

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 25
94TH GENERAL ASSEMBLY
2007

0266S.05T

AN ACT

To repeal sections 210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.511, 454.810, and 511.350, RSMo, and to enact in lieu thereof twelve new sections relating to children and minors, with penalty provisions.

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

Section A. Sections 210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 2 454.455, 454.460, 454.470, 454.480, 454.496, 454.511, 454.810, and 511.350, 3 RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known 4 as sections 210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 454.455, 5 454.460, 454.470, 454.496, 454.511, and 511.350, to read as follows:

210.145. 1. The division shall develop protocols which give priority to:
2 (1) Ensuring the well-being and safety of the child in instances where
3 child abuse or neglect has been alleged;
4 (2) Promoting the preservation and reunification of children and families
5 consistent with state and federal law;
6 (3) Providing due process for those accused of child abuse or neglect; and
7 (4) Maintaining an information system operating at all times, capable of
8 receiving and maintaining reports. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number. Such information

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 system shall maintain the results of all investigations, family assessments and
11 services, and other relevant information.

12 2. The division shall utilize structured decision-making protocols for
13 classification purposes of all child abuse and neglect reports. The protocols
14 developed by the division shall give priority to ensuring the well-being and safety
15 of the child. All child abuse and neglect reports shall be initiated within
16 twenty-four hours and shall be classified based upon the reported risk and injury
17 to the child. The division shall promulgate rules regarding the structured
18 decision-making protocols to be utilized for all child abuse and neglect reports.

19 3. Upon receipt of a report, the division shall determine if the report
20 merits investigation, including reports which if true would constitute a suspected
21 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
22 565.050, RSMo, if the victim is a child less than eighteen years of age, section
23 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age,
24 or other crimes under chapter 566, RSMo, if the victim is a child less than
25 eighteen years of age and the perpetrator is twenty-one years of age or older,
26 section 567.050, RSMo, if the victim is a child less than eighteen years of age,
27 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo,
28 section 573.025, 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any
29 such crimes. The division shall immediately communicate all reports that merit
30 investigation to its appropriate local office and any relevant information as may
31 be contained in the information system. The local division staff shall determine,
32 through the use of protocols developed by the division, whether an investigation
33 or the family assessment and services approach should be used to respond to the
34 allegation. The protocols developed by the division shall give priority to ensuring
35 the well-being and safety of the child.

36 4. The local office shall contact the appropriate law enforcement agency
37 immediately upon receipt of a report which division personnel determine merits
38 an investigation and provide such agency with a detailed description of the report
39 received. In such cases the local division office shall request the assistance of the
40 local law enforcement agency in all aspects of the investigation of the
41 complaint. The appropriate law enforcement agency shall either assist the
42 division in the investigation or provide the division, within twenty-four hours, an
43 explanation in writing detailing the reasons why it is unable to assist.

44 5. The local office of the division shall cause an investigation or family
45 assessment and services approach to be initiated in accordance with the protocols

46 established in subsection 2 of this section, except in cases where the sole basis for
47 the report is educational neglect. If the report indicates that educational neglect
48 is the only complaint and there is no suspicion of other neglect or abuse, the
49 investigation shall be initiated within seventy-two hours of receipt of the report.
50 If the report indicates the child is in danger of serious physical harm or threat
51 to life, an investigation shall include direct observation of the subject child within
52 twenty-four hours of the receipt of the report. Local law enforcement shall take
53 all necessary steps to facilitate such direct observation. If the parents of the
54 child are not the alleged abusers, a parent of the child must be notified prior to
55 the child being interviewed by the division. If the abuse is alleged to have
56 occurred in a school or child-care facility the division shall not meet with the
57 child in any school building or child-care facility building where abuse of such
58 child is alleged to have occurred. When the child is reported absent from the
59 residence, the location and the well-being of the child shall be verified. For
60 purposes of this subsection, "child-care facility" shall have the same meaning as
61 such term is defined in section 210.201.

62 6. The director of the division shall name at least one chief investigator
63 for each local division office, who shall direct the division response on any case
64 involving a second or subsequent incident regarding the same subject child or
65 perpetrator. The duties of a chief investigator shall include verification of direct
66 observation of the subject child by the division and shall ensure information
67 regarding the status of an investigation is provided to the public school district
68 liaison. The public school district liaison shall develop protocol in conjunction
69 with the chief investigator to ensure information regarding an investigation is
70 shared with appropriate school personnel. The superintendent of each school
71 district shall designate a specific person or persons to act as the public school
72 district liaison. Should the subject child attend a nonpublic school the chief
73 investigator shall notify the school principal of the investigation. Upon
74 notification of an investigation, all information received by the public school
75 district liaison or the school shall be subject to the provisions of the federal
76 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g,
77 and federal rule 34 C.F.R., Part 99.

78 7. The investigation shall include but not be limited to the nature, extent,
79 and cause of the abuse or neglect; the identity and age of the person responsible
80 for the abuse or neglect; the names and conditions of other children in the home,
81 if any; the home environment and the relationship of the subject child to the

82 parents or other persons responsible for the child's care; any indication of
83 incidents of physical violence against any other household or family member; and
84 other pertinent data.

85 8. When a report has been made by a person required to report under
86 section 210.115, the division shall contact the person who made such report
87 within forty-eight hours of the receipt of the report in order to ensure that full
88 information has been received and to obtain any additional information or
89 medical records, or both, that may be pertinent.

90 9. Upon completion of the investigation, if the division suspects that the
91 report was made maliciously or for the purpose of harassment, the division shall
92 refer the report and any evidence of malice or harassment to the local prosecuting
93 or circuit attorney.

94 10. Multidisciplinary teams shall be used whenever conducting the
95 investigation as determined by the division in conjunction with local law
96 enforcement. Multidisciplinary teams shall be used in providing protective or
97 preventive social services, including the services of law enforcement, a liaison of
98 the local public school, the juvenile officer, the juvenile court, and other agencies,
99 both public and private.

100 11. For all family support team meetings involving an alleged victim of
101 child abuse or neglect, the parents, legal counsel for the parents, foster parents,
102 the legal guardian or custodian of the child, the guardian ad litem for the child,
103 and the volunteer advocate for the child shall be provided notice and be permitted
104 to attend all such meetings. Family members, other than alleged perpetrators,
105 or other community informal or formal service providers that provide significant
106 support to the child and other individuals may also be invited at the discretion
107 of the parents of the child. In addition, the parents, the legal counsel for the
108 parents, the legal guardian or custodian and the foster parents may request that
109 other individuals, other than alleged perpetrators, be permitted to attend such
110 team meetings. Once a person is provided notice of or attends such team
111 meetings, the division or the convenor of the meeting shall provide such persons
112 with notice of all such subsequent meetings involving the child. Families may
113 determine whether individuals invited at their discretion shall continue to be
114 invited.

