

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 1231, Page 27, Section 452.556, Line 4

2 of said page, by inserting after all of said line the following:
3 "454.500. 1. At any time after the entry of an order
4 pursuant to sections 454.470 and 454.475, the obligated parent,
5 the division, or the person or agency having custody of the
6 dependent child may file a motion for modification with the
7 director. Such motion shall be in writing, shall set forth the
8 reasons for modification, and shall state the address of the
9 moving party. The motion shall be served by the moving party in
10 the manner provided for in subsection 5 of section 454.465 upon
11 the obligated parent or the party holding the support rights, as
12 appropriate. In addition, if the support rights are held by the
13 division of family services on behalf of the state, a true copy
14 of the motion shall be mailed by the moving party by certified
15 mail to the person having custody of the dependent child at the
16 last known address of that person. A hearing on the motion shall
17 then be provided in the same manner, and determinations shall be
18 based on considerations set out in section 454.475, unless the
19 party served fails to respond within thirty days, in which case
20 the director may enter an order by default. If the child for
21 whom the order applies is no longer in the custody of a person

1 receiving public assistance or receiving support enforcement
2 services from the department, or a division thereof, pursuant to
3 section 454.425, the director may certify the matter for hearing
4 to the circuit court in which the order was filed pursuant to
5 section 454.490 in lieu of holding a hearing pursuant to section
6 454.475. If the director certifies the matter for hearing to the
7 circuit court, service of the motion to modify shall be had in
8 accordance with the provisions of subsection 5 of section
9 452.370. If the director does not certify the matter for hearing
10 to the circuit court, service of the motion to modify shall be
11 considered complete upon personal service, or on the date of
12 mailing, if sent by certified mail. For the purpose of 42 U.S.C.
13 666(a)(9)(C), the director shall be considered the appropriate
14 agent to receive the notice of the motion to modify for the
15 obligee or the obligor, but only in those instances in which the
16 matter is not certified to circuit court for hearing, and only
17 when service of the motion is attempted on the obligee or obligor
18 by certified mail.

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

23 3. Only payments accruing subsequent to the service of the
24 motion for modification upon all named parties to the motion may
25 be modified. Modification may be granted only upon a showing of
26 a change of circumstances so substantial and continuing as to
27 make the terms unreasonable. In a proceeding for modification of
28 any child support award, the director, in determining whether or
29 not a substantial change in circumstances has occurred, shall

1 consider all financial resources of both parties, including the
2 extent to which the reasonable expenses of either party are, or
3 should be, shared by a spouse or other person with whom he or she
4 cohabits, and the earning capacity of a party who is not
5 employed. If the application of the guidelines and criteria set
6 forth in supreme court rule 88.01 to the financial circumstances
7 of the parties would result in a change of child support from the
8 existing amount by twenty percent or more, then a prima facie
9 showing has been made of a change of circumstances so substantial
10 and continuing as to make the present terms unreasonable.

11 4. If the division has entered an order under section
12 454.470 or 454.500, and an additional child or children not the
13 subject of the order are born to the parties, the division may,
14 following the filing of a motion to modify, service of process,
15 and opportunity for a hearing pursuant to this section, modify
16 the underlying child support order to include a single child
17 support obligation for all children of the parties in conformity
18 with the criteria set forth in supreme court rule 88.01.

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

23 [5.] 6. No order entered pursuant to section 454.476 shall
24 be modifiable pursuant to this section, except that an order
25 entered pursuant to section 454.476 shall be amended by the
26 director to conform with any modification made by the court that
27 entered the court order upon which the director based his or her
28 order.

29 [6.] 7. When the party seeking modifications has met the

1 burden of proof set forth in subsection 3 of this section, then
2 the child support shall be determined in conformity with the
3 criteria set forth in supreme court rule 88.01.

4 [7.] 8. The last four digits of the Social Security number
5 of the parents shall be recorded on any order entered pursuant to
6 this section. The full Social Security number of each party and
7 each child shall be retained in the manner required by section
8 509.520."; and

9 Further amend the title and enacting clause accordingly.