

SECOND REGULAR SESSION

# HOUSE BILL NO. 1906

## 95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), SATER AND BIVINS (Co-sponsors).

3853L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 454.425 and 454.548, RSMo, and to enact in lieu thereof two new sections relating to fees for child support modification.

---

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

Section A. Sections 454.425 and 454.548, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 454.425 and 454.548, to read as follows:

454.425. **1.** The **family support** division [of child support enforcement] shall render child support services authorized pursuant to this chapter to persons who are not recipients of public assistance as well as to such recipients. Services may be provided to children, custodial parents, noncustodial parents and other persons entitled to receive support. An application may be required by the division for services and fees may be charged by the division pursuant to 42 U.S.C. section 654 and federal regulations. Services provided under a state plan shall be made available to residents of other states on the same terms as residents of this state. If a family receiving services ceases to receive assistance under a state program funded under Part A of Title IV of the Social Security Act, the division shall provide appropriate notice to such family, and services shall continue under the same terms and conditions as that provided to other individuals under the state plan, except that an application for continued services shall not be required and the requirement for payment of fees shall not apply to the family.

**2.** The division shall charge a fee in the amount of sixty dollars to an obligee or obligor who requests that the division review a support order under subdivision (13) of subsection 2 of section 454.400 for the purpose of determining whether a modification to the support order is appropriate. The division shall not initiate a review until the requestor pays the review fee. After the division initiates a review, the fee is

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 nonrefundable, regardless of the outcome of the review. The division shall waive the  
19 review fee if the requestor has an individual gross monthly income of less than two  
20 hundred fifty percent of the federal poverty level based on a household size of one, if the  
21 requestor currently or formerly received assistance under a state program funded under  
22 Part A of Title IV of the federal Social Security Act or if the fee is otherwise prohibited by  
23 state or federal law.

24       3. The division shall charge a fee to an obligee or obligor who requests that the  
25 division modify a support order after the division has determined that a modification is  
26 appropriate and that such modification can be completed under this chapter. The division  
27 shall not initiate a modification until the requestor pays the modification fee. After the  
28 division initiates a modification, the fee is nonrefundable, regardless of the outcome of the  
29 modification action. The division shall waive the modification fee if the requestor has an  
30 individual gross monthly income of less than two hundred fifty percent of the federal  
31 poverty level based on a household size of one, if the requestor currently or formerly  
32 received assistance under a state program funded under Part A of Title IV of the federal  
33 Social Security Act or if the fee is otherwise prohibited by state or federal law. When  
34 appropriate to charge a modification fee under this section, the modification fee shall be  
35 in the amount of:

36       (1) One hundred seventy-five dollars if the requestor has an individual gross  
37 monthly income equal to or greater than two hundred fifty percent of the federal poverty  
38 level but less than four hundred percent of the federal poverty level based on a household  
39 size of one; or

40       (2) Three hundred fifty dollars if the requestor has an individual gross monthly  
41 income equal to or greater than four hundred percent of the federal poverty level based on  
42 a household size of one.

43       4. The division shall charge a fee in the amount of twenty-five dollars for  
44 submitting past-due child and spousal support debts for collection through federal income  
45 tax refund offset. The fee shall be assessed only if the division collects support on a case  
46 through federal income tax refund offset. The fee shall be assessed each time a federal  
47 income tax intercept is distributed to a case receiving services under this chapter. The  
48 obligor shall receive credit against the support order for the entire federal income tax  
49 refund offset. The fee shall be collected from the obligee by deducting the fee from the  
50 amount payable to the obligee. The division shall waive the federal income tax refund  
51 offset fee if the obligee currently or formerly received assistance under a state program  
52 funded under Part A of Title IV of the federal Social Security Act or if the fee is otherwise  
53 prohibited by state or federal law.

54           **5. The division shall have the authority to change the amount of the review fee and**  
55 **modification fee under this section by administrative rule under the authority of section**  
56 **454.400. The amount of the review fee and modification fee established by the division by**  
57 **rule shall be based on actual standardized cost in accordance with 45 CFR Section 302.33.**

          454.548. In addition to any fees imposed pursuant to section 454.425 and if allowed by  
2 federal law, the division [may] **shall** 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.

✓