115 12. If the appropriate local division personnel determine after an
116 investigation has begun that completing an investigation is not appropriate, the
117 division shall conduct a family assessment and services approach. The division

118 shall provide written notification to local law enforcement prior to terminating
119 any investigative process. The reason for the termination of the investigative
120 process shall be documented in the record of the division and the written
121 notification submitted to local law enforcement. Such notification shall not
122 preclude nor prevent any investigation by law enforcement.

123 13. If the appropriate local division personnel determines to use a family
124 assessment and services approach, the division shall:

125 (1) Assess any service needs of the family. The assessment of risk and
126 service needs shall be based on information gathered from the family and other
127 sources;

128 (2) Provide services which are voluntary and time-limited unless it is
129 determined by the division based on the assessment of risk that there will be a
130 high risk of abuse or neglect if the family refuses to accept the services. The
131 division shall identify services for families where it is determined that the child
132 is at high risk of future abuse or neglect. The division shall thoroughly document
133 in the record its attempt to provide voluntary services and the reasons these
134 services are important to reduce the risk of future abuse or neglect to the child.
135 If the family continues to refuse voluntary services or the child needs to be
136 protected, the division may commence an investigation;

137 (3) Commence an immediate investigation if at any time during the family
138 assessment and services approach the division determines that an investigation,
139 as delineated in sections 210.109 to 210.183, is required. The division staff who
140 have conducted the assessment may remain involved in the provision of services
141 to the child and family;

142 (4) Document at the time the case is closed, the outcome of the family
143 assessment and services approach, any service provided and the removal of risk
144 to the child, if it existed.

145 14. Within thirty days of an oral report of abuse or neglect, the local office
146 shall update the information in the information system. The information system
147 shall contain, at a minimum, the determination made by the division as a result
148 of the investigation, identifying information on the subjects of the report, those
149 responsible for the care of the subject child and other relevant dispositional
150 information. The division shall complete all investigations within thirty days,
151 unless good cause for the failure to complete the investigation is documented in
152 the information system. **If a child involved in a pending investigation**
153 **dies, the investigation shall remain open until the division's**

154 **investigation surrounding the death is completed.** If the investigation is
155 not completed within thirty days, the information system shall be updated at
156 regular intervals and upon the completion of the investigation. The information
157 in the information system shall be updated to reflect any subsequent findings,
158 including any changes to the findings based on an administrative or judicial
159 hearing on the matter.

160 15. A person required to report under section 210.115 to the division and
161 any person making a report of child abuse or neglect made to the division which
162 is not made anonymously shall be informed by the division of his or her right to
163 obtain information concerning the disposition of his or her report. Such person
164 shall receive, from the local office, if requested, information on the general
165 disposition of his or her report. Such person may receive, if requested, findings
166 and information concerning the case. Such release of information shall be at the
167 discretion of the director based upon a review of the reporter's ability to assist in
168 protecting the child or the potential harm to the child or other children within the
169 family. The local office shall respond to the request within forty-five days. The
170 findings shall be made available to the reporter within five days of the outcome
171 of the investigation. If the report is determined to be unsubstantiated, the
172 reporter may request that the report be referred by the division to the office of
173 child advocate for children's protection and services established in sections 37.700
174 to 37.730, RSMo. Upon request by a reporter under this subsection, the division
175 shall refer an unsubstantiated report of child abuse or neglect to the office of
176 child advocate for children's protection and services.

177 16. In any judicial proceeding involving the custody of a child the fact that
178 a report may have been made pursuant to sections 210.109 to 210.183 shall not
179 be admissible. However:

180 (1) Nothing in this subsection shall prohibit the introduction of evidence
181 from independent sources to support the allegations that may have caused a
182 report to have been made; and

183 (2) The court may on its own motion, or shall if requested by a party to
184 the proceeding, make an inquiry not on the record with the children's division to
185 determine if such a report has been made. If a report has been made, the court
186 may stay the custody proceeding until the children's division completes its
187 investigation.

188 17. In any judicial proceeding involving the custody of a child where the
189 court determines that the child is in need of services pursuant to subdivision (d)

190 of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's
191 parent, guardian or custodian shall not be entered into the registry.

192 18. The children's division is hereby granted the authority to promulgate
193 rules and regulations pursuant to the provisions of section 207.021, RSMo, and
194 chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

195 19. Any rule or portion of a rule, as that term is defined in section
196 536.010, RSMo, that is created under the authority delegated in this section shall
197 become effective only if it complies with and is subject to all of the provisions of
198 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
199 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
200 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
201 date or to disapprove and annul a rule are subsequently held unconstitutional,
202 then the grant of rulemaking authority and any rule proposed or adopted after
203 August 28, 2000, shall be invalid and void.

210.183. 1. At the time of the initial investigation of a report of child
2 abuse or neglect, the division employee conducting the investigation shall provide
3 the alleged perpetrator with a written description of the investigation
4 process. Such written notice shall be given substantially in the following form:

5 "The investigation is being undertaken by the Children's Division pursuant
6 to the requirements of chapter 210 of the Revised Missouri Statutes in response
7 to a report of child abuse or neglect.

8 The identity of the person who reported the incident of abuse or neglect
9 is confidential and may not even be known to the Division since the report could
10 have been made anonymously.

11 This investigation is required by law to be conducted in order to enable the
12 Children's Division to identify incidents of abuse or neglect in order to provide
13 protective or preventive social services to families who are in need of such
14 services.

15 The division shall make every reasonable attempt to complete the
16 investigation within thirty days, **except if a child involved in the pending**
17 **investigation dies, the investigation shall remain open until the**
18 **division's investigation surrounding the death is completed. Otherwise,**
19 within ninety days you will receive a letter from the Division which will inform
20 you of one of the following:

21 (1) That the Division has found insufficient evidence of abuse or neglect;
22 or

23 (2) That there appears to be by a preponderance of the evidence reason
24 to suspect the existence of child abuse or neglect in the judgment of the Division
25 and that the Division will contact the family to offer social services.

26 If the Division finds by a preponderance of the evidence reason to believe
27 child abuse or neglect has occurred or the case is substantiated by court
28 adjudication, a record of the report and information gathered during the
29 investigation will remain on file with the Division.

