

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 766, Page 28, Section 400.2A-103, Line 143, by inserting after all of said
2 section and line the following:

3
4 "454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and
5 454.475, the obligated parent, the division, or the person or agency having custody of the dependent
6 child may file a motion for modification with the director. Such motion shall be in writing, shall set
7 forth the reasons for modification, and shall state the address of the moving party. The motion shall
8 be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon
9 the obligated parent or the party holding the support rights, as appropriate. In addition, if the support
10 rights are held by the division of family services on behalf of the state, a true copy of the motion
11 shall be mailed by the moving party by certified mail to the person having custody of the dependent
12 child at the last known address of that person. A hearing on the motion shall then be provided in the
13 same manner, and determinations shall be based on considerations set out in section 454.475, unless
14 the party served fails to respond within thirty days, in which case the director may enter an order by
15 default. If the child for whom the order applies is no longer in the custody of a person receiving
16 public assistance or receiving support enforcement services from the department, or a division
17 thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit
18 court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant
19 to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the
20 motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370.
21 If the director does not certify the matter for hearing to the circuit court, service of the motion to
22 modify shall be considered complete upon personal service, or on the date of mailing, if sent by
23 certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the
24 appropriate agent to receive the notice of the motion to modify for the obligee or the obligor, but
25 only in those instances in which the matter is not certified to circuit court for hearing, and only when
26 service of the motion is attempted on the obligee or obligor by certified mail.

27 2. A motion for modification made pursuant to this section shall not stay the director from
28 enforcing and collecting upon the existing order pending the modification proceeding unless so
29 ordered by the court.

30 3. Only payments accruing subsequent to the service of the motion for modification upon all
31 named parties to the motion may be modified. Modification may be granted only upon a showing of
32 a change of circumstances so substantial and continuing as to make the terms unreasonable. In a
33 proceeding for modification of any child support award, the director, in determining whether or not a
34 substantial change in circumstances has occurred, shall consider all financial resources of both
35 parties, including the extent to which the reasonable expenses of either party are, or should be,
36 shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party

Action Taken _____ Date _____

1 who is not employed. If the application of the guidelines and criteria set forth in supreme court rule
2 88.01 to the financial circumstances of the parties would result in a change of child support from the
3 existing amount by twenty percent or more, then a prima facie showing has been made of a change
4 of circumstances so substantial and continuing as to make the present terms unreasonable.

5 4. If the division has entered an order under section 454.470 or 454.500, and an additional
6 child or children not the subject of the order are born to the parties, the division may, following the
7 filing of a motion to modify, service of process, and opportunity for a hearing pursuant to this
8 section, modify the underlying child support order to include a single child support obligation for all
9 children of the parties in conformity with the criteria set forth in supreme court rule 88.01.

10 5. The circuit court may, upon such terms as may be just, relieve a parent from an
11 administrative order entered against that parent because of mistake, inadvertence, surprise, or
12 excusable neglect.

13 [5.] 6. No order entered pursuant to section 454.476 shall be modifiable pursuant to this
14 section, except that an order entered pursuant to section 454.476 shall be amended by the director to
15 conform with any modification made by the court that entered the court order upon which the
16 director based his or her order.

17 [6.] 7. When the party seeking modifications has met the burden of proof set forth in
18 subsection 3 of this section, then the child support shall be determined in conformity with the criteria
19 set forth in supreme court rule 88.01.

20 [7.] 8. The last four digits of the Social Security number of the parents shall be recorded on
21 any order entered pursuant to this section. The full Social Security number of each party and each
22 child shall be retained in the manner required by section 509.520."; and

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.