

SECOND REGULAR SESSION

SENATE BILL NO. 1224

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 26, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4886L.011

AN ACT

To amend chapter 454, RSMo, by adding thereto four new sections relating to the parental child support responsibility program.

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

Section A. Chapter 454, RSMo, is amended by adding thereto four new sections, to be known as sections 454.580, 454.583, 454.586 and 454.590, to read as follows:

454.580. 1. As used in sections 454.580 to 454.590, the following terms shall mean:

(1) "Custodial parent", a person who has physical or legal custody of a child under judicial or administrative order. Custodial parent includes a parent in a joint parenting plan with whom the child primarily resides;

(2) "Department", the department of social services;

(3) "Division", the division in the department of social services that administers Title IV-D of the Social Security Act;

(4) "Noncustodial parent", a person who has an obligation established by judicial or administrative order to pay child support on behalf of a child and who is not the person with whom the child primarily resides;

(5) "Qualified child", a child for whom a child support order is in effect and who:

(a) Resides in the state of Missouri;

(b) Is less than eighteen years of age or is a student less than nineteen years of age; and

(c) Has a living noncustodial parent.

2. There is hereby established the "Parental Child Support Responsibility

Program" in the department of social services. Such program shall secure financial stability to qualified children living in custodial families through a guaranteed minimum level of child support while prompting noncustodial parents to financially support their children.

3. A custodial parent is eligible to receive parental child support responsibility payments on behalf of a qualified child if the custodial parent:

(1) Applies for participation and is enrolled in the parental child support responsibility program operated by the division;

(2) Establishes paternity of the child;

(3) Obtains a child support order for that child;

(4) Assigns the right to collect child support for that child to the state of Missouri; and

(5) If eligible, opts not to receive cash assistance under the temporary assistance for needy families (TANF) program; except that, the custodial parent may receive other types of available support services, including but not limited to food stamps, education assistance, employment counseling, disability-based benefits, Medicaid, and child care services.

454.583. 1. On the last day of each calendar month, the department shall calculate a parental child support responsibility payment for a qualified child that is the greater of the monthly child support payment of the noncustodial parent or the amount calculated pursuant to subsection 2 of this section. The department shall have sixty days to make adjustments to the parental child support responsibility payments.

2. Subject to the provisions of subsection 3 to 5 of this section, the parental child support responsibility payment shall be the sum of:

(1) Two hundred eighty-five dollars for the first qualified child;

(2) One hundred forty dollars for the second qualified child; and

(3) Sixty-five dollars for each additional qualified child.

3. The department shall adjust the amounts listed in subsection 2 of this section on an annual basis to reflect the changes in the Missouri self-sufficiency standard. If the Missouri self-sufficiency standard is not available, adjustments may be made based on the consumer price index for all urban consumers as published by the United States Department of Labor or the Bureau of Labor Statistics.

4. Subject to the provisions of subsection 5 of this section, a custodial parent shall not be eligible for parental child support responsibility payments if the household income of the custodial parent is more than two hundred twenty-five percent of the federal poverty level. The parental child support responsibility

payment, as calculated pursuant to subsection 2 of this section and adjusted pursuant to subsections 3 and 5 of this section, shall be decreased based upon an earned income disregard calculated by the department. For household incomes between one hundred percent of the federal poverty level and two hundred twenty-five percent of the federal poverty level, the earned income disregard shall be decreased incrementally until the parental child support responsibility payment reaches zero for income equal to two hundred twenty-five percent of the federal poverty level. If the parental child support responsibility payment as adjusted pursuant to this subsection is zero, the custodial parent is entitled to receive only the court-ordered or administratively-ordered child support payment.

5. For purposes of subsection 2 of this section, expenditures are limited to the amount appropriated for such purposes or, if no amount is specifically appropriated, to the amount of general revenue money necessary to meet the statutory maintenance of effort requirements for the temporary assistance for needy families programs. If the department determines that there is sufficient funding to meet projected expenditures, the department may:

(1) Reduce the maximum poverty level established in subsection 4 of this section; or

(2) Prorate the monthly payments established in subsection 2 of this section among eligible participants in the program, but in no event shall the payment be less than the monthly child support paid by the noncustodial parent.

The department shall report any adjustments made and any supporting documents to the appropriate legislative committees of the general assembly.

454.586. 1. The primary funding for the parental child support responsibility payments provided for in section 454.583 shall be the child support paid by the noncustodial parent. Subject to appropriation, the general assembly shall provide other funding necessary for the parental child support responsibility program.

2. Each month that the noncustodial parent of a qualified child pays the amount specified in the child support order, the state of Missouri shall retain the payment as full or partial reimbursement for the parental child support responsibility payment. If the noncustodial's child support payment is less than the amount specified in the child support order, the noncustodial parent shall owe the amount of the deficiency to the state of Missouri. Any deficient amount that is subsequently collected shall be retained by the state of Missouri. If no noncustodial child support payment is made, the noncustodial parent shall owe the entire amount of the court-ordered or administratively-ordered child support payment to the state of Missouri.

3. Appropriations from general revenue for the parental child support

responsibility program may be counted towards the state's maintenance of effort for the federal temporary assistance for needy families block grant in accordance with the provisions for separate state programs under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

454.590. If a noncustodial parent accrues an arrearage on his or her child support obligation for which the state of Missouri is making parental child support responsibility payments under the parental child support responsibility program, the following steps shall be taken:

(1) Any noncustodial parent who is more than two months delinquent in child support payments shall be referred to the parent's fair share program;

(2) Any noncustodial parent who is referred to the parent's fair share program and refuses to participate or has participated in the program but is not making reasonable progress shall be subject to all penalties available under law for failure to pay child support, including suspension of occupational, professional, and recreational licenses; and

(3) A noncustodial parent shall be presumed to have failed the parent's fair share program if such parent has been in the program for five years and is not at least making his or her current child support payments. Such parent shall be referred to the department for all penalties available for failure to pay child support.

Bill

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