

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 213, Page 1, Section title, Lines 2-3,

2 by striking the words "child custody in paternity actions"  
3 and inserting in lieu thereof the following: "judicial  
4 proceedings involving the parent-child relationship"; and

5 Further amend said bill, page 3, section 210.841, line  
6 64, by inserting after all of said line the following:

7 "454.1005. 1. To show cause why suspension of a  
8 license may not be appropriate, the obligor shall request a  
9 hearing from the court or division that issued the notice of  
10 intent to suspend the license. The request shall be made  
11 within sixty days of the date of service of notice.

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

19 3. Upon timely receipt of a request for hearing from  
20 an obligor, the court or director shall schedule a hearing  
21 that complies with due process to determine if suspension of  
22 the obligor's license is appropriate considering all  
23 relevant factors, including those factors listed in  
24 subsection 4 of this section. The court or director shall  
25 stay suspension of the license pending the outcome of the  
26 hearing.

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

34           (1) The identity of the obligor;

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

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

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

46           (5) Whether the obligor has the current ability to  
47 make the payments;

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

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

52           (b) Transportation of the obligor or family members to  
53 extra curricular activities; or

54           (c) A requirement for employment;

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

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

57           (9) Whether the obligor has engaged in job search and  
58 job readiness assistance, including utilization of the state  
59 employment database website;

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

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

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

86           6. If the court or director, after hearing, determines  
87 that the obligor has failed, without good cause, to comply  
88 with any of the requirements in subsection 4 of this  
89 section, the court or director shall issue an order  
90 suspending the obligor's license and ordering the obligor to  
91 refrain from engaging in the licensed activity.

92           [6.] 7. The court or division shall send a copy of the  
93 order suspending a license to the licensing authority and  
94 the obligor by certified mail.

95           [7.] 8. The determination of the director, after a  
96 hearing pursuant to this section, shall be a final agency  
97 decision and shall be subject to judicial review pursuant to  
98 chapter 536. Administrative hearings held pursuant to this  
99 section shall be conducted by hearing officers appointed by  
100 the director of the department pursuant to subsection 1 of  
101 section 454.475.

102           [8.] 9. A determination made by the court or division  
103 pursuant to this section is independent of any proceeding of  
104 the licensing authority to suspend, revoke, deny, terminate  
105 or renew a license."; and

106           Further amend the title and enacting clause accordingly.