L. 1993 S.B. 253 § 9, A.L. 1994 H.B. 1491 & 1134, A.L. 2002 S.B. 923, et al.)

No change of coverage required.

454.621. No health benefit plan shall be required to change coverages provided as a result of sections 454.600 to 454.645. Nothing in sections 454.600 to 454.645 shall be construed as creating a regulatory authority over the business of insurance.

(L. 1993 S.B. 253 § 10)

Effective 5-26-93

Payment of benefit due, discharge from liability.

454.624. In the case of any claim submitted by the custodial parent for care provided to a minor child who is enrolled as an eligible dependent pursuant to an order or notice of health benefit plan coverage, the health benefit plan administrator or insurer shall, in the absence of an assignment of benefits to the health care provider with respect to such claim or proof of payment by the noncustodial parent, pay to the custodial parent any benefit due. The health benefit plan administrator or insurer shall be fully discharged from any and all liability on the claim to the extent of such payments to the custodial parent.

(L. 1993 S.B. 253 § 11)

Effective 5-26-93

Termination of obligor's employment or coverage, notification of obligee.

454.627. When an order for health benefit plan coverage pursuant to sections 454.600 to 454.645 is in effect, upon termination of the obligor's employment, or upon termination of the health benefit plan coverage, the employer, union or health benefit plan administrator, as appropriate, shall make a good faith effort to notify the obligee, or in IV-D cases, the division, within ten days of the termination date with notice of continuation or conversion privileges. In addition, in IV-D cases, upon termination of the obligor's employment, the employer shall promptly notify the division or IV-D agency of another state, as applicable, of the obligor's last known address and the name and address of the obligor's new employer, if known.

(L. 1993 S.B. 253 § 12, A.L. 2002 S.B. 923, et al.)

Release of information.

454.630. When an order for health benefit plan coverage pursuant to sections 454.600 to 454.645 is in effect, the obligor's employer or union shall* release to the division or obligee, upon request, information on such coverage, including the name of the administrator or insurer.

(L. 1993 S.B. 253 § 13)

Effective 5-26-93

*Word "shall" not in original rolls, an apparent typographical error.

Failure to maintain coverage, liability, effect--parents' jointliability for medical care--action to collect percentage.

454.633. 1. An obligor who fails to maintain the health benefit plan coverage for the benefit of a minor child as ordered pursuant to sections 454.600 to 454.645 shall be liable to the obligee or to the state of Missouri for any medical and dental expenses or health benefit plan employee contributions or premiums incurred or paid by the obligee or the state, from the date of the court or administrative order.

2. Proof of failure to maintain health benefit plan coverage as ordered constitutes a showing of increased need by the obligee and provides a basis for an increase of the obligor's child support order.

3. As between a health care provider and the parents of a child, the parents shall be jointly and severally liable to the provider for the reasonable costs of the child's necessary medical care. As between parents, responsibility for the child's care expenses that are not covered by a health benefit plan may be equitably apportioned between the parents by the court or the division, in percentage shares based on their income, or based on a written agreement of the parties. If the order or agreement fails to designate the shares applicable to the parents, then each parent shall be liable for fifty percent of such expenses.

4. The director is hereby authorized to bring an action in circuit court on behalf of the custodial parent to collect from the obligor the appropriate percentage share of medical care expenses which were paid by the obligee and were not covered by a health care benefit plan.

(L. 1993 S.B. 253 § 14)

Effective 5-26-93

Order of income withholding, priority--current obligation.

454.636. 1. An order of income withholding for health benefit plan coverage shall have priority over all other legal processes under state law against money, income or periodic earnings of the noncustodial parent except an order of income withholding for current child support.

2. Notwithstanding the provisions of section 452.350 and section 454.505, or any other provision of law to the contrary, the amount contained in an order of income withholding for health benefit plan coverage issued pursuant to sections 454.600 to 454.645, shall be considered a current child support obligation for purposes of applying the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b), and shall run concurrently with orders issued pursuant to section 452.350 and section 454.505. However, when concurrently running wage withholding processes for the collection of support obligations, including an order for health benefit plan coverage, cause the amounts withheld from the obligor to exceed applicable wage withholding limitations, the employer shall not include the amount contained in the order of income withholding for health benefit plan coverage in determining the pro rata distribution, and shall not withhold any amount for health benefit plan coverage from an employee's wages.

(L. 1993 S.B. 253 § 15)

Effective 5-26-93

Collection and enforcement--remedies--modification.

454.639. All remedies available for collection and enforcement of child support apply to medical support ordered pursuant to sections 454.600 to 454.645. The remedies established by sections 454.600 to 454.645 are in addition to and not in substitution for other remedies provided by law and apply without regard to when the order was entered. Either parent or the division may initiate

modification proceedings to seek the addition of a provision for health benefit plan coverage to an existing court or administrative order, notwithstanding the requirement under this chapter, chapters 210, 211, and 452 to allege or prove a substantial and continuing change in circumstances.

(L. 1993 S.B. 253 § 16)

Effective 5-26-93

Compliance by employer or union, discharge of liability--termination of order.

454.642. 1. Compliance by an employer or union with the order for health benefit plan coverage operates as a discharge of liability to the obligor as to any part of the obligor's periodic earnings or other income so affected.

2. The court or the director, upon motion of the obligor and for good cause shown, may terminate the respective judicial or administrative order for health benefit plan coverage.

(L. 1993 S.B. 253 § 17)

Effective 5-26-93

Discharge, discipline prohibited--rebuttable presumption--civil contempt proceeding authorized, procedure.

454.645. 1. An employer shall not discharge or otherwise discipline, or refuse to hire, an employee as a result of an order or notice issued pursuant to the provisions of sections 454.600 to 454.645. If any such employee is discharged within thirty days of the date upon which an order for health benefit plan coverage is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order.

2. Any obligor who is aggrieved as a result of a violation of this section may bring a civil contempt proceeding against the employer by filing an appropriate motion in the cause of action from which the order for health benefit plan coverage was issued. The director is also authorized to bring an action in circuit court to determine whether there has been a wrongful discharge or discipline under this section.

3. In either action cited above, if the court finds that the employer discharged, disciplined, or refused to hire the obligated parent as a result of the order or notice, the court may order the employer to reinstate or hire the obligor, or rescind any wrongful disciplinary action. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of health benefit plan employee or employer contributions or premiums and child support which should have been withheld and paid over by the employer during the period of time the employee was wrongfully discharged. If, after the entry of such an order, the employer refuses without good cause to comply with the court's order, or if the employer fails to comply with the health benefit plan coverage notice, the court may, after notice to the employer and a hearing, impose a fine against the employer, not to exceed five hundred dollars.

(L. 1993 S.B. 253 § 18)

Effective 5-26-93

Insurer to permit enrollment, when--duties of employer--garnishment of income permitted, when.

454.700. 1. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and a parent is eligible through employment, under the provisions of the federal Comprehensive Omnibus Budget Reconciliation Act (COBRA) or the provisions of section 376.892, or for health coverage through an insurer or group health plan, any insurers, including group health plans as defined in Section 607(1) of the federal Employee Retirement Income Security Act of 1974, offering, issuing, or renewing policies in this state on or after July 1, 1994, shall:

- (1) Permit such parent to enroll under such coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;
- (2) Permit enrollment of a child under coverage upon application by the child's other parent, the family support division, the MO HealthNet division, or the tribunal of another state, if the parent required by a court or administrative order to provide health coverage fails to make application to obtain coverage for such child;
- (3) Not disenroll or eliminate coverage of a child unless:
 - (a) The insurer is provided satisfactory written evidence that such court or administrative order is no longer in effect; or
 - (b) The insurer is provided satisfactory written evidence that the child is or will be enrolled in comparable health coverage through another insurer which will take effect no later than the effective date of the disenrollment; or
 - (c) The employer or union eliminates family health coverage for all of its employees or members; or
 - (d) Any available continuation coverage is not elected or the period of such coverage expires.

