

SECOND REGULAR SESSION

HOUSE BILL NO. 2070

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TROUPE.

Read 1st time February 27, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4915L.011

AN ACT

To repeal sections 454.548 and 516.350, RSMo, and to enact in lieu thereof two new sections relating to the imposition of fees for the processing of child support payments.

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

Section A. Sections 454.548 and 516.350, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 454.548 and 516.350, to read as follows:

454.548. **1.** In addition to any fees imposed pursuant to section 454.425 and if allowed
2 by federal law, the division may charge and collect a fee of ten dollars from support received
3 through the payment center for each order for every year or portion of a year during which
4 payments are received by the payment center. Such fee shall be used to reimburse the state for
5 the costs associated with processing support payments.

6 **2. Beginning July 1, 2003, any court or administrative agency that issues or**
7 **modifies a support order in a IV-D case shall impose on the obligor under the child support**
8 **order a processing charge that is the lesser of ten percent of the current support payment**
9 **to be collected under the support order or fifteen dollars a month. For all support orders**
10 **issued or modified by a court after July 1, 2003, where a processing fee is not imposed**
11 **because the order is not currently a IV-D order, the court shall notify the parties that the**
12 **processing fee shall be imposed by operation of law if the order becomes a IV-D order.**

13 **3. As used in this section, the following terms mean:**

14 **(1) "Current support payment", the amount of child or spousal support due an**
15 **obligee that an obligor is required to pay for a month as specified in the support order;**

16 **(2) "IV-D", an order in which support rights have been assigned to the state of**
17 **Missouri or for which the division of child support enforcement is providing support**
18 **enforcement services pursuant to subdivision (14) of subsection 2 of section 454.400.**

19 **4. The division of child support enforcement may enforce the processing charge**
20 **imposed by subsection 2 of this section by any means available to collect support; except**
21 **that it shall not be enforced using the administrative offset procedures established by the**
22 **federal Department of Health and Human Services.**

23 **5. The family support payment center shall not apply any amounts received to the**
24 **processing charge imposed by subsection 2 of this section unless all current and past due**
25 **child support, current and past due spousal support, and state debt have been paid in full.**

26 **6. If the state is unable to collect a processing charge for any reason, including the**
27 **requirements of subsection 5 of this section, the processing charge shall be a judgment**
28 **against the obligor and shall accrue against the obligor.**

29 **7. No processing charge shall be due or owing for any month in which a current**
30 **support payment in a IV-D case is not due or owing.**

 516.350. 1. Every judgment, order or decree of any court of record of the United States,
2 or of this or any other state, territory or country, except for any judgment, order, or decree
3 awarding child support or maintenance or dividing pension, retirement, life insurance, or other
4 employee benefits in connection with a dissolution of marriage, legal separation or annulment
5 which mandates the making of payments over a period of time or payments in the future, shall
6 be presumed to be paid and satisfied after the expiration of ten years from the date of the original
7 rendition thereof, or if the same has been revived upon personal service duly had upon the
8 defendant or defendants therein, then after ten years from and after such revival, or in case a
9 payment has been made on such judgment, order or decree, and duly entered upon the record
10 thereof, after the expiration of ten years from the last payment so made, and after the expiration
11 of ten years from the date of the original rendition or revival upon personal service, or from the
12 date of the last payment, such judgment shall be conclusively presumed to be paid, and no
13 execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained
14 thereon for any purpose whatever. An action to emancipate a child, and any personal service or
15 order rendered thereon, shall not act to revive the support order.

16 2. In any judgment, order, or decree awarding child support or maintenance, **or a**
17 **processing charge pursuant to subsection 2 of section 454.548**, each periodic payment shall
18 be presumed paid and satisfied after the expiration of ten years from the date that periodic
19 payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of this
20 section. This subsection shall take effect as to all such judgments, orders, or decrees which have
21 not been presumed paid pursuant to subsection 1 of this section as of August 31, 1982.

22 3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other
23 employee benefits in connection with a dissolution of marriage, legal separation or annulment,
24 each periodic payment shall be presumed paid and satisfied after the expiration of ten years from

25 the date that periodic payment is due, unless the judgment has been otherwise revived as set out
26 in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,
27 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of
28 August 28, 2001.

29 4. In any judgment, order or decree awarding child support or maintenance **or a**
30 **processing charge**, payment duly entered on the record as provided in subsection 1 of this
31 section shall include recording of payments or credits in the automated child support system
32 created pursuant to chapter 454, RSMo, by the division of child support enforcement or payment
33 center pursuant to chapter 454, RSMo.