30 If you disagree with the determination of the Division and feel that there
31 is insufficient reason to believe by a preponderance of the evidence that abuse or
32 neglect has occurred, you have a right to request an administrative review at
33 which time you may hire an attorney to represent you. If you request an
34 administrative review on the issue, you will be notified of the date and time of
35 your administrative review hearing by the child abuse and neglect review board.
36 If the Division's decision is reversed by the child abuse and neglect review board,
37 the Division records concerning the report and investigation will be updated to
38 reflect such finding. If the child abuse and neglect review board upholds the
39 Division's decision, an appeal may be filed in circuit court within sixty days of the
40 child abuse and neglect review board's decision."

41 2. If the division uses the family assessment approach, the division shall
42 at the time of the initial contact provide the parent of the child with the following
43 information:

44 (1) The purpose of the contact with the family;

45 (2) The name of the person responding and his or her office telephone
46 number;

47 (3) The assessment process to be followed during the division's
48 intervention with the family including the possible services available and
49 expectations of the family.

210.566. 1. **(1) The children's division [of family services] and its**
2 **contractors, recognizing that foster parents are not clients but rather are**
3 **colleagues in the child welfare team,** shall treat foster parents [with
4 courtesy, respect and consideration] **in a manner consistent with the**
5 **National Association of Social Workers' ethical standards of conduct as**
6 **described in its Social Workers' Ethical Responsibilities to**
7 **Colleagues.** Foster parents shall treat the children in their care, the child's
8 birth family and members of the child welfare team [with courtesy, respect and
9 consideration] **in a manner consistent with their ethical responsibilities**

10 as professional team members.

11 (2) The children's division and its contractors shall provide
12 written notification of the rights enumerated in this section at the time
13 of initial licensure and at the time of each licensure renewal following
14 the initial licensure period.

15 2. (1) The children's division [of family services] and its contractors
16 shall provide foster parents with regularly scheduled opportunities for
17 preservice training, [preservice] and regularly scheduled opportunities for
18 pertinent inservice[, and support] training, as determined by the Missouri
19 State Foster Care and Adoption Advisory Board.

20 (2) The children's division [of family services] and its contractors shall
21 [share] provide to foster parents and potential adoptive parents, prior
22 to placement, all pertinent information [about the child and the child's family],
23 including but not limited to[, the case plan with the foster parents to assist in
24 determining if a child would be a proper placement. The division of family
25 services and its contractors shall inform the foster parents of issues relative to
26 the child that may jeopardize the health or safety of the foster family] full
27 disclosure of all medical, psychological, and psychiatric conditions of
28 the child, as well as information from previous placements that would
29 indicate that the child or children may have a propensity to cause
30 violence to any member of the foster family home. The foster parents
31 shall be provided with any information regarding the child or the
32 child's family, including but not limited to the case plan, any family
33 history of mental or physical illness, sexual abuse of the child or sexual
34 abuse perpetrated by the child, criminal background of the child or the
35 child's family, fire-setting or other destructive behavior by the child,
36 substance abuse by the child or child's family, or any other information
37 which is pertinent to the care and needs of the child and to protect the
38 foster or adoptive family. Knowingly providing false or misleading
39 information to foster parents in order to secure placement shall be
40 denoted in the caseworker's personnel file and shall be kept on record
41 by the division.

42 (3) The children's division [of family services] and its contractors shall
43 arrange preplacement visits, except in emergencies.

44 (4) The foster parents may ask questions about the child's case plan,
45 encourage a placement or refuse a placement without reprisal from the

46 caseworker or agency. After a placement, the **children's** division [of family
47 services] **and its contractors** shall update the foster parents as new
48 information about the child is gathered.

49 (5) Foster parents shall be informed **in a timely manner by the**
50 **children's division and its contractors** of [upcoming] **all team** meetings and
51 **staffings concerning their licensure status or children placed in their**
52 **homes**, and shall be allowed to participate, consistent with section 210.761.

53 (6) The **children's** division [of family services] **and its contractors**
54 shall establish reasonably accessible respite care for children in foster care for
55 short periods of time, jointly determined by foster parents and the child's
56 caseworker pursuant to section 210.545. **Foster parents shall follow all**
57 **procedures established by the children's division and its contractors**
58 **for requesting and using respite care.**

59 [(2)] (7) Foster parents shall treat all information received from the
60 **children's** division [of family services] **and its contractors** about the child and
61 the child's family as confidential. **Information necessary for the medical or**
62 **psychiatric care of the child may be provided to the appropriate**
63 **practitioners. Foster parents may share information necessary with**
64 **school personnel in order to secure a safe and appropriate education**
65 **for the child. Additionally, foster parents [may] shall share information they**
66 **may learn about the child and the child's family, and concerns that arise in**
67 **the care of the child**, with the caseworker and other members of the child
68 welfare team. Recognizing that placement changes are difficult for children,
69 foster parents shall seek all necessary information, and participate in
70 preplacement visits **whenever possible**, before deciding whether to accept a
71 child for placement. [Foster parents shall follow all procedures defined by the
72 division of family services for requesting and using respite care.]

73 3. (1) Foster parents shall make decisions about the daily living concerns
74 of the child, and shall be permitted to continue the practice of their own family
75 values and routines while respecting the child's cultural heritage. All discipline
76 shall be consistent with state laws and regulations. The **children's** division [of
77 family services] shall allow foster parents to help plan visitation between the
78 child and the child's **siblings or** biological family. **Visitations should be**
79 **scheduled at a time that meets the needs of the child, the biological**
80 **family members, and the foster family whenever possible. Recognizing**
81 **that visitation with family members is an important right of children**

82 **in foster care, foster parents shall be flexible and cooperative with**
83 **regard to family visits.**

84 (2) Foster parents shall provide care that is respectful of the child's
85 cultural identity and needs. **Recognizing that cultural competence can be**
86 **learned, the children's division and their contractors shall provide**
87 **foster parents with training that specifically addresses cultural needs**
88 **of children, including but not limited to, information on skin and hair**
89 **care, information on any specific religious or cultural practices of the**
90 **child's biological family, and referrals to community resources for**
91 **ongoing education and support.**

92 (3) Foster parents shall recognize that the purpose of discipline is to
93 teach and direct the behavior of the child, and ensure that it is administered in
94 a humane and sensitive manner. [Recognizing that visitation with family
95 members is an important right, foster parents shall be flexible and cooperative
96 in regard to family visits.] **Foster parents shall use discipline methods**
97 **which are consistent with children's division policy.**

98 4. (1) Consistent with state laws and regulations, the [state may]
99 **children's division and its contractors shall** provide, upon request by the
100 foster parents, information about a child's progress after the child leaves foster
101 care.