2. In any case in which a parent is required by a court or administrative order to provide medical coverage for a child, under any health benefit plan, as defined in section 454.600, and the parent is eligible for such health coverage through an employer doing business in Missouri, the employer or union shall:

- (1) Permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage, without regard to any enrollment season restrictions;
- (2) Enroll a child under family coverage upon application by the child's other parent, the family support division, the MO HealthNet division, or a tribunal of another state, if a parent is enrolled but fails to make application to obtain coverage of such child; and
- (3) Not disenroll or eliminate coverage of any such child unless:

- (a) The employer or union is provided satisfactory written evidence that such court or administrative order is no longer in effect; or
 - (b) The employer or union is provided satisfactory written evidence that the child is or will be enrolled in comparable health coverage through another insurer which will take effect not later than the effective date of such disenrollment; or
 - (c) The employer or union has eliminated family health coverage for all of its employees or members.
3. No insurer may impose any requirements on a state agency, which has been assigned the rights of an individual eligible for medical assistance under chapter 208 and covered for health benefits from the insurer, that are different from requirements applicable to an agent or assignee of any other individual so covered.

4. All insurers shall in any case in which a child has health coverage through the insurer of a noncustodial parent:

- (1) Provide such information to the custodial parent or legal guardian as may be necessary for the child to obtain benefits through such coverage;
- (2) Permit the custodial parent or legal guardian, or provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and
- (3) Make payment on claims submitted in accordance with subdivision (2) of this subsection directly to the parent, the provider, or the MO HealthNet division.

5. The MO HealthNet division may garnish the wages, salary, or other employment income of, and require withholding amounts from state tax refunds, pursuant to section 143.783, to any person who:

- (1) Is required by court or administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance under Medicaid; and
- (2) Has received payment from a third party for the costs of such services to such child, but has not used such payment to reimburse, as appropriate, either the other parent or guardian of such child or the provider of such services, to the extent necessary to reimburse the MO HealthNet division for expenditures for such costs under its plan. However, claims for current or past due child support shall take priority over claims by the MO HealthNet division.

6. The remedies for the collection and enforcement of medical support established in this section are in addition to and not in substitution for other remedies provided by law and apply without regard to when the order was entered.

(L. 1994 H.B. 1491 & 1134 merged with S.B. 508, A.L. 2002 S.B. 923, et al., A.L. 2014 H.B. 1299 Revision)

Effective date of repeal of act.

454.849. The repeal of sections 454.850 to 454.999 shall become effective upon the United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007.

(L. 2011 H.B. 260 § B)

Definitions.

454.850. In sections 454.850 to 454.997:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by section 452.350 or 454.505, to withhold support from the income of the obligor.

(7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under the provisions of sections 454.850 to 454.997 or a law or procedure substantially similar to sections 454.850 to 454.997, or under a law or procedure substantially similar to the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act.

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

- (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;
- (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or
- (iii) an individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

- (i) who owes or is alleged to owe a duty of support;
- (ii) who is alleged but has not been adjudicated to be a parent of a child; or
- (iii) who is liable under a support order.

(14) "Register" means to record or file a support order or judgment determining parentage in the tribunal having jurisdiction in such action.

(15) "Registering tribunal" means a tribunal in which a support order is registered.

(16) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under the provisions of sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to 454.997, or under a law or procedure substantially similar to the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act.

(17) "Responding tribunal" means the authorized tribunal in a responding state.

(18) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(19) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes:

- (i) an Indian tribe; and
- (ii) a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under sections 454.850 to 454.997 or the procedures under the uniform reciprocal enforcement of support act or the revised uniform reciprocal enforcement of support act.

(20) "Support enforcement agency" means a public official or agency authorized to seek:

- (i) enforcement of support orders or laws relating to the duty of support;
- (ii) establishment or modification of child support;
- (iii) determination of parentage; or
- (iv) to locate obligors or their assets.

(21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Tribunals in Missouri.

454.853. The courts and the family support division are the tribunals of this state.

(L. 1996 H.B. 992, A.L. 2014 H.B. 1299 Revision)

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Remedies, cumulative.

454.855. Remedies provided by sections 454.850 to 454.997 are cumulative and do not affect the availability of remedies under other law.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Jurisdiction, extended personal jurisdiction.

454.857. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(1) the individual is personally served with notice within this state;

(2) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this state;

(4) the individual resided in this state and provided prenatal expenses or support for the child;

(5) the child resides in this state as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage in the putative father registry maintained in this state by the department of health and senior services; or

(8) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(L. 1996 H.B. 992)

Effective 1-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Jurisdiction, evidence and discovery from a foreign state--conflict of laws.

[454.860](#). A tribunal of this state exercising personal jurisdiction over a nonresident under section [454.857](#) may apply section [454.917](#) to receive evidence from another state, and section [454.922](#) to obtain discovery through a tribunal of another state. In all other respects, sections [454.880](#) to [454.983](#) do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by sections [454.850](#) to [454.997](#).

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Tribunal of this state may be initiating or responding tribunal.

[454.862](#). Under sections [454.850](#) to [454.997](#), a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Jurisdiction may be exercised, when--jurisdiction not proper, when.

[454.865](#). (a) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

(1) the petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) if relevant, this state is the home state of the child.

(b) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(2) the contesting party timely challenges the exercise of jurisdiction in this state; and

(3) if relevant, the other state is the home state of the child.

(L. 1996 H.B. 992)

Effective 1-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Jurisdiction, proceedings involving a foreign tribunal, exclusive jurisdiction, modifications of orders, loss of exclusive jurisdiction, recognition of foreign jurisdiction, effect of temporary support order on jurisdiction, spousal support order.

454.867. (a) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order:

(1) as long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to sections [454.850](#) to [454.997](#) or a law substantially similar to sections [454.850](#) to [454.997](#).

(c) If a child support order of this state is modified by a tribunal of another state pursuant to sections [454.850](#) to [454.997](#) or a law substantially similar to sections [454.850](#) to [454.997](#), a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to 454.997.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Jurisdiction, proceedings involving a foreign tribunal, tribunal requests to enforce or modify support orders.

454.869. (a) A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 454.917 to receive evidence from another state and section 454.922 to obtain discovery through a tribunal of another state.

(c) A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Jurisdiction, multiple support orders--which order recognized, procedure.

454.871. (a) If a proceeding is brought under sections 454.850 to 454.997, and only one tribunal has issued a child support order, the order of that tribunal is controlling and must be recognized.

(b) If a proceeding is brought under sections 454.850 to 454.997, and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under sections 454.850 to 454.997, the order of that tribunal is controlling and must be recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under sections 454.850 to 454.997, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued is controlling and must be recognized.

(3) If none of the tribunals would have continuing exclusive jurisdiction under sections 454.850 to 454.997, the tribunal of this state having jurisdiction over the parties must issue a child support order, which is controlling and must be recognized.

(c) If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be recognized under subsection (b) of this section. The request must be accompanied by a certified copy of every support order in effect. Every party whose rights may be affected by a determination of the controlling order must be given notice of the request for that determination.

(d) The tribunal that issued the order that must be recognized as controlling under subsection (a), (b) or (c) of this section is the tribunal that has continuing, exclusive jurisdiction in accordance with section 454.867.

(e) A tribunal of this state which determines by order the identity of the controlling child support order under subsection (b)(1) or (b)(2) of this section or which issues a new controlling child support order under subsection (b)(3) shall include in that order the basis upon which the tribunal made its determination.

