

FIRST REGULAR SESSION

SENATE BILL NO. 222

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time January 22, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1023S.011

AN ACT

To repeal sections 210.841, 452.305, 452.310, 452.312, 452.343, 454.500, 454.905, and 454.951, RSMo, and to enact in lieu thereof seven new sections relating to the use and disclosure of personal identification information in certain documents.

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

Section A. Sections 210.841, 452.305, 452.310, 452.312, 452.343, 454.500, 454.905, and 454.951, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 210.841, 452.305, 452.310, 452.312, 454.500, 454.905, and 454.951, to read as follows:

210.841. 1. The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

2. If the judgment or order of the court varies with the child's birth certificate, the court shall order that an amended birth registration be made pursuant to section 210.849.

3. The judgment or order [shall contain the Social Security number of each party and] may contain any other provision directed against the appropriate party to the proceeding concerning:

- (1) The duty of support;
- (2) The custody and guardianship of the child;
- (3) Visitation privileges with the child;
- (4) The furnishing of bond or other security for the payment of the judgment; or
- (5) Any matter in the best interest of the child.

The judgment or order may direct the father to pay the reasonable expenses of

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

17 the mother's pregnancy and confinement.

18 4. Support judgments or orders ordinarily shall be for periodic payments.
19 In the best interests of the child, a lump sum payment or the purchase of an
20 annuity may be ordered in lieu of periodic payments of support. The court may
21 limit the father's liability for past support of the child to the proportion of the
22 expenses already incurred that the court deems just.

23 5. There shall be a rebuttable presumption that the amount of support
24 that would result from the application of supreme court rule 88.01 is the correct
25 amount of child support to be awarded. A written finding or specific finding on
26 the record that the application of supreme court rule 88.01 would be unjust or
27 inappropriate in a particular case, after considering all relevant factors including
28 the factors in subsection 6 of this section, shall be sufficient to rebut the
29 presumption in the case.

30 6. In determining the amount to be paid by a parent for support of the
31 child and the period during which the duty of support is owed, the court shall
32 consider all relevant facts, including:

- 33 (1) The needs of the child;
34 (2) The standard of living and circumstances of the parents;
35 (3) The relative financial means of the parents;
36 (4) The earning ability of the parents;
37 (5) The need and capacity of the child for education, including higher
38 education;
39 (6) The age of the child;
40 (7) The financial resources and earning capacity of the child;
41 (8) The responsibility of the parents for the support of other children;
42 (9) The value of the services contributed by the custodial parent; and
43 (10) The standard of living and circumstances of the family prior to the
44 dissolution of marriage of parents or during the period of cohabitation of the
45 parents.

46 7. Any award for periodic child support may be retroactive to the date of
47 service of the original petition upon the obligor.

452.305. 1. The court shall enter a judgment of dissolution of marriage
2 if:

- 3 (1) The court finds that one of the parties has been a resident of this
4 state, or is a member of the armed services who has been stationed in this state,
5 for ninety days immediately preceding the commencement of the proceeding and

6 that thirty days have elapsed since the filing of the petition; and

7 (2) The court finds that there remains no reasonable likelihood that the
8 marriage can be preserved and that therefore the marriage is irretrievably
9 broken; and

10 (3) To the extent it has jurisdiction, the court has considered and made
11 provision for child custody, the support of each child, the maintenance of either
12 spouse and the disposition of property.

13 2. The court shall enter a judgment of legal separation if:

14 (1) The court finds that one of the parties has been a resident of this
15 state, or is a member of the armed services who has been stationed in this state,
16 for ninety days immediately preceding the commencement of the proceeding and
17 that thirty days have elapsed since the filing of the petition; and

18 (2) The court finds that there remains a reasonable likelihood that the
19 marriage can be preserved and that therefore the marriage is not irretrievably
20 broken; and

21 (3) To the extent it has jurisdiction, the court has considered and made
22 provision for the custody and the support of each child, the maintenance of either
23 spouse and the disposition of property.