102 (2) Except in emergencies, foster parents shall be given **two weeks**
103 advance notice [consistent with division policy,] and a written statement of the
104 reasons before a child is removed from their care. **When requesting removal**
105 **of a child from their home, foster parents shall give two weeks advance**
106 **notice, consistent with division policy, to the child's caseworker, except**
107 **in emergency situations.**

108 (3) **Recognizing the critical nature of attachment for children, if**
109 a child reenters the foster care system **and is not placed in a relative home,**
110 the child's **former** foster parents shall be [considered as a placement option]
111 **given first consideration for placement of the child.**

112 (4) If a child becomes free for adoption while in foster care, the child's
113 foster family shall be given preferential consideration as adoptive parents
114 consistent with section 453.070, RSMo.

115 [(2)] (5) [Confidentiality rights of the child and the child's parents shall
116 be respected and maintained. Foster parents shall inform the child's caseworker
117 of their interest if a child reenters the system.] If a foster child becomes free for

118 adoption and the foster parents desire to adopt the child, they shall inform the
119 caseworker [in a timely manner] **within sixty days of the caseworker's**
120 **initial query**. If they do not choose to pursue adoption, foster parents shall
121 make every effort to support and encourage the child's placement in a permanent
122 home, **including but not limited to providing information on the history**
123 **and care needs of the child and accommodating transitional**
124 **visitation**. [When requesting removal of a child from their home, foster parents
125 shall give reasonable advance notice, consistent with division policy, to the child's
126 caseworker, except in emergency situations.]

127 5. [(1)] Foster parents shall be informed by the court [in a timely manner
128 of] **no later than two weeks prior to** all court hearings pertaining to a child
129 in their care, and informed of their right to attend and participate, consistent
130 with section 211.464, RSMo.

131 [(2)] Foster parents shall share any concerns regarding the case plan for
132 a child in their care with the child's caseworker, as well as other members of the
133 child welfare team, in a timely manner.]

134 6. **The children's division and their contractors shall provide**
135 **access to a fair and impartial grievance process to address licensure,**
136 **case management decisions, and delivery of service issues**. Foster
137 parents shall have timely access to the child placement agency's appeals process,
138 and shall be free from acts of retaliation when exercising the right to appeal.

139 7. **The children's division and their contractors shall provide**
140 **training to foster parents on the policies and procedures governing the**
141 **licensure of foster homes, the provision of foster care, and the adoption**
142 **process**. Foster parents shall, **upon request, be provided with written**
143 **documentation of the policies of the children's division and their**
144 **contractors** [know and follow the policies of the division of family services,
145 including the appeals procedure]. **Per licensure requirements, foster**
146 **parents shall comply with the policies of the child placement agency**.

147 8. For purposes of this section, "foster parent" means a resource family
148 providing care of children in state custody.

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

6 factors including:

7 (1) The financial needs and resources of the child;

8 (2) The financial resources and needs of the parents;

9 (3) The standard of living the child would have enjoyed had the marriage
10 not been dissolved;

11 (4) The physical and emotional condition of the child, and the child's
12 educational needs;

13 (5) The child's physical and legal custody arrangements, including the
14 amount of time the child spends with each parent and the reasonable expenses
15 associated with the custody or visitation arrangements; and

16 (6) The reasonable work-related child care expenses of each parent.

17 2. The obligation of the parent ordered to make support payments shall
18 abate, in whole or in part, for such periods of time in excess of thirty consecutive
19 days that the other parent has voluntarily relinquished physical custody of a
20 child to the parent ordered to pay child support, notwithstanding any periods of
21 visitation or temporary physical and legal or physical or legal custody pursuant
22 to a judgment of dissolution or legal separation or any modification thereof. In
23 a IV-D case, the **family support** division [of child support enforcement] may
24 determine the amount of the abatement pursuant to this subsection for any child
25 support order and shall record the amount of abatement in the automated child
26 support system record established pursuant to chapter 454, RSMo. If the case is
27 not a IV-D case and upon court order, the circuit clerk shall record the amount
28 of abatement in the automated child support system record established in chapter
29 454, RSMo.

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

33 (1) Dies;

34 (2) Marries;

35 (3) Enters active duty in the military;

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

38 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this
39 section apply; or

40 (6) Reaches age [twenty-two] **twenty-one**, unless the provisions of the
41 child support order specifically extend the parental support order past the child's

42 [twenty-second] **twenty-first** birthday for reasons provided by subsection 4 of
43 this section.

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

47 5. If when a child reaches age eighteen, the child is enrolled in and
48 attending a secondary school program of instruction, the parental support
49 obligation shall continue, if the child continues to attend and progresses toward
50 completion of said program, until the child completes such program or reaches
51 age twenty-one, whichever first occurs. If the child is enrolled in an institution
52 of vocational or higher education not later than October first following graduation
53 from a secondary school or completion of a graduation equivalence degree
54 program and so long as the child enrolls for and completes at least twelve hours
55 of credit each semester, not including the summer semester, at an institution of
56 vocational or higher education and achieves grades sufficient to reenroll at such
57 institution, the parental support obligation shall continue until the child
58 completes his or her education, or until the child reaches the age of [twenty-two]
59 **twenty-one**, whichever first occurs. To remain eligible for such continued
60 parental support, at the beginning of each semester the child shall submit to each
61 parent a transcript or similar official document provided by the institution of
62 vocational or higher education which includes the courses the child is enrolled in
63 and has completed for each term, the grades and credits received for each such
64 course, and an official document from the institution listing the courses which the
65 child is enrolled in for the upcoming term and the number of credits for each such
66 course. **When enrolled in at least twelve credit hours, if the child**
67 **receives failing grades in half or more of his or her courseload in any**
68 **one semester, payment of child support may be terminated and shall**
69 **not be eligible for reinstatement. Upon request for notification of the**
70 **child's grades by the noncustodial parent, the child shall produce the**
71 **required documents to the noncustodial parent within thirty days of**
72 **receipt of grades from the education institution. If the child fails to**
73 **produce the required documents, payment of child support may**
74 **terminate without the accrual of any child support arrearage and shall**
75 **not be eligible for reinstatement.** If the circumstances of the child manifestly
76 dictate, the court may waive the October first deadline for enrollment required
77 by this subsection. [If the child has pursued a path of continuous attendance and