(f) Within thirty days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of it with each tribunal that had issued or registered an earlier order of child support. Failure of the party obtaining the order to file a certified copy as required subjects that party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling order.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Jurisdiction, multiple registrations or petitions for support orders,manner of treatment.

454.874. In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

(L. 1996 H.B. 992)

Effective 1-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Collections pursuant to order of foreign tribunal, credited, how.

454.877. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Proceedings authorized, commencement of proceedings.

454.880. (a) Except as otherwise provided in sections 454.850 to 454.997, this article applies to all proceedings under sections 454.850 to 454.997.

(b) Sections 454.850 to 454.997, provide for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to section 454.930;

(2) enforcement of a support order and income withholding order of another state without registration pursuant to sections 454.932 to 454.946;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to sections 454.948 to 454.981;

(4) modification of an order for child support or spousal support issued by a tribunal of this state pursuant to sections 454.862 to 454.869;

(5) registration of an order for child support of another state for modification pursuant to sections 454.948 to 454.981;

(6) determination of parentage pursuant to section 454.983; and

(7) assertion of jurisdiction over nonresidents pursuant to sections 454.857 to 454.860.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under sections 454.850 to 454.997, by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Minor, proceeding on behalf of.

454.882. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Applicable law, choice of law.

454.885. Except as otherwise provided by sections 454.850 to 454.997, a responding tribunal of this state:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Copies of petition and documents forwarded.

454.887. (a) Upon the filing of a petition authorized by sections 454.850 to 454.997, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If a responding state has not enacted the uniform interstate family support act or a law or procedure substantially similar to the uniform interstate family support act, a tribunal of this state may issue a certificate or other documents and make findings required by the law of the responding

state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Receipt of petition by state tribunal, notification of petitioner,powers of court.

454.890. (a) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection (c) of section 454.880, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this state shall include a support order issued under sections 454.850 to 454.997, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this state may not condition the payment of a support order issued under sections 454.850 to 454.997, upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under sections 454.850 to 454.997, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Receipt by inappropriate tribunal, petition and documents, forwarded, notification.

454.892. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner by first class mail where and when the pleading was sent.

(L. 1996 H.B. 992)

Effective 1-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Proceeding, services provided by support enforcement agency.

454.895. (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under sections 454.850 to 454.997.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) Sections 454.850 to 454.997, do not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Attorney general's order on neglect by support enforcement agency'sduties.

454.897. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under sections 454.850 to 454.997 or may provide those services directly to the individual.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Representation by counsel.

454.900. An individual may employ private counsel to represent the individual in proceedings authorized by sections 454.850 to 454.997.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Family support division is state information agency, duties.

454.902. (a) The family support division is the state information agency under sections 454.850 to 454.997.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under sections 454.850 to 454.997, and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under sections 454.850 to 454.997, received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and Social Security.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Petitions, verification requirements.

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

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

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Pleadings, nondisclosure of information.

454.907. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under sections [454.850](#) to [454.997](#).

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Payment of fees and costs, attorney's fees.

454.910. (a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under sections 454.948 to 454.981, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Jurisdiction, personal, not obtained for another proceeding, immunity from service of process, when.

454.912. (a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under sections 454.850 to 454.997.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under sections 454.850 to 454.997, committed by a party while present in this state to participate in the proceeding.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Parentage, previous determination, effect on defense of nonparentage.

454.915. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under sections 454.850 to 454.997.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Presence of petitioner for jurisdiction of tribunal, evidence admissible.

454.917. (a) The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under sections 454.850 to 454.997, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under sections 454.850 to 454.997.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under sections 454.850 to 454.997.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Inquiries between tribunals, communication means permitted.

454.920. A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

(L. 1996 H.B. 992)

Effective 1-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Discovery, request of assistance between tribunals.

454.922. A tribunal of this state may:

(1) request a tribunal of another state to assist in obtaining discovery; and

(2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

(L. 1996 H.B. 992)

Effective 1-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Disbursements, statement furnished.

454.927. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Support orders issued, when, temporary child support order issued,when.

454.930. (a) If a support order entitled to recognition under sections [454.850](#) to [454.997](#), has not been issued, a responding tribunal of this state may issue a support order if:

(1) the individual seeking the order resides in another state; or

(2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if:

(1) the respondent has signed a verified statement acknowledging parentage;

(2) the respondent has been determined by or pursuant to law to be the parent; or

(3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 454.890.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Income withholding order, issued in another state.

454.932. An income withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under section 452.350 or section 454.505 without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

(L. 1996 H.B. 992, A.L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Income withholding orders, employer's duties.

454.934. (a) Upon receipt of the order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

(c) Except as provided in subsection (d) of this section and section 454.936, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order, as applicable, that specify:

(1) the duration and the amount of periodic payments of current child support, stated as a sum certain;

(2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrears and interest on arrears, stated as sums certain.

(d) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income withholding order;

- (2) the maximum amount permitted to be withheld from the obligor's income;
- (3) the time periods within which the employer must implement the withholding order and forward the child support payment.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Multiple orders to withhold support, compliance of employer, when.

454.936. If the obligor's employer receives multiple orders to withhold support from the earnings of the same obligor, the employer shall be deemed to have satisfied the terms of the multiple orders if the employer complied with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support orders.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Immunity from civil liability of employer for compliance.

454.938. An employer who complies with an income withholding order issued in another state in accordance with sections [454.932](#) to [454.946](#), is not subject to civil liability to any individual or agency with regard to the employer's withholding child support from the obligor's income.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Penalties for noncompliance of employer.

454.941. An employer who willfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Validity of income withholding contested, procedure.

454.943. (a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. Section 454.956 applies to the contest.

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer which has directly received an income withholding order; and

(3) the person or agency designated to receive payments in the income withholding order, or if no person or agency is designated, to the obligee.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Foreign tribunal's order enforced, when, procedure.

454.946. (a) A party seeking to enforce a support order or an income withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to sections 454.850 to 454.997.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Registration of a foreign tribunal's order required.

454.948. A support order or an income withholding order issued by a tribunal of another state may be registered in this state for enforcement.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Procedure for registering a foreign tribunal's order.

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

- (1) a letter of transmittal to the tribunal requesting registration and enforcement;
- (2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) the name of the obligor and, if known:
 - (i) the obligor's address and Social Security number;
 - (ii) the name and address of the obligor's employer and any other source of income of the obligor; and
 - (iii) a description and the location of property of the obligor in this state not exempt from execution; and
- (5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

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

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

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Registration is complete and enforceable when.

454.953. (a) A support order or income withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(c) Except as otherwise provided in sections 454.948 to 454.981, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Issuing state law governs--statute of limitations.

454.956. (a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Notification of nonregistering party, procedure.

454.958. (a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to section [452.350](#) or section [454.505](#).

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Nonregistering party's contest of a support order, procedure, effect.

454.961. (a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 454.963.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Burden of proof, contest by nonregistering party.

454.963. (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of this state to the remedy sought;

(6) full or partial payment has been made; or

(7) the statute of limitation under section 454.956 precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Confirmation of registration.

454.966. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Modifications of foreign tribunal's orders registered how, when.

454.968. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in sections [454.948](#) to [454.956](#) if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Modifications of foreign tribunal's orders enforced, when.

454.971. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of section [454.973](#) have been met.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Modification of an order issued in a foreign tribunal permitted, when.

454.973. (a) After a child support order issued in another state has been registered in this state, unless the provisions of section [454.978](#) apply, the responding tribunal of this state may modify that order only if, after notice and hearing, it finds that:

(1) the following requirements are met:

- (i) the child, the individual obligee, and the obligor do not reside in the issuing state;
- (ii) a petitioner who is a nonresident of this state seeks modification; and
- (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

(2) an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction which has not enacted the Uniform Interstate Family Support Act, as amended, the written consent of the individual party residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(c) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that is controlling and must be recognized under the provisions of section 454.871 establishes the nonmodifiable aspects of the support order.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Recognition of a foreign tribunal's modification of this state's order, when.

