



Rules of
Department of Social Services
Division 40—Family Support Division
Chapter 102—Child Support, Establishment

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 40—Family Support Division
Chapter 102—Child Support,
Establishment**

**13 CSR 40-102.010 Child Support Obliga-
tion Guidelines**

PURPOSE: This rule sets forth the guidelines to be followed by the Family Support Division to determine the current amount of support due when establishing or modifying child support obligations.

(1) General Provisions.

(A) Definitions—as used in this rule:

1. “Director” means the director of the Family Support Division or his/her designee;
2. “Division” means the Family Support Division; and
3. “Form 14” means Missouri Supreme Court Civil Procedure Rule Form 14 and accompanying Schedule of Basic Child Support Obligations.

(B) The division shall follow, as its Child Support Obligation Guidelines, Missouri Supreme Court Civil Procedure Rule 88.01 and Missouri Supreme Court Rule Civil Procedure Form 14 and the accompanying Schedule of Basic Child Support Obligations.

(2) Specific Provisions.

(A) Determining and Imputing Income.

1. The division will generally include overtime, secondary employment, and bonus income when determining gross income.

2. For a parent incarcerated in a federal or state prison, the division will use actual income, which may be the monetary compensation the incarcerated parent receives for engaging in work or education programs while incarcerated.

3. Past earnings information may be used to impute income. Information on previous earnings may be obtained from the following sources, including, but not limited to, Division of Employment Security computer screens, Internal Revenue Service, past employers, tax returns, and wage stubs.

4. When income information is not available, and information regarding the parent’s normal occupation or educational level is known, or special skills which qualify him/her to maintain specific jobs, income may be imputed based on probable earnings levels for his/her usual occupation, qualifications, and prevailing job opportunities and wages in the parent’s community. This information may be obtained from sources including, but not limited to, the Department of Labor and Industrial Relations, local unions,

or employers in the area.

5. Income may be imputed to a parent who is unemployed or underemployed based on the determination of the parent’s potential to earn income. A parent whose actual income cannot be determined or who has no income will be imputed income as follows:

A. A parent who is not currently employed, whether or not he/she has a work history, and is now disabled and unable to work, or has a child at home whose condition or circumstance requires a parent’s presence in the home, will be imputed zero income;

B. A parent who has no work history and has a child in the home under the age of six (6) years will be imputed zero income;

C. A parent who has no work history and has a child at home between the ages of six (6) and twelve (12) years, will be imputed part-time (twenty (20) hours per week) at federal minimum wage or minimum wage in the state where the party resides, whichever is higher; or

D. A parent with no work history, and no children under age thirteen (13), will be imputed income (up to forty (40) hours per week) at federal minimum wage or the minimum wage in the state where the party resides, whichever is higher.

(B) The parents must provide information (court orders, pay records, previous Form 14s, check stubs, etc.) regarding other child support obligations, spousal obligations, insurance, and child care, for credit on the Form 14.

(C) Neither parent will be considered the moving party if the division or a non-parent caretaker relative initiates the modification. Both parents will be given credit for any other court or administrative order of child or spousal support or for other natural or adopted children not subject to this proceeding.

(D) To include extraordinary medical or child-rearing costs, it must be ordered by the court or an agreement in writing of the amount of any extraordinary medical or child rearing costs to be included on the Form 14 must be signed by both parents and provided to the division.

(E) For adjustments for periods of overnight visitation, the division will follow the Form 14 Directions, Comments For Use and Examples for Completion of Form No. 14. Adjustment for periods of overnight visitation will be given up to the amount of visitation that has been court-ordered. If the non-custodial parent visits the child less than the amount granted in the court order, he/she will only receive credit for the overnight visits actually exercised. The parents must provide evidence concerning the amount of time actually exercised in court-ordered visitations. In

determining the number of overnight visits the parent paying support exercises, the division will:

1. If the parent receiving support and parent paying support agree on the number of overnights, use the agreed number of overnights;

2. If only one (1) of the parents provide information, use the information provided;

3. If neither parent responds, use the total number of overnights awarded by the court; or

4. If the parent receiving support and the parent paying support disagree on the number of overnights and the conflict cannot be resolved, use the information provided that will give the parent paying support the largest adjustment without exceeding the court ordered visitation.