24 3. Any judgment of dissolution of marriage or legal separation shall
25 **[include the Social Security numbers of the parties] state that the Social**
26 **Security numbers of the parties have been provided to the court as**
27 **required in section 452.312.**

452.310. 1. In any proceeding commenced pursuant to this chapter, the
2 petition, a motion to modify, a motion for a family access order and a motion for
3 contempt shall be verified. The petition in a proceeding for dissolution of
4 marriage shall allege that the marriage is irretrievably broken and that therefore
5 there remains no reasonable likelihood that the marriage can be preserved. The
6 petition in a proceeding for legal separation shall allege that the marriage is not
7 irretrievably broken and that therefore there remains a reasonable likelihood that
8 the marriage can be preserved.

9 2. The petition in a proceeding for dissolution of marriage or legal
10 separation shall set forth:

11 (1) The residence of each party, including the county, and the length of
12 residence of each party in this state and in the county of residence;

13 (2) The date of the marriage and the place at which it is registered;

14 (3) The date on which the parties separated;

15 (4) The name, date of birth and address of each child, and the parent with
16 whom each child has primarily resided for the sixty days immediately preceding
17 the filing of the petition for dissolution of marriage or legal separation;

18 (5) Whether the wife is pregnant;

19 (6) [The Social Security number of the petitioner, respondent and each
20 child;

21 (7)] Any arrangements as to the custody and support of the children and
22 the maintenance of each party; and

23 [(8)] (7) The relief sought.

24 3. Upon the filing of the petition in a proceeding for dissolution of
25 marriage or legal separation, each child shall immediately be subject to the
26 jurisdiction of the court in which the proceeding is commenced, unless a
27 proceeding involving allegations of abuse or neglect of the child is pending in
28 juvenile court. Until permitted by order of the court, neither parent shall remove
29 any child from the jurisdiction of the court or from any parent with whom the
30 child has primarily resided for the sixty days immediately preceding the filing of
31 a petition for dissolution of marriage or legal separation.

32 4. The mere fact that one parent has actual possession of the child at the
33 time of filing shall not create a preference in favor of such parent in any judicial
34 determination regarding custody of the child.

35 5. The respondent shall be served in the manner provided by the rules of
36 the supreme court and applicable court rules and, to avoid an interlocutory
37 judgment of default, shall file a verified answer within thirty days of the date of
38 service which shall not only admit or deny the allegations of the petition, but
39 shall also set forth:

40 (1) [The Social Security number of the petitioner, respondent and each
41 child;

42 (2)] Any arrangements as to the custody and support of the child and the
43 maintenance of each party; and

44 [(3)] (2) The relief sought.

45 6. Previously existing defenses to divorce and legal separation, including
46 but not limited to condonation, connivance, collusion, recrimination, insanity, and
47 lapse of time, are abolished.

48 7. The petitioner and respondent shall submit a proposed parenting plan,
49 either individually or jointly, within thirty days after service of process or the
50 filing of the entry of appearance, whichever event first occurs of a motion to

51 modify or a petition involving custody or visitation issues. The proposed
52 parenting plan shall set forth the arrangements that the party believes to be in
53 the best interest of the minor children and shall include but not be limited to:

54 (1) A specific written schedule detailing the custody, visitation and
55 residential time for each child with each party including:

56 (a) Major holidays stating which holidays a party has each year;

57 (b) School holidays for school-age children;

58 (c) The child's birthday, Mother's Day and Father's Day;

59 (d) Weekday and weekend schedules and for school-age children how the
60 winter, spring, summer and other vacations from school will be spent;

61 (e) The times and places for transfer of the child between the parties in
62 connection with the residential schedule;

63 (f) A plan for sharing transportation duties associated with the residential
64 schedule;

65 (g) Appropriate times for telephone access;

66 (h) Suggested procedures for notifying the other party when a party
67 requests a temporary variation from the residential schedule;

68 (i) Any suggested restrictions or limitations on access to a party and the
69 reasons such restrictions are requested;

70 (2) A specific written plan regarding legal custody which details how the
71 decision-making rights and responsibilities will be shared between the parties
72 including the following:

73 (a) Educational decisions and methods of communicating information from
74 the school to both parties;

75 (b) Medical, dental and health care decisions including how health care
76 providers will be selected and a method of communicating medical conditions of
77 the child and how emergency care will be handled;

78 (c) Extracurricular activities, including a method for determining which
79 activities the child will participate in when those activities involve time during
80 which each party is the custodian;

81 (d) Child care providers, including how such providers will be selected;