78 has demonstrated evidence of a plan to continue to do so, the court may enter a
79 judgment abating support for a period of up to five months for any semester in
80 which the child completes at least six but less than twelve credit hours; however,
81 such five-month period of abatement shall only be granted one time for each
82 child.] If the child is enrolled in such an institution, the child or parent obligated
83 to pay support may petition the court to amend the order to direct the obligated
84 parent to make the payments directly to the child. As used in this section, an
85 "institution of vocational education" means any postsecondary training or
86 schooling for which the student is assessed a fee and attends classes
87 regularly. "Higher education" means any junior college, community college,
88 college, or university at which the child attends classes regularly. A child who
89 has been diagnosed with a [learning] **developmental** disability, **as defined in**
90 **section 630.005, RSMo**, or whose physical disability or diagnosed health
91 problem limits the child's ability to carry the number of credit hours prescribed
92 in this subsection, shall remain eligible for child support so long as such child is
93 enrolled in and attending an institution of vocational or higher education, and the
94 child continues to meet the other requirements of this subsection. A child who
95 is employed at least fifteen hours per week during the semester may take as few
96 as nine credit hours per semester and remain eligible for child support so long as
97 all other requirements of this subsection are complied with.

98 6. The court shall consider ordering a parent to waive the right to claim
99 the tax dependency exemption for a child enrolled in an institution of vocational
100 or higher education in favor of the other parent if the application of state and
101 federal tax laws and eligibility for financial aid will make an award of the
102 exemption to the other parent appropriate.

103 7. The general assembly finds and declares that it is the public policy of
104 this state that frequent, continuing and meaningful contact with both parents
105 after the parents have separated or dissolved their marriage is in the best
106 interest of the child except for cases where the court specifically finds that such
107 contact is not in the best interest of the child. In order to effectuate this public
108 policy, a court with jurisdiction shall enforce visitation, custody and child support
109 orders in the same manner. A court with jurisdiction may abate, in whole or in
110 part, any past or future obligation of support and may transfer the physical and
111 legal or physical or legal custody of one or more children if it finds that a parent
112 has, without good cause, failed to provide visitation or physical and legal or
113 physical or legal custody to the other parent pursuant to the terms of a judgment

114 of dissolution, legal separation or modifications thereof. The court shall also
115 award, if requested and for good cause shown, reasonable expenses, attorney's
116 fees and court costs incurred by the prevailing party.

117 8. The Missouri supreme court shall have in effect a rule establishing
118 guidelines by which any award of child support shall be made in any judicial or
119 administrative proceeding. Said guidelines shall contain specific, descriptive and
120 numeric criteria which will result in a computation of the support obligation. The
121 guidelines shall address how the amount of child support shall be calculated
122 when an award of joint physical custody results in the child or children spending
123 substantially equal time with both parents. [Not later than October 1,
124 1998,] The Missouri supreme court shall publish child support guidelines and
125 specifically list and explain the relevant factors and assumptions that were used
126 to calculate the child support guidelines. Any rule made pursuant to this
127 subsection shall be reviewed by the promulgating body not less than once every
128 four years to ensure that its application results in the determination of
129 appropriate child support award amounts.

130 9. There shall be a rebuttable presumption, in any judicial or
131 administrative proceeding for the award of child support, that the amount of the
132 award which would result from the application of the guidelines established
133 pursuant to subsection 8 of this section is the correct amount of child support to
134 be awarded. A written finding or specific finding on the record in a judicial or
135 administrative proceeding that the application of the guidelines would be unjust
136 or inappropriate in a particular case, after considering all relevant factors,
137 including the factors set out in subsection 1 of this section, is required if
138 requested by a party and shall be sufficient to rebut the presumption in the
139 case. The written finding or specific finding on the record shall detail the specific
140 relevant factors that required a deviation from the application of the guidelines.

141 10. Pursuant to this or any other chapter, when a court determines the
142 amount owed by a parent for support provided to a child by another person, other
143 than a parent, prior to the date of filing of a petition requesting support, or when
144 the director of the **family support** division [of child support enforcement]
145 establishes the amount of state debt due pursuant to subdivision (2) of subsection
146 1 of section 454.465, RSMo, the court or director shall use the guidelines
147 established pursuant to subsection 8 of this section. The amount of child support
148 resulting from the application of the guidelines shall be applied retroactively for
149 a period prior to the establishment of a support order and the length of the period

150 of retroactivity shall be left to the discretion of the court or director. There shall
151 be a rebuttable presumption that the amount resulting from application of the
152 guidelines under subsection 8 of this section constitutes the amount owed by the
153 parent for the period prior to the date of the filing of the petition for support or
154 the period for which state debt is being established. In applying the guidelines
155 to determine a retroactive support amount, when information as to average
156 monthly income is available, the court or director may use the average monthly
157 income of the noncustodial parent, as averaged over the period of retroactivity,
158 in determining the amount of presumed child support owed for the period of
159 retroactivity. The court or director may enter a different amount in a particular
160 case upon finding, after consideration of all relevant factors, including the factors
161 set out in subsection 1 of this section, that there is sufficient cause to rebut the
162 presumed amount.

163 11. The obligation of a parent to make child support payments may be
164 terminated as follows:

165 (1) Provided that the child support order contains the child's date of birth,
166 the obligation shall be deemed terminated without further judicial or
167 administrative process when the child reaches age [twenty-two] **twenty-one** if
168 the child support order does not specifically require payment of child support
169 beyond age [twenty-two] **twenty-one** for reasons provided by subsection 4 of this
170 section;

171 (2) The obligation shall be deemed terminated without further judicial or
172 administrative process when the parent receiving child support furnishes a sworn
173 statement or affidavit notifying the obligor parent of the child's emancipation in
174 accordance with the requirements of subsection 4 of section 452.370, and a copy
175 of such sworn statement or affidavit is filed with the court which entered the
176 order establishing the child support obligation, or the division of child support
177 enforcement;

178 (3) The obligation shall be deemed terminated without further judicial or
179 administrative process when the parent paying child support files a sworn
180 statement or affidavit with the court which entered the order establishing the
181 child support obligation, or the **family support** division [of child support
182 enforcement], stating that the child is emancipated and reciting the factual basis
183 for such statement; which statement or affidavit is served by the court or division
184 on the child support obligee; and which is either acknowledged and affirmed by
185 the child support obligee in writing, or which is not responded to in writing

186 within thirty days of receipt by the child support obligee;

187 (4) The obligation shall be terminated as provided by this subdivision by
188 the court which entered the order establishing the child support obligation, or the
189 **family support** division [of child support enforcement], when the parent paying
190 child support files a sworn statement or affidavit with the court which entered
191 the order establishing the child support obligation, or the **family support**
192 division [of child support enforcement], stating that the child is emancipated and
193 reciting the factual basis for such statement; and which statement or affidavit is
194 served by the court or division on the child support obligee. If the obligee denies
195 the statement or affidavit, the court or division shall thereupon treat the sworn
196 statement or affidavit as a motion to modify the support obligation pursuant to
197 section 452.370 or section 454.496, RSMo, and shall proceed to hear and
198 adjudicate such motion as provided by law; provided that the court may require
199 the payment of a deposit as security for court costs and any accrued court costs,
200 as provided by law, in relation to such motion to modify.

