

SECOND REGULAR SESSION

HOUSE BILL NO. 1684

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOOD.

4337H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 454.530, RSMo, and to enact in lieu thereof one new section relating to support payments disbursed by the family support payment center.

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

Section A. Section 454.530, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 454.530, to read as follows:

454.530. 1. On or before October 1, 1999, the family support division shall establish and operate a state disbursement unit to be known as the "Family Support Payment Center" for the receipt and disbursement of payments pursuant to support orders for:

(1) All cases enforced by the division pursuant to section 454.400; and

(2) Any case required by federal law to be collected or disbursed by the payment center including, but not limited to, cases in which a support order is initially issued on or after January 1, 1994, in which the income of the obligor is subject to withholding; and

(3) Beginning July 1, 2001:

(a) Any other case with a support order in which payments are ordered or directed by a court or the division to be made to the payment center or in which the income of the obligor is subject to withholding; and

(b) Any case prior to July 1, 2001, in which support payments are ordered paid to the clerk of the court as trustee pursuant to section 452.345.

2. The family support payment center shall be operated by the division, in conjunction with other state agencies pursuant to a cooperative agreement, or by a contractor responsible directly to the division. Notwithstanding any other provision of law to the contrary, after notice by the division or the court that issued the support order to the obligor that all future payments

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 shall be made to the payment center, the payment center shall become trustee for payments made
19 by parents, employers, states and other entities, and all future payments shall be made to the
20 payment center. The payment center shall disburse payments to [~~custodial parents and other~~
21 ~~obligees,~~] **the obligee, the state or agencies of other states, the legal guardian, the caretaker**
22 **relative having custody of or responsibility for the child, a judicially appointed conservator**
23 **with a legal and fiduciary duty to the obligee and child, or an alternative caretaker**
24 **designated in a notorized written record by the obligee. The obligee may terminate the**
25 **designation of the alternative caretaker at any time by providing notice to the division. As**
26 **used in this subsection, "alternative caretaker" means a caretaker who is not included in**
27 **subdivision (2) of subsection 1 of section 208.040 and is designated by the obligee to take**
28 **care of the child for a temporary period of time.** If the payment center is operated by a
29 contractor and the contractor receives and disburses the payments, the contractor shall have an
30 annual audit conducted by an independent certified public accountant. The audit will determine
31 whether funds received are disbursed or otherwise accounted for, and make recommendations
32 as to the procedures and changes that the contractor should take to protect the funds received
33 from misappropriation and theft. A copy of the audit shall be delivered to the division, the office
34 of administration and the office of the state courts administrator.

35 3. Except as otherwise provided in sections 454.530 to 454.560, the payment center shall
36 disburse support payments within two business days after receipt from the employer or other
37 source of periodic income, if sufficient information identifying the payee is provided. As used
38 in sections 454.530 to 454.560, "business day" means a day state government offices are open
39 for regular business. Disbursement of payments made toward arrearages may be delayed until
40 the resolution of any timely appeal with respect to such arrearage or upon order of a court.

41 4. The family support payment center shall establish an electronic funds transfer system
42 for the transfer of child support payments. Obligees who want electronic transfer of support
43 payments to a designated account shall complete an application for direct deposit and submit it
44 to the family support payment center. The family support payment center may issue an electronic
45 access card for the purpose of disbursing support payments to any obligee not using automated
46 deposit to a designated account. Any person or employer may, without penalty, choose to
47 disburse payments to the payment center by check or draft instead of by electronic transfer.

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