(3) Deviations.

(A) If it is determined the presumed child support amount is unjust and inappropriate, the division may deviate based on the relevant factors set forth in the Civil Procedure Form No. 14 Directions, Comments for Use and Examples or for any of the following reasons:

1. A parent is under a Chapter 13 Bankruptcy plan;

2. The Children’s Division determines that in a foster care case the child support amount is not in the best interest of the child. The Children’s Division staff must provide the reason in writing; or

3. The parent obligated to pay support claims to the division an inability to pay the presumed child support amount because the parent’s reasonable shelter expenses, or half of the shelter expenses if another person resides with the parent and assists in these expenses, and the child support total is sixty percent (60%) or more of the parent’s gross monthly income. The parent to whom support is due claims the child support amount is too low and that parent’s share of the total child support and his/her reasonable shelter expenses, or half of the shelter expenses if another person resides with and assists in these expenses, minus the presumed child support of the parent obligated to pay support equals sixty percent (60%) or more of his/her gross income.

(B) The division may deviate to adjust the presumed child support amount up to twenty-five percent (25%) if any of the factors in (A) above exist or if a deviation reason from the Civil Procedure Form No. 14 Directions, Comments for Use and Examples exist.

(C) If the total amount of children on the order exceeds six (6), the division will add to the amount determined by the guidelines for six (6) children, the difference between the



amount for five (5) children and six (6) children and add that amount for each additional child.

(D) If the parent receiving support and parent paying support have multiple children and the support obligations for the children are in different orders (i.e., multiple judicial orders or a combination of judicial and administrative orders) and a modification review is requested, the division may deviate upward or downward so that when all of the obligations are added together, the obligation equals the presumed amount the parent paying support should pay for all of his/her children.

(E) If a judicial support obligation exists between the parent receiving support and parent paying support for their children, and the same parent receiving support and parent paying support have an additional child(ren) not included in previously entered judicial order(s), the division may deviate so that the amount the parent paying support pays for the additional child(ren) is the difference between the presumed support amount for all of the children and the amount in the parents' existing orders. If the presumed amount for all the children is less than the existing order(s), the division may enter an order for zero (0) for the additional child(ren).

*AUTHORITY: sections 454.400 and 660.017, RSMo 2016. * This rule originally filed as 13 CSR 30-5.010. Original rule filed Feb. 2, 1988, effective April 11, 1988. Emergency amendment filed Dec. 13, 1989, effective Dec. 23, 1989, expired April 11, 1990. Emergency amendment filed Jan. 17, 1990, effective Jan. 27, 1990, expired Feb. 25, 1990. Amended: Filed Dec. 13, 1989, effective April 26, 1990. Emergency rescission and emergency rule filed March 14, 1994, effective April 1, 1994, expired July 29, 1994. Emergency rescission and emergency rule filed July 27, 1994, effective Aug. 6, 1994, expired Dec. 3, 1994. Rescinded and readopted: Filed March 14, 1994, effective Oct. 30, 1994. Amended: Filed June 15, 1995, effective Dec. 30, 1995. Rescinded: Filed Nov. 9, 2000, effective May 30, 2001. Readopted: Filed May 17, 2000, effective Dec. 30, 2000. Moved to 13 CSR 40-102.010 and amended: Filed Aug. 28, 2018, effective April 30, 2019.*

**Original authority: 454.400, RSMo 1982, amended 1985, 1986, 1990, 1993, 1995, 1997, 2014 and 660.017, RSMo 1993, amended 1995.*