201 12. The court may enter a judgment terminating child support pursuant
202 to subdivisions (1) to (3) of subsection 11 of this section without necessity of a
203 court appearance by either party. The clerk of the court shall mail a copy of a
204 judgment terminating child support entered pursuant to subsection 11 of this
205 section on both the obligor and obligee parents. The supreme court may
206 promulgate uniform forms for sworn statements and affidavits to terminate
207 orders of child support obligations for use pursuant to subsection 11 of this
208 section and subsection 4 of section 452.370.

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

13 (1) Include information to enable the receiving state to compare the

14 information about the case to the information in state databases; and

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

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

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

6 (2) "Division", the Missouri division of child support enforcement of the
7 department of social services;

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

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

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

16 (a) Full name of the parent;

17 (b) Social Security number of the parent;

18 (c) Date of birth of the parent;

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

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

22 (f) Number of dependents declared by the parent on state and federal tax
23 information and reporting forms;

24 (g) Name of company, policy numbers and dependent coverage for any
25 medical insurance carried by or on behalf of the parent;

26 (h) Name of company, policy numbers and cash values, if any, for any life
27 insurance policies or annuity contracts, carried by or on behalf of, or owned by,
28 the parent;

29 (i) Any retirement benefits, pension plans or stock purchase plans
30 maintained on behalf of, or owned by, the parent and the values thereof, employee
31 contributions thereto, and the extent to which each benefit or plan is vested;

32 (j) Vital statistics, including records of marriage, birth or divorce;

33 (k) Tax and revenue records, including information on residence address,
34 employer, income or assets;

35 (l) Records concerning real or personal property;

36 (m) Records of occupational, professional or recreational licenses or
37 permits;

38 (n) Records concerning the ownership and control of corporations,
39 partnerships or other businesses;

40 (o) Employment security records;

41 (p) Records concerning motor vehicles;

42 (q) Records of assets or liabilities;

43 (r) Corrections records;

44 (s) Names and addresses of employers of parents;

45 (t) Motor vehicle records; and

46 (u) Law enforcement records;

47 (6) "Parent", a biological or adoptive parent, including a presumed or
48 putative father. **The word "parent" shall also include any person who has**
49 **been found to be such by:**

50 (a) **A court of competent jurisdiction in an action for dissolution**
51 **of marriage, legal separation, or establishment of the parent and child**
52 **relationship;**

53 (b) **The division under section 454.485;**

54 (c) **Operation of law under section 210.823, RSMo; or**

55 (d) **A court or administrative tribunal of another state.**

56 2. For the purpose of locating and determining financial resources of the
57 parents relating to establishment of paternity or to establish, modify or enforce
58 support orders, the division or other state IV-D agency may request and receive
59 information from the federal Parent Locator Service, from available records in
60 other states, territories and the District of Columbia, from the records of all
61 government agencies, and from businesses and financial entities. A request for
62 information from a public utility or cable television company shall be made by
63 subpoena authorized pursuant to this chapter. The government agencies,
64 businesses, and financial entities shall provide information, if known or
65 chronicled in their business records, notwithstanding any other provision of law
66 making the information confidential. In addition, the division may use all
67 sources of information and available records and, pursuant to agreement with the
68 secretary of the United States Department of Health and Human Services, or the

69 secretary's designee, request and receive from the federal Parent Locator Service
70 information pursuant to 42 U.S.C. Sections 653 and 663, to determine the
71 whereabouts of any parent or child when such information is to be used to locate
72 the parent or child to enforce any state or federal law with respect to the
73 unlawful taking or restraining of a child, or of making or enforcing a child
74 custody or visitation order.

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

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

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

98 6. Upon request of the division or other state IV-D agency, any parent
99 shall complete a statement under oath, upon such form as the division or other
100 state IV-D agency may specify, providing information, including, but not
101 necessarily limited to, the parent's monthly income, the parent's total income for
102 the previous year, the number and name of the parent's dependents and the
103 amount of support the parent provides to each, the nature and extent of the
104 parent's assets, and such other information pertinent to the support of the

105 dependent as the division or other state IV-D agency may request. Upon request
106 of the division or other state IV-D agency, such statements shall be completed
107 annually. Failure to comply with this subsection is a class A misdemeanor.

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

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

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

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

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

136 In any judicial proceedings, except such proceedings as are directly concerned
137 with the administration of these programs, such information obtained in the
138 discharge of official duties relative to the identity of applicants for or recipients
139 of child support services or public assistance, and records, files, papers,
140 communications and their contents shall be confidential and not admissible in

141 evidence. Nothing in this subsection shall be construed to prohibit the circuit
142 clerk from releasing information, not otherwise privileged, from court records for
143 reasons other than the administration of the child support program, if such
144 information does not identify any individual as an applicant for or recipient of
145 services pursuant to sections 454.400 to 454.645. Anyone who purposely or
146 knowingly violates this subsection is guilty of a class A misdemeanor.

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

12 2. As used in subsection 1 of this section, the term "caretaker relative"
13 includes only those persons listed in subdivision (2) of subsection 1 of section
14 208.040, RSMo.

15 3. If an order for child support has been entered, no assignment of support
16 has been made, and the legal custodian and obligee under the order relinquishes
17 physical custody of the child to a caretaker relative without obtaining a
18 modification of legal custody, or the child is placed by the court in the legal
19 custody of a state agency, the division may, thirty days after the transfer of
20 custody and upon notice to the obligor and obligee, direct the obligor or other
21 payor to change the payee to the caretaker relative or appropriate state
22 agency. [Such] **An order changing the payee to a caretaker relative** shall
23 terminate when the caretaker relative no longer has physical custody of the child,
24 or the state agency is relieved of legal custody, except for the unpaid support
25 obligations still owed to the caretaker relative **or the state**.

