

# 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.