454.976. A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to 454.997 and, upon request, except as otherwise provided in sections 454.850 to 454.997 shall:

- (1) enforce the order that was modified only as to amounts accruing before the modification;
- (2) enforce only nonmodifiable aspects of that order;
- (3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Jurisdiction for a child support proceeding.

454.978. (a) If all of the individual parties reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of this state exercising jurisdiction as provided in this section shall apply the provisions of sections 454.850 to 454.877 and sections 454.948 to 454.981 to the enforcement or modification proceeding. Sections 454.880 to 454.946 and sections 454.983 to 454.989 do not apply and the tribunal shall apply the procedural and substantive law of this state.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Certified copy of a modification filed with issuing tribunal.

454.981. Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered. Failure of the party obtaining the order to file a certified copy as required subjects that party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the modified order of the new tribunal of continuing, exclusive jurisdiction.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Determination of parentage--which tribunal.

454.983. (a) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under sections 454.850 to 454.997 or a law or procedure substantially similar to sections 454.850 to 454.997, or a law or procedure substantially similar to the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive law of this state and the rules of this state on choice of law.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Governor, defined, duties.

454.986. (a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by sections 454.850 to 454.997.

(b) The governor of this state may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with sections 454.850 to 454.997, applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Surrender of a parent charged with failure to provide support,procedure.

454.989. (a) Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to sections 454.850 to 454.997 or that the proceeding would be of no avail.

(b) If, under sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to 454.997, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline

to honor the demand if the individual is complying with the support order.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Construction and application of sections [454.850](#) to [454.997](#).

[454.991](#). Sections [454.850](#) to [454.997](#) shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of sections [454.850](#) to [454.997](#) among states enacting it.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Citation of the uniform interstate family support act.

[454.993](#). Sections [454.850](#) to [454.997](#) may be cited as the "Uniform Interstate Family Support Act".

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Severability.

[454.995](#). If any provision of sections [454.850](#) to [454.997](#) or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections [454.850](#) to [454.997](#), which can be given effect without the invalid provision or application, and to this end the provisions of [454.850](#) to [454.997](#) are severable.

(L. 1997 S.B. 361)

Effective 7-1-97

*Repealed L. 2011 H.B. 260, see § [454.849](#) for contingent effective date

Applicability of certain statutes.

[454.999](#). The provisions of sections [210.822](#) and [210.834](#) shall apply to a proceeding under sections [454.850](#) to [454.997](#), but no other provisions of sections [210.817](#) through [210.852](#) shall apply.

(L. 1998 S.B. 910)

*Repealed L. 2011 H.B. 260, see § 454.849 for contingent effective date

Definitions.

454.1000. As used in sections 454.1000 to 454.1025, the following terms mean:

(1) "Arrearage", the amount created by a failure to provide:

(a) Support to a child pursuant to an administrative or judicial support order; or

(b) Support to 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) "Child", a person for whom child support is due pursuant to a support order;

(3) "Court", any circuit court of the state that enters a support order or a circuit court in which such order is registered or filed;

(4) "Director", the director of the family support division;

(5) "Division", the family support division of the department of social services;

(6) "IV-D case", a case in which support rights are assigned to the state pursuant to section 208.040 or the division is providing support enforcement services pursuant to section 454.425;

(7) "License", a license, certificate, registration or authorization issued by a licensing authority granting a person a right or privilege to engage in a business, occupation, profession, recreation or other related privilege that is subject to suspension, revocation, forfeiture or termination by the licensing authority prior to its date of expiration, except for any license issued by the department of conservation. Licenses include licenses to operate motor vehicles pursuant to chapter 302, but shall not include motor vehicle registrations pursuant to chapter 301;

(8) "Licensing authority", any department, except for the department of conservation, division, board, agency or instrumentality of this state or any political subdivision thereof that issues a license. Any board or commission assigned to the division of professional registration is included in the definition of licensing authority;

(9) "Obligee":

(a) A person to whom payments are required to be made pursuant to a support order; or

(b) A public agency of this or any other state which has the right to receive current or accrued support payments or provides support enforcement services pursuant to this chapter;

(10) "Obligor", a person who owes a duty of support;

(11) "Order suspending a license", an order issued by a court or the director to suspend a license. The order shall contain the name of the obligor, date of birth of the obligor, the type of license and the Social Security number of the obligor;

(12) "Payment plan" includes, but is not limited to, a written plan approved by the court or division that incorporates an income withholding pursuant to sections 452.350 and 454.505 or a similar plan for periodic payment of an arrearage, and current and future support, if applicable;

(13) "Support order", an order providing a determinable amount for temporary or final periodic payment of support. Such order may include payment of a determinable amount of insurance, medical or other expenses of the child issued by:

(a) A court of this state;

(b) A court or administrative agency of competent jurisdiction of another state, an Indian tribe, or a foreign country; or

(c) The director of the division.

(L. 1997 S.B. 361, A.L. 2010 H.B. 1692, et al., A.L. 2014 H.B. 1299 Revision)

Suspension of a professional or occupational license, when, procedure.

454.1003. 1. A court or the director of the family support division may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

(1) When the obligor is not making child support payments in accordance with a support order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:

(1) Pays the entire arrearage stated in the notice;

(2) Enters into and complies with a payment plan approved by the court or the division; or

(3) Requests a hearing before the court or the director.

4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536.

5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the family support division may restrict such licenses in accordance with the provisions of this chapter.

(L. 1997 S.B. 361, A.L. 2010 H.B. 1692, et al., A.L. 2014 H.B. 1299 Revision)

Hearing to show cause for suspension of a license, procedure.

454.1005. 1. To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license, timely request a hearing or comply with a payment plan, the obligor's defenses and objections shall be considered to be without merit and the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing to determine if suspension of the obligor's license is appropriate. The court or director shall stay suspension of the license pending the outcome of the hearing.

4. If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are:

(1) The identity of the obligor;

(2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; and

(3) Whether the obligor has entered a payment plan. If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order.

5. If the court or director, after hearing, determines that the obligor has failed to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

6. The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.

7. The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.

8. A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.

(L. 1997 S.B. 361)

Effective 7-1-97

Licensing authority's responsibilities upon receipt of a suspension order.

454.1008. 1. Upon receipt of an order suspending a license, a licensing authority shall:

(1) Determine if the licensing authority has issued a license to the obligor whose name appears on the order;

(2) Enter the suspension as effective from the date of the order issued by the court or division;

(3) Issue the notice of the suspension to the licensee; and

(4) If required by law, demand surrender of the suspended license.

2. An order issued by a court or the director suspending a license shall be processed by the licensing authority without any additional review or hearing by such licensing authority.

3. Notwithstanding the provisions of any other law regarding the suspension, revocation, denial, termination or renewal of a license to the contrary, an order issued by a court or the director suspending a license shall be implemented by the licensing authority and continue until the court or division advises the licensing authority that such suspension has been stayed or terminated. The obligor may not appeal the suspension of a license pursuant to sections 454.1000 to 454.1025 pursuant to any other law, including, but not limited to, section 302.311. The exclusive procedure for appeal is provided in sections 454.1000 to 454.1025.

4. If a license is suspended, any funds paid by the obligor to the licensing authority for costs related to issuance, renewal or maintenance of a license shall not be refunded to the obligor.