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

454.460. As used in sections 454.400 to 454.560, unless the context clearly

2 indicates otherwise, the following terms mean:

3 (1) "Court", any circuit court of this state and any court or agency of any
4 other state having jurisdiction to determine the liability of persons for the
5 support of another person;

6 (2) "Court order", any judgment, decree, or order of any court which orders
7 payment of a set or determinable amount of support money;

8 (3) "Department", the department of social services of the state of
9 Missouri;

10 (4) "Dependent child", any person under the age of twenty-one who is not
11 otherwise emancipated, self-supporting, married, or a member of the armed forces
12 of the United States;

13 (5) "Director", the director of the division of child support enforcement, or
14 the director's designee;

15 (6) "Division", the division of child support enforcement of the department
16 of social services of the state of Missouri;

17 (7) "IV-D agency", an agency designated by a state to administer programs
18 under Title IV-D of the Social Security Act;

19 (8) "IV-D case", a case in which services are being provided pursuant to
20 section 454.400;

21 (9) "Obligee", any person, **state, or political subdivision** to whom
22 [payments are required to be made pursuant to the terms of a court order for a
23 child, spouse or former spouse] **or to which a duty of support is owed as**
24 **determined by a court or administrative agency of competent**
25 **jurisdiction;**

26 (10) "Obligor", any person [required to make payments pursuant to the
27 terms of a court order for a child, spouse or former spouse] **who owes a duty of**
28 **support as determined by a court or administrative agency of**
29 **competent jurisdiction;**

30 (11) "Parent", [the] a biological or adoptive [father or mother of a
31 dependent child] **parent, including a presumed or putative father. The**
32 **word "parent" shall also include any person who has been found to be**
33 **such by:**

34 (a) **A court of competent jurisdiction in an action for dissolution**
35 **of marriage, legal separation, or establishment of the parent and child**
36 **relationship;**

37 (b) **The division under section 454.485;**

38 **(c) Operation of law under section 210.823, RSMo; or**

39 **(d) A court or administrative tribunal of another state;**

40 (12) "Public assistance", any cash or benefit pursuant to Part IV-A, **Part**
41 **IV-B, Part IV-E**, or Title XIX of the federal Social Security Act paid by the
42 department to or for the benefit of any dependent child or any public assistance
43 assigned to the state;

44 (13) "State", any state or political subdivision, territory or possession of
45 the United States, District of Columbia, and the Commonwealth of Puerto Rico;

46 (14) "Support order", a judgment, decree or order, whether temporary,
47 final or subject to modification, issued by a court or administrative agency of
48 competent jurisdiction for the support and maintenance of a child, including a
49 child who has attained the age of majority pursuant to the law of the issuing
50 state, or of the parent with whom the child is living and providing monetary
51 support, health care, child care, arrearages or reimbursement for such child, and
52 which may include related costs and fees, interest and penalties, income
53 withholding, attorneys' fees and other relief.

454.470. 1. [If a court order has not been previously entered or if a
2 support order has been entered but is not entitled to recognition pursuant to
3 sections 454.850 to 454.997,] The director may issue a notice and finding of
4 financial responsibility to a parent who owes a state debt or who is responsible
5 for the support of a child on whose behalf the custodian of that child is receiving
6 support enforcement services from the division pursuant to section 454.425 **if a**
7 **court order has not been previously entered against that parent, a**
8 **court order has been previously entered but has been terminated by**
9 **operation of law or if a support order from another state has been**
10 **entered but is not entitled to recognition under sections 454.850 to**
11 **454.997. [A copy] Service of the notice and finding shall be [mailed to the last**
12 **known address of both parents and any person or agency having custody of the**
13 **child within fourteen days of the issuance of such notice and finding] made on**
14 **the parent or other party in the manner prescribed for service of**
15 **process in a civil action by an authorized process server appointed by**
16 **the director, or by certified mail, return receipt requested. The**
17 **director may appoint any uninterested party, including but not limited**
18 **to employees of the division, to serve such process. For purposes of**
19 **this subsection, a parent who refuses receipt of service by certified**
20 **mail is deemed to have been served. Service upon an obligee who is**

21 **receiving support enforcement services under section 454.425 may be**
22 **made by regular mail.** When appropriate to the circumstances of the
23 individual action, the notice shall state:

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

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

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

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

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

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

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

52 (8) That if such a timely response is received by the appropriate division
53 office, and if such response raises factual questions requiring the submission of
54 evidence, the parent or person having custody of the child shall have the right to
55 a hearing before an impartial hearing officer who is an attorney licensed to
56 practice law in Missouri and, that if no timely written response is received, the

57 director may enter an order in accordance with the notice and finding of financial
58 responsibility;

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

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

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

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

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

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

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

74 2. The statement of periodic future support required by subdivision (2) of
75 subsection 1 of this section is to be computed [as follows:

76 (1) If there is sufficient information available to the division regarding the
77 parent's financial and living situation, the scale and formula provided for in
78 section 454.480 shall be used; or

79 (2) If there is insufficient information available to use the scale and
80 formula, an estimate of ability to pay shall be the basis of the statement] **under**
81 **the guidelines established in subsection 8 of section 452.340, RSMo.**

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

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

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

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

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

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

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

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

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

106 5. The parent or person having custody of the child shall be sent a copy
107 of the order by [registered or certified mail, return receipt requested,] **regular**
108 **mail** addressed to the parent's last known address or, if applicable, the parent's
109 attorney's last known address. The order is final, and action by the director to
110 enforce and collect upon the order, including arrearages, may be taken from the
111 date of issuance of the order. [A copy of the order shall also be sent by regular
112 mail to the person having custody of a child for whom an order is issued pursuant
113 to this section.]

