

SECOND REGULAR SESSION

SENATE BILL NO. 618

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3416S.011

AN ACT

To repeal section 454.530, RSMo, and to enact in lieu thereof one new section relating to child support payments.

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

Section A. Section 454.530, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 454.530, to read as follows:

454.530. 1. On or before October 1, 1999, the division of child support enforcement shall establish and operate a state disbursement unit to be known as the "Family Support Payment Center" for the receipt and disbursement of payments pursuant to support orders for:

(1) All cases enforced by the division pursuant to section 454.400; and

(2) Any case required by federal law to be collected or disbursed by the payment center including, but not limited to, cases in which a support order is initially issued on or after January 1, 1994, in which the income of the obligor is subject to withholding; and

(3) Beginning July 1, 2001:

(a) Any other case with a support order in which payments are ordered or directed by a court or the division to be made to the payment center or in which the income of the obligor is subject to withholding; and

(b) Any case prior to July 1, 2001, in which support payments are ordered paid to the clerk of the court as trustee pursuant to section 452.345, RSMo.

2. The family support payment center shall be operated by the division, in conjunction with other state agencies pursuant to a cooperative agreement, or by a contractor responsible directly to the division. Notwithstanding any other provision of law to the contrary, after notice by the division or the court that

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

20 issued the support order to the obligor that all future payments shall be made to
21 the payment center, the payment center shall become trustee for payments made
22 by parents, employers, states and other entities, and all future payments shall
23 be made to the payment center. The payment center shall disburse payments to
24 custodial parents and other obligees, the state or agencies of other states. If the
25 payment center is operated by a contractor and the contractor receives and
26 disburses the payments, the contractor shall have an annual audit conducted by
27 an independent certified public accountant. The audit will determine whether
28 funds received are disbursed or otherwise accounted for, and make
29 recommendations as to the procedures and changes that the contractor should
30 take to protect the funds received from misappropriation and theft. A copy of the
31 audit shall be delivered to the division, the office of administration and the office
32 of the state courts administrator.

33 3. Except as otherwise provided in sections 454.530 to 454.560, the
34 payment center shall disburse support payments within two business days after
35 receipt from the employer or other source of periodic income, if sufficient
36 information identifying the payee is provided. As used in sections 454.530 to
37 454.560, "business day" means a day state government offices are open for regular
38 business. Disbursement of payments made toward arrearages may be delayed
39 until the resolution of any timely appeal with respect to such arrearage or upon
40 order of a court.

41 4. The family support payment center shall establish an electronic funds
42 transfer system for the transfer of child support payments. **Obligees who want**
43 **electronic transfer of support payments to a designated account shall**
44 **complete an application for direct deposit and submit it to the family**
45 **support payment center. The family support payment center may issue**
46 **an electronic access card for the purpose of disbursing support**
47 **payments to any obligee not using automated deposit to a designated**
48 **account.** Any person or employer may, without penalty, choose to [receive
49 payments from or] disburse payments to the payment center by check or draft
50 instead of by electronic transfer.

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