5. Unless acting pursuant to an order of a court or the director which stays the suspension of a license, an obligor who continues to engage in the business, occupation, profession or other licensed activity while the license is suspended pursuant to this section is guilty of a class A misdemeanor, unless a penalty is otherwise provided. The division or the licensing authority may refer the obligor to the appropriate prosecuting or circuit attorney or the attorney general for prosecution pursuant to this section in addition to any other remedy provided by law for engaging in a licensed activity without a license or while a license is suspended.

6. The licensing authority shall be exempt from liability to the licensee for activities conducted pursuant to this section.

7. The licensing authority shall not modify, remand, reverse, vacate or stay an order of the court or director suspending a license.

8. If the license suspended is a driver's license, the obligor shall have no rights pursuant to section 302.311.

(L. 1997 S.B. 361)

Effective 7-1-97

Petition to stay a suspension, grounds, procedure--reinstatement feerequired, when.

454.1010. 1. An obligor may, at any time, petition a court or the director for an order to stay the suspension of a license. Any petition seeking to stay an order of the director shall be served on the director.

2. The court or director may consider the obligor's petition for a stay separately from any determination on the suspension of a license.

3. The court, but not the director, may stay suspension of a license upon a showing that a suspension or continued suspension of a license would create a significant hardship to the obligor, the obligor's employees, any legal dependents residing in the obligor's household, or persons, businesses or other entities served by the obligor.

4. The court or director may stay suspension of a license upon entry of a payment plan or receipt of adequate assurance that the obligor shall comply with an existing payment plan.

5. A stay shall terminate if:

(1) A court determines that the significant hardship circumstance pursuant to subsection 3 of this section has ended;

(2) The court or division determines that the obligor has failed to abide by the terms and conditions of a payment plan; or

(3) The order staying suspension of a license has a termination date and such date has been reached.

6. If the licensing authority is notified of an order suspending a license, the court or division shall send a copy of any order staying or reimposing suspension of the license to the licensing authority and the obligor by certified mail.

7. Upon receipt of an order staying or reimposing suspension of the license, the licensing authority shall:

(1) Enter the information on appropriate records;

(2) Issue notice of the action to the licensee; and

(3) If required by law, demand surrender of the suspended license or return the reinstated license.

8. No additional action by the licensing authority shall be required to implement a stay or reinstatement of suspension of a license.

9. This section shall be the exclusive remedy for the obligor to obtain an order staying suspension of a license pursuant to sections 454.1000 to 454.1025. Any other provisions providing for the issuance of hardship licenses, including, but not limited to, those provided in section 302.309, do not apply to suspensions pursuant to sections 454.1000 to 454.1025.

10. No person shall be required to file proof of financial responsibility with the department of revenue as a condition of reinstatement of a driver's license suspended solely pursuant to the provisions of sections 454.1000 to 454.1025.

11. Any person whose license to operate a motor vehicle in this state has been suspended pursuant to this section shall, before having the license reinstated, pay to the director of revenue a reinstatement fee of twenty dollars.

(L. 1997 S.B. 361)

Effective 7-1-97

Termination of an order of suspension, when--new termination order may be issued, when.

454.1013. 1. If a court or the division determines that an arrearage has been paid in full, or the obligor has complied with the subpoena or order of the director, the court or division shall terminate the order suspending the license and immediately send a copy of the order terminating the suspension of the license to the licensing authority and the obligor by certified mail.

2. Entry of an order terminating suspension of a license shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage.

(L. 1997 S.B. 361)

Effective 7-1-97

Fee charged by licensing authority for administrative costs permitted.

454.1015. A licensing authority may charge the obligor a reasonable fee for the administrative costs incurred by such licensing authority in taking action against the obligor's license pursuant to sections 454.1000 to 454.1025.

(L. 1997 S.B. 361)

Effective 7-1-97

Rules--promulgated by the division.

454.1018. The division shall promulgate rules necessary for the implementation and administration of sections 454.1000 to 454.1025. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to section 536.024.

(L. 1997 S.B. 361)

Effective 7-1-97

Standards for licensure information provided to the division, method,contents.

454.1020. 1. Upon request by the division, all state licensing authorities subject to sections 454.1000 to 454.1025 shall provide specified information, on magnetic tape or other machine-readable form, to the division pursuant to the standards established by the division regarding applicants for licensure and all current licenses. Such information shall include the following, if available:

- (1) Name;
- (2) Address of record;
- (3) Date of birth;
- (4) Federal employer identification number or Social Security number;
- (5) Type of license;
- (6) Effective date of the license or renewal;
- (7) Expiration date of the license; and
- (8) Active or inactive status.

2. All licensing authorities not providing the information required by subsection 1 of this section shall, upon request by the division, provide such information in any readable format for any licensee of the licensing authority.

3. The provisions of this section shall, at no time, preclude the division from requesting the information provided by a licensing authority pursuant to section 454.440.

(L. 1997 S.B. 361)

Effective 7-1-97

List of licensed attorneys to be provided to division,when--arrearages reported to supreme court clerk.

454.1023. The family support division is hereby authorized, pursuant to a cooperative agreement with the supreme court, to develop procedures which shall permit the clerk of the supreme court to furnish the division, at least once each year, with a list of persons currently

licensed to practice law in this state. If any such person has an arrearage in an amount equal to or greater than three months of support payments or two thousand five hundred dollars, the division shall notify the clerk of the supreme court that such person has an arrearage.

(L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

Request for rules for suspension or sanctioning of law license, when.

454.1025. By July 1, 1998, the supreme court is requested to have in effect a rule in accordance with 42 U.S.C. section 666(a)(16) which shall permit the suspension or other sanctioning of a law license for any person who owes an arrearage in an amount equal to or greater than three months of support payments or two thousand five hundred dollars, whichever first occurs.

(L. 1997 S.B. 361)

Effective 7-1-97

Hunting and fishing license sanctions--department of conservation.

454.1027. Notwithstanding any provision of sections 454.1000 to 454.1027 to the contrary, the following procedures shall apply between the family support division and the department of conservation regarding the suspension of hunting and fishing licenses:

(1) The family support division shall be responsible for making the determination whether an individual's license should be suspended based on the reasons specified in section 454.1003, after ensuring that each individual is provided due process, including appropriate notice and opportunity for administrative hearing;

(2) If the family support division determines, after completion of all due process procedures available to an individual, that an individual's license should be suspended, the division shall notify the department of conservation. The department or commission shall develop a rule consistent with a cooperative agreement between the family support division, the department of conservation and the conservation commission, and in accordance with 42 U.S.C. Section 666(a)(16) which shall require the suspension of a license for any person based on the reasons specified in section 454.1003. Such suspension shall remain in effect until the department is notified by the division that such suspension should be stayed or terminated because the individual is now in compliance with applicable child support laws.

(L. 1997 S.B. 361, A.L. 2014 H.B. 1299 Revision)

No suspension of licenses while obligor honors the support agreement.

454.1029. For obligors that have been making regular child support payments in accordance with an agreement entered into with the family support division, the license shall not be suspended while the obligor honors such agreement.

(L. 1997 S.B. 361 § 3, A.L. 2014 H.B. 1299 Revision)

Penalties for denial or interference with visitation or custody.

454.1031. All penalties that apply to an obligor in sections 454.1000 to 454.1029 shall also apply to any person who has, without good cause as determined by a court with jurisdiction, denied or interfered with any order for visitation or custody for two or more consecutive periods. Any such penalties shall be imposed by a court with jurisdiction, and may be modified or vacated by the court for good cause shown, and the division shall have no jurisdiction over such matters.

(L. 1998 S.B. 910)

Short title.

454.1500. This act, sections 454.1500 to 454.1728, may be cited as the Uniform Interstate Family Support Act.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Definitions.