82 (e) Communication procedures including access to telephone numbers as
83 appropriate;

84 (f) A dispute resolution procedure for those matters on which the parties
85 disagree or in interpreting the parenting plan;

86 (g) If a party suggests no shared decision-making, a statement of the

87 reasons for such a request;

88 (3) How the expenses of the child, including child care, educational and
89 extraordinary expenses as defined in the child support guidelines established by
90 the supreme court, will be paid including:

91 (a) The suggested amount of child support to be paid by each party;

92 (b) The party who will maintain or provide health insurance for the child
93 and how the medical, dental, vision, psychological and other health care expenses
94 of the child not paid by insurance will be paid by the parties;

95 (c) The payment of educational expenses, if any;

96 (d) The payment of extraordinary expenses of the child, if any;

97 (e) Child care expenses, if any;

98 (f) Transportation expenses, if any.

99 8. If the proposed parenting plans of the parties differ and the parties
100 cannot resolve the differences or if any party fails to file a proposed parenting
101 plan, upon motion of either party and an opportunity for the parties to be heard,
102 the court shall enter a temporary order containing a parenting plan setting forth
103 the arrangements specified in subsection 7 of this section which will remain in
104 effect until further order of the court. The temporary order entered by the court
105 shall not create a preference for the court in its adjudication of final custody,
106 child support or visitation.

107 9. Within one hundred twenty days after August 28, 1998, the Missouri
108 supreme court shall have in effect guidelines for a parenting plan form which may
109 be used by the parties pursuant to this section in any dissolution of marriage,
110 legal separation or modification proceeding involving issues of custody and
111 visitation relating to the child.

112 10. The filing of a parenting plan for any child over the age of eighteen
113 for whom custody, visitation, or support is being established or modified by a
114 court of competent jurisdiction is not required. Nothing in this section shall be
115 construed as precluding the filing of a parenting plan upon agreement of the
116 parties or if ordered to do so by the court for any child over the age of eighteen
117 for whom custody, visitation, or support is being established or modified by a
118 court of competent jurisdiction.

452.312. 1. [Every petition for dissolution of marriage or legal separation,
2 every motion for modification of a decree respecting maintenance or support, and
3 every petition or motion for support of a minor child shall contain the name and
4 address of the current employer and the Social Security number of the petitioner

5 or movant, if a person, and, if known to petitioner or movant, the name and
6 address of the current employer and the Social Security number of the
7 respondent.

8 2. Every responsive pleading to a petition for dissolution of marriage or
9 legal separation, motion for modification of a decree respecting maintenance or
10 support, and petition or motion for support of a minor child shall contain the
11 name and address of the current employer and the Social Security number of the
12 respondent, if the respondent is a person.

13 3. Every decree dissolving a marriage, every order modifying a previous
14 decree of dissolution or divorce, and every order for support of a minor child shall
15 contain the Social Security numbers of the parties, if disclosed by the pleadings]
16 **Contemporaneously with the filing of every petition for dissolution of**
17 **marriage, legal separation, motion for modification, and petition or**
18 **motion for support of a minor child, the petitioner shall file a family**
19 **court information sheet with the court which provides the name and**
20 **address of the current employer and the Social Security number of the**
21 **petitioner or movant, if a person, and, if known to the petitioner or**
22 **movant, the name and address of the current employer and the Social**
23 **Security number of the respondent, and the name, date of birth, and**
24 **Social Security number of each child who is the subject of the matter**
25 **before the court. The respondent to each petition or motion shall file**
26 **a family court information sheet which shall contain the name and**
27 **address of the respondent's current employer and the Social Security**
28 **number of the respondent, if the respondent is a person. The family**
29 **court information sheets shall remain sealed by the court and not**
30 **subject to public inspection.**

31 2. **For good cause shown, the court may release information**
32 **contained in the family court information sheets.**

454.500. 1. At any time after the entry of an order pursuant to sections
2 454.470 and 454.475, the obligated parent, the division, or the person or agency
3 having custody of the dependent child may file a motion for modification with the
4 director. Such motion shall be in writing, shall set forth the reasons for
5 modification, and shall state the address of the moving party. The motion shall
6 be served by the moving party in the manner provided for in subsection 5 of
7 section 454.465 upon the obligated parent or the party holding the support rights,
8 as appropriate. In addition, if the support rights are held by the division of
9 family services on behalf of the state, a true copy of the motion shall be mailed

