

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 129, Page 1, Section 452.375, Lines 13-14,

2 by striking all of said lines and inserting in lieu thereof
 3 the following: "each of the parents significant, but not
 4 necessarily equal, periods of time during"; and

5 Further amend said section, page 2, line 26, by
 6 striking "substantially" and inserting in lieu thereof the
 7 following: "approximately"; and

8 Further amend said bill, page 10, line 291, by
 9 inserting after all of said line the following:

10 "454.1005. 1. To show cause why suspension of a
 11 license may not be appropriate, the obligor shall request a
 12 hearing from the court or division that issued the notice of
 13 intent to suspend the license. The request shall be made
 14 within sixty days of the date of service of notice.

15 2. If an obligor fails to respond, without good cause,
 16 to a notice of intent to suspend a license[,] or to timely
 17 request a hearing or comply with a payment plan, [the
 18 obligor's defenses and objections shall be considered to be
 19 without merit and] the court or director may enter an order
 20 suspending the obligor's license and ordering the obligor to
 21 refrain from engaging in the licensed activity.

22 3. Upon timely receipt of a request for hearing from
 23 an obligor, the court or director shall schedule a hearing
 24 that complies with due process to determine if suspension of
 25 the obligor's license is appropriate considering all
 26 relevant factors, including those factors listed in

27 subsection 4 of this section. The court or director shall
28 stay suspension of the license pending the outcome of the
29 hearing.

30 4. [If the action involves an arrearage, the only
31 issues that may be determined in a hearing pursuant to this
32 section are] In determining whether the license suspension
33 is appropriate under the circumstances, the court or
34 director shall consider and issue written findings of fact
35 and conclusions of law within thirty days following the
36 hearing regarding the following:

37 (1) The identity of the obligor;

38 (2) Whether the arrearage is in an amount greater than
39 or equal to three months of support payments or two thousand
40 five hundred dollars, whichever is less, by the date of
41 service of a notice of intent to suspend; [and]

42 (3) Whether the obligor has entered a payment plan.
43 If the action involves a failure to comply with a subpoena
44 or order, the only issues that may be determined are the
45 identity of the obligor and whether the obligor has complied
46 with the subpoena or order;

47 (4) Whether the obligor had the ability to make the
48 payments that are in arrearage;

49 (5) Whether the obligor has the current ability to
50 make the payments;

51 (6) The reasons the obligor needs the license,
52 including, but not limited to:

53 (a) Transportation of family members to and from work,
54 school, or medical treatment;

55 (b) Transportation of the obligor or family members to
56 extra curricular activities; or

57 (c) A requirement for employment;

58 (7) Whether the obligor is unemployed or underemployed;

59 (8) Whether the obligor is actively seeking employment;

60 (9) Whether the obligor has engaged in job search and
61 job readiness assistance, including utilization of the state
62 employment database website;

63 (10) Whether the obligor has a physical or mental
64 impairment affecting his or her capacity to work; and

65 (11) Any other relevant factors that affect the
66 obligor's ability to make the child support payments.

67 5. If the court or director, after the hearing,
68 determines that the obligor has failed to comply with the
69 child support payment obligation and an arrearage exists in
70 excess of two thousand five hundred dollars for good cause,
71 then the court or director shall not issue an order
72 suspending the obligor's license and ordering the obligor to
73 refrain from engaging in the licensed activity or, if an
74 order is in place, shall stay such order. Good cause may
75 include loss of employment, excluding voluntarily quitting
76 or a dismissal due to poor job performance or failure to
77 meet a condition of employment; catastrophic illness or
78 accident of the obligor or a family member; severe inclement
79 weather, including a natural disaster; or the obligor
80 experiences a family emergency or other life-changing event,
81 including divorce or domestic violence. A decision by the
82 court or director under this section not to issue an order
83 suspending the obligor's license and ordering the obligor to
84 refrain from engaging in the licensed activity shall not
85 prevent a court or the director from issuing a new order
86 suspending the license of the same obligor in the event of
87 another arrearage if the obligor fails, without good cause,
88 to comply with the support order or payment plan.

89 6. If the court or director, after hearing, determines
90 that the obligor has failed, without good cause, to comply
91 with any of the requirements in subsection 4 of this
92 section, the court or director shall issue an order

93 suspending the obligor's license and ordering the obligor to
94 refrain from engaging in the licensed activity.

95 [6.] 7. The court or division shall send a copy of the
96 order suspending a license to the licensing authority and
97 the obligor by certified mail.

98 [7.] 8. The determination of the director, after a
99 hearing pursuant to this section, shall be a final agency
100 decision and shall be subject to judicial review pursuant to
101 chapter 536. Administrative hearings held pursuant to this
102 section shall be conducted by hearing officers appointed by
103 the director of the department pursuant to subsection 1 of
104 section 454.475.

105 [8.] 9. A determination made by the court or division
106 pursuant to this section is independent of any proceeding of
107 the licensing authority to suspend, revoke, deny, terminate
108 or renew a license."; and

109 Further amend the title and enacting clause accordingly.