454.1503. In this act, sections 454.1500 to 454.1728:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(3) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

(4) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) which has been declared under the law of the United States to be a foreign reciprocating country;

(B) which has established a reciprocal arrangement for child support with this state as provided in section 454.1569;

(C) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under sections 454.1500 to 454.1728; or

(D) in which the Convention is in force with respect to the United States.

(6) "Foreign support order" means a support order of a foreign tribunal.

(7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

(8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(9) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(10) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by section 452.350 or 454.505, to withhold support from the income of the obligor.

(11) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(13) "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

(14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

(15) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(16) "Obligee" means:

(A) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

(B) a foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support;

(C) an individual seeking a judgment determining parentage of the individual's child; or

(D) a person that is a creditor in a proceeding under Article 7, sections 454.1680 to 454.1716.

(17) "Obligor" means an individual, or the estate of a decedent that:

(A) owes or is alleged to owe a duty of support;

- (B) is alleged but has not been adjudicated to be a parent of a child;
- (C) is liable under a support order; or
- (D) is a debtor in a proceeding under Article 7, sections 454.1680 to 454.1716.

(18) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(21) "Register" means to record or file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country.

(22) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

(23) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

(24) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

(25) "Spousal support order" means a support order for a spouse or former spouse of the obligor.

(26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

(27) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to:

- (A) seek enforcement of support orders or laws relating to the duty of support;
- (B) seek establishment or modification of child support;
- (C) request determination of parentage of a child;
- (D) attempt to locate obligors or their assets; or
- (E) request determination of the controlling child support order.

(28) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages,

retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

(29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

State tribunal and support enforcement agency.

[454.1506.](#) (a) The courts and the family support division are the tribunals of this state.

(b) The family support division is the support enforcement agency of this state.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Remedies cumulative.

[454.1509.](#) (a) Remedies provided by sections [454.1500](#) to [454.1728](#) are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

(b) Sections [454.1500](#) to [454.1728](#) do not:

(1) provide the exclusive method of establishing or enforcing a support order under the law of this state; or

(2) grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under sections [454.1500](#) to [454.1728](#).

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Application of act to resident of foreign county and foreign support proceeding.

[454.1512.](#) (a) A tribunal of this state shall apply Articles 1 through 6, sections [454.1500](#) to [454.1677](#), and, as applicable, Article 7, sections [454.1680](#) to [454.1716](#), to a support proceeding involving:

(1) a foreign support order;

(2) a foreign tribunal; or

(3) an obligee, obligor, or child residing in a foreign country.

(b) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6, sections 454.1500 to 454.1677.

(c) Article 7, sections 454.1680 to 454.1716, apply only to a support proceeding under the Convention. In such a proceeding, if a provision of Article 7, sections 454.1680 to 454.1716, is inconsistent with Articles 1 through 6, sections 454.1500 to 454.1677, Article 7, sections 454.1680 to 454.1716, controls.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Basis for jurisdiction over nonresident.

454.1515. (a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(1) the individual is personally served with notice within this state;

(2) the individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this state;

(4) the individual resided in this state and provided prenatal expenses or support for the child;

(5) the child resides in this state as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage of a child in the putative father registry maintained in this state by the department of health and senior services; or

(8) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 454.1662 are met, or, in the case of a foreign support order, unless the requirements of section 454.1674 are met.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Duration of personal jurisdiction.

454.1518. Personal jurisdiction acquired by a tribunal of this state in a proceeding under sections 454.1500 to 454.1728 or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 454.1527, 454.1530, and 454.1545.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Initiating and responding tribunal of state.

454.1521. Under sections 454.1500 to 454.1728, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Simultaneous proceedings.

454.1524. (a) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

(1) the petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and

(3) if relevant, this state is the home state of the child.

(b) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

(1) the petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(2) the contesting party timely challenges the exercise of jurisdiction in this state; and

(3) if relevant, the other state or foreign country is the home state of the child.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Continuing, exclusive jurisdiction to modify child support orders.

454.1527. (a) A tribunal of this state that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

(1) at the time of the filing of a request for modification this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

(b) A tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if:

(1) all of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) its order is not the controlling order.

(c) If a tribunal of another state has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Continuing jurisdiction to enforce child support order.

454.1530. (a) A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

(b) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Determination of controlling child support order.

454.1533. (a) If a proceeding is brought under sections 454.1500 to 454.1728 and only one tribunal has issued a child support order, the order of that tribunal controls and must be recognized.

(b) If a proceeding is brought under sections 454.1500 to 454.1728, and two or more child support orders have been issued by tribunals of this state, another state, or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under sections 454.1500 to 454.1728, the order of that tribunal controls.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under sections 454.1500 to 454.1728:

(A) an order issued by a tribunal in the current home state of the child controls; or

(B) if an order has not been issued in the current home state of the child, the order most recently issued controls.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under sections 454.1500 to 454.1728, the tribunal of this state shall issue a child support order, which controls.

(c) If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b). The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6, sections 454.1632 to 454.1677, or may be filed as a separate proceeding.

(d) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(e) The tribunal that issued the controlling order under subsections (a), (b), or (c) has continuing jurisdiction to the extent provided in section 454.1527 or 454.1530.

(f) A tribunal of this state that determines by order which is the controlling order under subsection (b)(1) or (2) or (c), or that issues a new controlling order under subsection (b)(3), shall state in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective support, if any; and

(3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 454.1539.

(g) Within thirty days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under sections 454.1500 to 454.1728.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Child support orders for two or more obligees.

454.1536. In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Credit for payments.

454.1539. A tribunal of this state shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, another state, or a foreign country.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Application of act to nonresident subject to personal jurisdiction.

454.1542. A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under sections 454.1500 to 454.1728, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to section 454.1593, communicate with a tribunal outside this state pursuant to section 454.1596,

and obtain discovery through a tribunal outside this state pursuant to section 454.1599. In all other respects, Article 3 through 6, sections 454.1548 to 454.1677, do not apply, and the tribunal shall apply the procedural and substantive law of this state.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Continuing, exclusive jurisdiction to modify spousal support order.

454.1545. (a) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

(b) A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

(c) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as:

(1) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or

(2) a responding tribunal to enforce or modify its own spousal support order.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Proceedings under act.

454.1548. (a) Except as otherwise provided in sections 454.1500 to 454.1728, this article, sections 454.1548 to 454.1602, applies to all proceedings under sections 454.1500 to 454.1728.

(b) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under sections 454.1500 to 454.1728 by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or foreign country which has or can obtain personal jurisdiction over the respondent.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Proceeding by minor parent.

454.1551. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Application of law of state.

454.1554. Except as otherwise provided by sections [454.1500](#) to [454.1728](#), a responding tribunal of this state shall:

(1) apply the procedural and substantive law generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Duties of initiating tribunal.

454.1557. (a) Upon the filing of a petition authorized by sections [454.1500](#) to [454.1728](#), an initiating tribunal of this state shall forward the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Duties and powers of responding tribunal.

454.1560. (a) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection (b) of section [454.1548](#), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of this state, to the extent not prohibited by other law, may do one or more of the following:

(1) establish or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage of the child;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this state shall include in a support order issued under sections 454.1500 to 454.1728, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this state may not condition the payment of a support order issued under sections 454.1500 to 454.1728 upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under sections 454.1500 to 454.1728, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Inappropriate tribunal.

454.1563. If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal of this state or another state and notify the petitioner where and when the pleading was sent.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Duties of support enforcement agency.

454.1566. (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under sections 454.1500 to 454.1728.

(b) A support enforcement agency of this state that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts:

(1) to ensure that the order to be registered is the controlling order; or

(2) if two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(d) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(e) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 454.1602.

(f) Sections 454.1500 to 454.1728 do not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Duty of state official or agency.

454.1569. (a) If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under sections 454.1500 to 454.1728 or may provide those services directly to the individual.