10 by the moving party by certified mail to the person having custody of the
11 dependent child at the last known address of that person. A hearing on the
12 motion shall then be provided in the same manner, and determinations shall be
13 based on considerations set out in section 454.475, unless the party served fails
14 to respond within thirty days, in which case the director may enter an order by
15 default. If the child for whom the order applies is no longer in the custody of a
16 person receiving public assistance or receiving support enforcement services from
17 the department, or a division thereof, pursuant to section 454.425, the director
18 may certify the matter for hearing to the circuit court in which the order was filed
19 pursuant to section 454.490 in lieu of holding a hearing pursuant to section
20 454.475. If the director certifies the matter for hearing to the circuit court,
21 service of the motion to modify shall be had in accordance with the provisions of
22 subsection 5 of section 452.370, RSMo. If the director does not certify the matter
23 for hearing to the circuit court, service of the motion to modify shall be considered
24 complete upon personal service, or on the date of mailing, if sent by certified
25 mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered
26 the "appropriate agent" to receive the notice of the motion to modify for the
27 obligee or the obligor, but only in those instances in which the matter is not
28 certified to circuit court for hearing, and only when service of the motion is
29 attempted on the obligee or obligor by certified mail.

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

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

46 and continuing as to make the present terms unreasonable.

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

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

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

57 [7. The Social Security number of the parents shall be recorded on any
58 order entered pursuant to this section.]

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

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

14 **(c) Contemporaneously with the filing of every petition filed**
15 **under this section, the filing party shall file a family court information**
16 **sheet with the court which provides the name and address of the**
17 **current employer and the Social Security number of the petitioner or**
18 **movant, if a person, and, if known to the petitioner or movant, the**
19 **name and address of the current employer and the Social Security**
20 **number of the respondent, and the name, date of birth, and Social**
21 **Security number of each child who is the subject of the matter before**
22 **the court, which shall remain sealed by the court and not subject to**
23 **public inspection.**

454.951. (a) A support order or income withholding order of another state
2 may be registered in this state by sending the following documents and
3 information to the appropriate tribunal in this state:

4 (1) a letter of transmittal to the tribunal requesting registration and
5 enforcement;

6 (2) two copies, including one certified copy, of all orders to be registered,
7 including any modification of an order;

8 (3) a sworn statement by the party seeking registration or a certified
9 statement by the custodian of the records showing the amount of any arrearage;

10 (4) the name of the obligor and, if known:

11 (i) [the obligor's address and Social Security number;

12 (ii)] the name and address of the obligor's employer and any other source
13 of income of the obligor; and

14 [(iii)] (ii) a description and the location of property of the obligor in this
15 state not exempt from execution; and

16 (5) the name and address of the obligee and, if applicable, the agency or
17 person to whom support payments are to be remitted.

18 (b) On receipt of a request for registration, the registering tribunal shall
19 cause the order to be filed as a foreign judgment, together with one copy of the
20 documents and information, regardless of their form.

21 (c) A petition or comparable pleading seeking a remedy that must be
22 affirmatively sought under other law of this state may be filed at the same time
23 as the request for registration or later. The pleading must specify the grounds
24 for the remedy sought.

25 (d) **Contemporaneously with the filing of every petition filed**
26 **under this section, the filing party shall file a family court information**
27 **sheet with the court which provides the name and address of the**
28 **current employer and the Social Security number of the petitioner or**
29 **movant, if a person, and, if known to the petitioner or movant, the**
30 **name and address of the current employer and the Social Security**
31 **number of the respondent, and the name, date of birth, and Social**
32 **Security number of each child who is the subject of the matter before**
33 **the court, which shall remain sealed by the court and not subject to**
34 **public inspection.**

[452.343. Notwithstanding any provision of law to the
2 contrary, every judgment or order issued in this state which, in

3 whole or in part, affects child custody, child support, visitation,
4 modification of custody, support or visitation, or is issued pursuant
5 to section 454.470 or 454.475, RSMo, shall contain the Social
6 Security number of the parties to the action which gives rise to
7 such judgment or order.]

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