

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 214, Page 1, Section title, Line 4,

2 by striking "for unborn children"; and

3 Further amend said bill, page 13, line 452.340, line
4 314, by inserting after all of said line the following:

5 "454.1005. 1. To show cause why suspension of a
6 license may not be appropriate, the obligor shall request a
7 hearing from the court or division that issued the notice of
8 intent to suspend the license. The request shall be made
9 within sixty days of the date of service of notice.

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

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

25 4. [If the action involves an arrearage, the only
26 issues that may be determined in a hearing pursuant to this

27 section are] In determining whether the license suspension
28 is appropriate under the circumstances, the court or
29 director shall consider and issue written findings of fact
30 and conclusions of law within thirty days following the
31 hearing regarding the following:

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

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

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

44 (5) Whether the obligor has the current ability to
45 make the payments;

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

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

50 (b) Transportation of the obligor or family members to
51 extra curricular activities; or

52 (c) A requirement for employment;

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

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

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

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

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

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

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

90 [6.] 7. The court or division shall send a copy of the
91 order suspending a license to the licensing authority and
92 the obligor by certified mail.

93 [7.] 8. The determination of the director, after a
94 hearing pursuant to this section, shall be a final agency
95 decision and shall be subject to judicial review pursuant to
96 chapter 536. Administrative hearings held pursuant to this
97 section shall be conducted by hearing officers appointed by
98 the director of the department pursuant to subsection 1 of
99 section 454.475.

100 [8.] 9. A determination made by the court or division
101 pursuant to this section is independent of any proceeding of
102 the licensing authority to suspend, revoke, deny, terminate
103 or renew a license."; and

104 Further amend the title and enacting clause accordingly.