(b) The attorney general may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Private counsel.

454.1572. An individual may employ private counsel to represent the individual in proceedings authorized by sections 454.1500 to 454.1728.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Duties of state information agency.

454.1575. (a) The family support division within the department of social services is the state information agency under sections 454.1500 to 454.1728.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under sections 454.1500 to 454.1728 and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the county in this state in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under sections 454.1500 to 454.1728 received from another state or a foreign country; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and Social Security.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Pleadings and accompanying documents.

454.1578. (a) In a proceeding under sections 454.1500 to 454.1728, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under section 454.1581, the petition or accompanying documents must provide, so far as known, the name, residential address, and Social Security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, Social Security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

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

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Nondisclosure of information in exceptional circumstances.

454.1581. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Costs and fees.

454.1584. (a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6, sections [454.1632](#) to [454.1677](#), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Limited immunity of petitioner.

454.1587. (a) Participation by a petitioner in a proceeding under sections [454.1500](#) to [454.1728](#) before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under sections [454.1500](#) to [454.1728](#).

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under sections [454.1500](#) to [454.1728](#) committed by a party while physically present in this state to participate in the proceeding.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Nonparentage as defense.

454.1590. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under sections [454.1500](#) to [454.1728](#).

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Special rules of evidence and procedure.

454.1593. (a) The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

(b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under sections 454.1500 to 454.1728, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under sections 454.1500 to 454.1728.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under sections 454.1500 to 454.1728.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Communications between tribunals.

454.1596. A tribunal of this state may communicate with a tribunal outside this state in a record or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A tribunal of this state may furnish similar information by similar means to a tribunal outside this state.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Assistance with discovery.

454.1599. A tribunal of this state may:

(1) request a tribunal outside this state to assist in obtaining discovery; and

(2) upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside this state.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Receipt and disbursement of payments.

454.1602. (a) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, a tribunal of this state shall:

(1) direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(2) issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection (b) shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Establishment of support order.

454.1605. (a) If a support order entitled to recognition under sections 454.1500 to 454.1728 has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

- (1) the individual seeking the order resides outside this state; or
- (2) the support enforcement agency seeking the order is located outside this state.

(b) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

- (1) a presumed father of the child;
 - (2) petitioning to have his paternity adjudicated;
 - (3) identified as the father of the child through genetic testing;
 - (4) an alleged father who has declined to submit to genetic testing;
 - (5) shown by clear and convincing evidence to be the father of the child;
 - (6) an acknowledged father as provided under section 210.823;
 - (7) the mother of the child; or
- (8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 454.1560.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Proceeding to determine parentage.

454.1608. A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under sections 454.1500 to 454.1728 or a law or procedure substantially similar to sections 454.1500 to 454.1728.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Employer's receipt of income withholding order of another state.

454.1611. An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer under section 452.350 or 454.505 without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Employer's compliance with income withholding order of another state.

454.1614. (a) Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

(c) Except as otherwise provided in subsection (d) of this section and section 454.1617, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and amount of periodic payments of current child support, stated as a sum certain;

(2) the person designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the times within which the employer must implement the withholding order and forward the child support payment.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Employer's compliance with two or more income withholding orders.

454.1617. If an obligor's employer receives two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child support obligees.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Immunity from civil liability.

454.1620. An employer that complies with an income withholding order issued in another state in accordance with sections 454.1611 to 454.1629 is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Penalties for noncompliance.

454.1623. An employer that willfully fails to comply with an income withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Contest by obligor.

454.1626. (a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in Article 6, sections 454.1632 to 454.1677, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;
(2) each employer that has directly received an income withholding order relating to the obligor; and

(3) the person designated to receive payments in the income withholding order or, if no person is designated, to the obligee.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Administrative enforcement of orders.

454.1629. (a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to sections 454.1500 to 454.1728.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Registration of order for enforcement.

454.1632. A support order or income withholding order issued in another state or a foreign support order may be registered in this state for enforcement.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Procedure to register order for enforcement.

454.1635. (a) Except as otherwise provided in section 454.1695, a support order or income withholding order of another state or a foreign support order may be registered in this state by sending the following records to the appropriate tribunal in this state:

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

(2) two copies, including one certified copy, of the order to be registered, including any modification of the order;

(3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

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

(A) the obligor's address and Social Security number;

(B) the name and address of the obligor's employer and any other source of income of the obligor; and

(C) a description and the location of property of the obligor in this state not exempt from execution; and

(5) except as otherwise provided in section 454.1581, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information, regardless of their form.

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

(d) If two or more orders are in effect, the person requesting registration shall:

(1) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(2) specify the order alleged to be the controlling order, if any; and

(3) specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Effect of registration for enforcement.

454.1638. (a) A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

(b) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(c) Except as otherwise provided in sections 454.1500 to 454.1728, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Choice of law.

454.1641. (a) Except as otherwise provided in subsection (d), the law of the issuing state or foreign country governs:

(1) the nature, extent, amount, and duration of current payments under a registered support order;

(2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

(3) the existence and satisfaction of other obligations under the support order.

(b) In a proceeding for arrears under a registered support order, the statute of limitation of this state or of the issuing state or foreign country, whichever is longer, applies.

(c) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.

(d) After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Notice of registration of order.

454.1644. (a) When a support order or income withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) A notice must inform the nonregistering party:

(1) that a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after notice unless the registered order is under section [454.1698](#);

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and

(4) of the amount of any alleged arrearages.

(c) If the registering party asserts that two or more orders are in effect, a notice must also:

(1) identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(2) notify the nonregistering party of the right to a determination of which is the controlling order;

(3) state that the procedures provided in subsection (b) apply to the determination of which is the controlling order; and

(4) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(d) Upon registration of an income withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to section 452.350 or 454.505.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Procedure to contest validity or enforcement of registered support order.

454.1647. (a) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within the time required by section 454.1644. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 454.1650.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Contest of registration or enforcement.

454.1650. (a) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of this state to the remedy sought;

(6) full or partial payment has been made;

(7) the statute of limitation under section 454.1641 precludes enforcement of some or all of the alleged arrearages; or

(8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested

portion of the registered support order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Confirmed order.

[454.1653](#). Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Procedure to register child support order of another state for modification.

[454.1656](#). A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in sections [454.1632](#) through [454.1653](#) if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Effect of registration for modification.

[454.1659](#). A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section [454.1662](#) or [454.1668](#) have been met.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Modification of child support order of another state.

[454.1662](#). (a) If section [454.1668](#) does not apply, upon petition a tribunal of this state may modify a child support order issued in another state which is registered in this state if, after notice and hearing, the tribunal finds that:

(1) the following requirements are met:

(A) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(B) a petitioner who is a nonresident of this state seeks modification; and

(C) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

(2) this state is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(c) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under section 454.1533 establishes the aspects of the support order which are nonmodifiable.

(d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

(e) On the issuance of an order by a tribunal of this state modifying a child support order issued in another state, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

(f) Notwithstanding subsections (a) through (e) and subsection (b) of section 454.1515, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

(1) one party resides in another state; and

(2) the other party resides outside the United States.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Recognition of order modified in another state.

454.1665. If a child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this state:

(1) may enforce its order that was modified only as to arrears and interest accruing before the modification;

- (2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and
- (3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Jurisdiction to modify child support order of another state when individual parties reside in this state.

454.1668. (a) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, sections 454.1500 to 454.1545; this article, sections 454.1632 to 454.1677, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Article 3, sections 454.1548 to 454.1602; Article 4, sections 454.1605 to 454.1608; Article 5, sections 454.1611 to 454.1629, Article 7, sections 454.1680 to 454.1716; and Article 8, sections 454.1719 to 454.1722, do not apply.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Notice to issuing tribunal of modification.

