## SENATE AMENDMENT NO.

Offered by \_\_\_\_\_ Of \_\_\_\_

Amend SS/SCS/Senate Bill No. 129, Page 1, Section 452.375, Lines 13-14,

by striking all of said lines and inserting in lieu thereof 2 the following: "each of the parents significant, but not 3 necessarily equal, periods of time during"; and 4 Further amend said section, page 2, line 26, by 5 striking "substantially" and inserting in lieu thereof the 6 7 following: "approximately"; and 8 Further amend said bill, page 10, line 291, by 9 inserting after all of said line the following: "454.1005. 1. To show cause why suspension of a 10 license may not be appropriate, the obligor shall request a 11 hearing from the court or division that issued the notice of 12 13 intent to suspend the license. The request shall be made within sixty days of the date of service of notice. 14 15 2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license[,] or to timely 16 17 request a hearing or comply with a payment plan, [the obligor's defenses and objections shall be considered to be 18 without merit and] the court or director may enter an order 19 20 suspending the obligor's license and ordering the obligor to 21 refrain from engaging in the licensed activity.

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

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27 <u>subsection 4 of this section</u>. The court or director shall
28 stay suspension of the license pending the outcome of the
29 hearing.

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

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(1) The identity of the obligor;

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

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

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

49 (5) Whether the obligor has the current ability to

50 make the payments;

51 (6) The reasons the obligor needs the license,

52 including, but not limited to:

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

- 55 (b) Transportation of the obligor or family members to
  56 extra curricular activities; or
- 57 (c) A requirement for employment;
- 58 (7) Whether the obligor is unemployed or underemployed;
- 59 (8) Whether the obligor is actively seeking employment;

60	(9) Whether the obligor has engaged in job search and
61	job readiness assistance, including utilization of the state
62	employment database website;
63	(10) Whether the obligor has a physical or mental
64	impairment affecting his or her capacity to work; and
65	(11) Any other relevant factors that affect the
66	obligor's ability to make the child support payments.
67	5. If the court or director, after the hearing,
68	determines that the obligor has failed to comply with the
69	child support payment obligation and an arrearage exists in
70	excess of two thousand five hundred dollars for good cause,
71	then the court or director shall not issue an order
72	suspending the obligor's license and ordering the obligor to
73	refrain from engaging in the licensed activity or, if an
74	order is in place, shall stay such order. Good cause may
75	include loss of employment, excluding voluntarily quitting
76	or a dismissal due to poor job performance or failure to
77	meet a condition of employment; catastrophic illness or
78	accident of the obligor or a family member; severe inclement
79	weather, including a natural disaster; or the obligor
80	experiences a family emergency or other life-changing event,
81	including divorce or domestic violence. A decision by the
82	court or director under this section not to issue an order
83	suspending the obligor's license and ordering the obligor to
84	refrain from engaging in the licensed activity shall not
85	prevent a court or the director from issuing a new order
86	suspending the license of the same obligor in the event of
87	another arrearage if the obligor fails, without good cause,
88	to comply with the support order or payment plan.
89	6. If the court or director, after hearing, determines
00	that the obligger has failed without good cause to comply

90 that the obligor has failed, without good cause, to comply 91 with any of the requirements in subsection 4 of this 92 section, the court or director shall issue an order

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93 suspending the obligor's license and ordering the obligor to 94 refrain from engaging in the licensed activity.

95 [6.] 7. The court or division shall send a copy of the 96 order suspending a license to the licensing authority and 97 the obligor by certified mail.

98 [7.] 8. The determination of the director, after a 99 hearing pursuant to this section, shall be a final agency 100 decision and shall be subject to judicial review pursuant to 101 chapter 536. Administrative hearings held pursuant to this 102 section shall be conducted by hearing officers appointed by 103 the director of the department pursuant to subsection 1 of 104 section 454.475.

105 [8.] <u>9.</u> A determination made by the court or division 106 pursuant to this section is independent of any proceeding of 107 the licensing authority to suspend, revoke, deny, terminate 108 or renew a license."; and

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Further amend the title and enacting clause accordingly.

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