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

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

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

454.496. 1. At any time after the entry of a court order for child support
2 in a case in which support rights have been assigned to the state pursuant to
3 section 208.040, RSMo, or a case in which support enforcement services are being
4 provided pursuant to section 454.425, the obligated parent, the obligee or the
5 division of child support enforcement may file a motion to modify the existing
6 child support order pursuant to this section, if a review has first been completed
7 by the director of child support enforcement pursuant to subdivision (13) of
8 subsection 2 of section 454.400. The motion shall be in writing in a form
9 prescribed by the director, shall set out the reasons for modification and shall
10 state the telephone number and address of the moving party. The motion shall
11 be served in the same manner provided for in subsection 5 of section 454.465
12 upon the obligated parent, the obligee and the division, as appropriate. In
13 addition, if the support rights are held by the division of family services on behalf
14 of the state, the moving party shall mail a true copy of the motion by certified
15 mail to the person having custody of the dependent child at the last known
16 address of that person. The party against whom the motion is made shall have
17 thirty days either to resolve the matter by stipulated agreement or to serve the
18 moving party and the director, as appropriate, by regular mail with a written
19 response setting forth any objections to the motion and a request for
20 hearing. When requested, the hearing shall be conducted pursuant to section
21 454.475 by hearing officers designated by the department of social services. In
22 such proceedings, the hearing officers shall have the authority granted to the
23 director pursuant to subsection 6 of section 454.465.

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

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

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

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

35 6. Notwithstanding the provisions of section 454.490 to the contrary, an
36 administrative order modifying a court order is not effective until the

37 administrative order is filed with and approved by the court that entered the
38 court order. The court may approve the administrative order if no party affected
39 by the decision has filed a petition for judicial review pursuant to sections
40 536.100 to 536.140, RSMo. After the thirty-day time period for filing a petition
41 of judicial review pursuant to chapter 536, RSMo, has passed, the court shall
42 render its decision within fifteen days. **If the court finds the administrative**
43 **order should be approved, the court shall make a written finding on the**
44 **record that the order complies with section 452.340, RSMo, and**
45 **applicable supreme court rules and approve the order. If the court**
46 **finds that the administrative order should not be approved, the court**
47 **shall set the matter for trial de novo.**

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

59 [7.] 8. Notwithstanding the venue provisions of chapter 536, RSMo, to the
60 contrary, for the filing of petitions for judicial review of final agency decisions and
61 contested cases, the venue for the filing of a petition for judicial review contesting
62 an administrative order entered pursuant to this section modifying a judicial
63 order shall be in the court which entered the judicial order. In such cases in
64 which a petition for judicial review has been filed, the court shall consider the
65 matters raised in the petition and determine if the administrative order complies
66 with section 452.340 and applicable supreme court rules. If the court finds that
67 the administrative order should not be approved, the court shall set the matter
68 for trial de novo. The court shall notify the parties and the division of the setting
69 of such proceeding. If the court determines that the matters raised in the
70 petition are without merit and that the administrative order complies with the
71 provisions of section 452.340 and applicable supreme court rules, the court shall
72 approve the order.

454.511. The division may certify a person who owes a child support
2 arrearage in [an] **excess of the** amount [exceeding five thousand dollars] **set**
3 **forth in 42 U.S.C. 654(31)** to the appropriate federal government agency for the
4 purpose of denying a passport to such person, or revoking, suspending or limiting
5 a passport previously issued to such person. Such person shall be mailed, by the
6 division or on behalf of the division, a notice of the proposed certification and the
7 consequences thereof upon such person. Within thirty days of receipt of the
8 notice, the person may contest the proposed certification by requesting in writing
9 a hearing pursuant to the procedures in section 454.475. At such hearing the
10 obligor may assert only mistake of fact as a defense. For purposes of this section,
11 "mistake of fact" means an error in the amount of arrearages or an error as to the
12 identity of the obligor. The obligor shall have the burden of proof on such
13 issues. The division shall not certify the person until after a final decision has
14 been reached.

511.350. 1. Judgments and decrees entered by the supreme court, by any
2 United States district or circuit court held within this state, by any district of the
3 court of appeals, by any circuit court and any probate division of the circuit court,
4 except judgments and decrees rendered by associate, small claims and municipal
5 divisions of the circuit courts, shall be liens on the real estate of the person
6 against whom they are entered, situate in the county for which or in which the
7 court is held.

8 2. Judgments and decrees rendered by the associate divisions of the
9 circuit courts shall not be liens on the real estate of the person against whom
10 they are rendered until such judgments or decrees are filed with the clerk of the
11 circuit court pursuant to sections 517.141 and 517.151, RSMo.

12 3. Judgments and decrees entered by the small claims and municipal
13 divisions of the circuit court shall not constitute liens against the real estate of
14 the person against whom they are rendered.

15 4. Notwithstanding any other provision of law, no judgments or decrees
16 entered by any court of competent jurisdiction may be amended or modified by
17 any administrative agency **without the approval of a court of competent**
18 **jurisdiction.**

19 5. **Notwithstanding subsection 4 of this section or any other law**
20 **to the contrary, no judgments or decrees entered by any court of**
21 **competent jurisdiction relating to child support orders may be**
22 **amended or modified by any administrative agency without the**

23 approval of a court of competent jurisdiction.

2 [454.480. In order to assist in determining the amount that
3 a parent shall be ordered to contribute toward the support of a
4 dependent child, the division shall establish by regulation a scale
5 and formula for determining minimum support obligations. The
6 scale and formula shall take into account the following factors:

7 (1) All earnings and income resources of the parents,
8 including real and personal property;

9 (2) The reasonable necessities of the parent;

10 (3) The needs of the dependent child for whom support is
11 sought;

12 (4) The amount of public assistance which would be paid to
13 the dependent child under the full standard of need of the state's
14 public assistance plan;

15 (5) The existence of other dependents, except that the
16 dependent child for whom support is sought shall benefit from the
17 income and resources of the parent on an equitable basis in
18 comparison with any other dependent of the parent;

19 (6) Other reasonable criteria which the division may choose
20 to incorporate.]

21 [454.810. 1. For all IV-D cases as defined by section
22 452.345, RSMo, the division of child support enforcement shall
23 determine support arrearages and credits by consent of the parties
24 to the support order or by use of the administrative order process
25 set out in section 454.476.

26 2. Notwithstanding any provisions of section 454.475 to the
27 contrary, hearings pursuant to this section may be requested by
28 either party and may be conducted by nonattorney hearing officers
29 specially designated by the department of social services. Any
30 person adversely affected by any hearing decisions pursuant to this
31 section may obtain judicial review pursuant to sections 536.100 to
32 536.140, RSMo.

33 3. Any support arrearage and credit determination
34 established pursuant to this section and all documentation that
35 forms the basis for the determination shall be filed with the circuit
36 clerk and shall be considered part of the official trusteeship record

17 if filed prior to October 1, 1999, or if filed after such date, as part
18 of the records of the payment center pursuant to this chapter for all
19 purposes.]

✓

Unofficial

Bill

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