454.1671. Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Jurisdiction to modify child support of foreign country.

454.1674. (a) Except as otherwise provided in section 454.1710, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the

personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 454.1662 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

(b) An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Procedure to register child support order of foreign country for modification.

454.1677. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in this state under sections 454.1632 to 454.1653 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Definitions.

454.1680. In this Article, sections 454.1680 to 454.1716:

(1) "Application" means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) "Central authority" means the entity designated by the United States or a foreign country described in section 454.1503(5)(D) to perform the functions specified in the Convention.

(3) "Convention support order" means a support order of a tribunal of a foreign country described in section 454.1503(5)(D).

(4) "Direct request" means a petition filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or child residing outside the United States.

(5) "Foreign central authority" means the entity designated by a foreign country described in section 454.1503(5)(D) to perform the functions specified in the Convention.

(6) "Foreign support agreement":

(A) means an agreement for support in a record that:

(i) is enforceable as a support order in the country of origin;

(ii) has been:

(I) formally drawn up or registered as an authentic instrument by a foreign tribunal; or

(II) authenticated by, or concluded, registered, or filed with a foreign tribunal; and

(iii) may be reviewed and modified by a foreign tribunal; and

(B) includes a maintenance arrangement or authentic instrument under the Convention.

(7) "United States central authority" means the Secretary of the United States Department of Health and Human Services.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Applicability.

[454.1683](#). This Article, sections [454.1680](#) to [454.1716](#), applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this Article, sections [454.1680](#) to [454.1716](#), is inconsistent with Articles 1 through 6, sections [454.1500](#) to [454.1677](#), this article, sections [454.1680](#) to [454.1716](#), controls.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Relationship of governmental entity to United States authority.

[454.1686](#). The family support division of this state is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Initiation by governmental entity of support proceeding under convention.

[454.1689](#). (a) In a support proceeding under this Article, sections [454.1680](#) to [454.1716](#), the family support division of this state shall:

(1) transmit and receive applications; and

(2) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(b) The following support proceedings are available to an obligee under the Convention:

(1) recognition or recognition and enforcement of a foreign support order;

(2) enforcement of a support order issued or recognized in this state;

(3) establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(4) establishment of a support order if recognition of a foreign support order is refused under section [454.1701\(b\)\(2\)](#), (4), or (9);

(5) modification of a support order of a tribunal of this state; and

(6) modification of a support order of a tribunal of another state or a foreign country.

(c) The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

(1) recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;

(2) modification of a support order of a tribunal of this state; and

(3) modification of a support order of a tribunal of another state or a foreign country.

(d) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Direct request.

454.1692. (a) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

(b) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 454.1695 through 454.1716 apply.

(c) In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:

(1) a security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(2) an obligee or obligor that in the issuing country has benefitted from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(d) A petitioner filing a direct request is not entitled to assistance from the family support division.

(e) This Article, sections 454.1680 to 454.1716, does not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Registration of convention support order.

454.1695. (a) Except as otherwise provided in this Article, sections 454.1680 to 454.1716, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in this state as provided in Article 6, sections 454.1632 to 454.1677.

(b) Notwithstanding sections 454.1578 and 454.1635(a), a request for registration of a Convention support order must be accompanied by:

(1) a complete text of the support order;

(2) a record stating that the support order is enforceable in the issuing country;

(3) if the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(4) a record showing the amount of arrears, if any, and the date the amount was calculated;

(5) a record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) if necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(c) A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

(d) A tribunal of this state may vacate the registration of a Convention support order without the filing of a contest under section 454.1698 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a Convention support order.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Contest of registered convention support order.

454.1698. (a) Except as otherwise provided in this Article, sections 454.1680 to 454.1716, sections 454.1644 to 454.1653 apply to a contest of a registered Convention support order.

(b) A party contesting a registered Convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration.

(c) If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection (b), the order is enforceable.

(d) A contest of a registered Convention support order may be based only on grounds set forth in section 454.1701. The contesting party bears the burden of proof.

(e) In a contest of a registered Convention support order, a tribunal of this state:

- (1) is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and
- (2) may not review the merits of the order.

(f) A tribunal of this state deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

(g) A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Recognition and enforcement of registered convention support order.

454.1701. (a) Except as otherwise provided in subsection (b), a tribunal of this state shall recognize and enforce a registered Convention support order.

(b) The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered Convention support order:

(1) recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;

(2) the issuing tribunal lacked personal jurisdiction consistent with section [454.1515](#);

(3) the order is not enforceable in the issuing country;

(4) the order was obtained by fraud in connection with a matter of procedure;

(5) a record transmitted in accordance with section [454.1695](#) lacks authenticity or integrity;

(6) a proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed;

(7) the order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under sections [454.1500](#) to [454.1728](#) in this state;

(8) payment, to the extent alleged arrears have been paid in whole or in part;

(9) in a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(A) if the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(B) if the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

(10) the order was made in violation of section 454.1710.

(c) If a tribunal of this state does not recognize a Convention support order under subsection (b)(2), (4), or (9):

(1) the tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order; and

(2) the family support division shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 454.1689.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Partial enforcement.

454.1704. If a tribunal of this state does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Foreign support agreement.

454.1707. (a) Except as otherwise provided in subsections (c) and (d), a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

(b) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

(1) a complete text of the foreign support agreement; and

(2) a record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(c) A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(d) In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds:

(1) recognition and enforcement of the agreement is manifestly incompatible with public policy;

(2) the agreement was obtained by fraud or falsification;

(3) the agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under sections 454.1500 to 454.1728 in this state; or

(4) the record submitted under subsection (b) lacks authenticity or integrity.

(e) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Modification of convention child support order.

454.1710. (a) A tribunal of this state may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

(1) the obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(b) If a tribunal of this state does not modify a Convention child support order because the order is not recognized in this state, section 454.1701(c) applies.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Personal information--limit on use.

454.1713. Personal information gathered or transmitted under this Article, sections 454.1680 to 454.1716, may be used only for the purposes for which it was gathered or transmitted.

(L. 2011 H.B. 260)

Contingent effective date, see § 454.1728

Record in original language--English translation.

454.1716. A record filed with a tribunal of this state under this Article, sections 454.1680 to 454.1716, must be in the original language and, if not in English, must be accompanied by an English translation.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Grounds for rendition.

454.1719. (a) For purposes of this Article, sections 454.1719 to 454.1722, "governor" includes an individual performing the functions of governor or the executive authority of a state covered under sections 454.1500 to 454.1728.

(b) The governor of this state may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) on the demand of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with sections 454.1500 to 454.1728 applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Conditions of rendition.

454.1722. (a) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to sections 454.1500 to 454.1728 or that the proceeding would be of no avail.

(b) If, under sections 454.1500 to 454.1728 or a law substantially similar to sections 454.1500 to 454.1728, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Uniformity of application and construction.

454.1725. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Severability.

454.1727. If any provision of sections [454.1500](#) to [454.1728](#) or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections [454.1500](#) to [454.1728](#) which can be given effect without the invalid provision or application, and to this end the provisions of sections [454.1500](#) to [454.1728](#) are severable.

(L. 2011 H.B. 260)

Contingent effective date, see § [454.1728](#)

Effective date.

454.1728. Sections [454.1500](#) to [454.1728](#) shall become effective upon the United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007.

(L. 2011 H.B. 260)

Contingent effective date

Applicability of certain state laws.

454.1730. The provisions of sections [210.817](#), [210.822](#), [210.823](#), [210.834](#), and [210.836](#) shall apply to a proceeding under sections [454.1500](#) to [454.1728](#), but no other provisions of sections [210.817](#) through [210.852](#) shall apply.

(L. 2011 H.B. 260)

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