

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 35  
AN ACT

To repeal section 454.1005, RSMo, and to enact in lieu thereof one new section relating to child support enforcement.

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

Section A. Section 454.1005, RSMo, is repealed and one  
2 new section enacted in lieu thereof, to be known as section  
3 454.1005, to read as follows:

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

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

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

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

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

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

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

40           (5) Whether the obligor has the current ability to  
41 make the payments;

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

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

46           (b) Transportation of the obligor or family members to  
47 extra curricular activities; or

48           (c) A requirement for employment;

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

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

51           (9) Whether the obligor has engaged in job search and  
52 job readiness assistance, including utilization of the state  
53 employment database website;

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

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

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

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

86           [6.] 7. The court or division shall send a copy of the  
87 order suspending a license to the licensing authority and  
88 the obligor by certified mail.

89           [7.] 8. The determination of the director, after a  
90 hearing pursuant to this section, shall be a final agency  
91 decision and shall be subject to judicial review pursuant to  
92 chapter 536. Administrative hearings held pursuant to this  
93 section shall be conducted by hearing officers appointed by  
94 the director of the department pursuant to subsection 1 of  
95 section 454.475.

96           [8.] 9. A determination made by the court or division  
97 pursuant to this section is independent of any proceeding of  
98 the licensing authority to suspend, revoke, deny, terminate  
99 or renew a license.