



Rules of
Department of Social Services
Division 40—Family Support Division
Chapter 104—Child Support Program, Enforcement

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 40—Family Support Division
Chapter 104—Child Support Program,
Enforcement**

**13 CSR 40-104.010 Immediate Income
Withholding Exceptions for Child Support
Orders**

PURPOSE: This rule establishes and sets forth the procedures for allowing exceptions from immediate income withholding when child support orders are entered or modified by the Family Support Division pursuant to sections 454.460–454.520, RSMo.

(1) Definitions—

(A) “Division” means the Family Support Division;

(B) “Director” means the director of the Family Support Division or his/her designee;

(C) “Temporary Assistance for Needy Families (TANF)” means a financial assistance program for families with children, also known as Title IV-A of the Social Security Act;

(D) “Obligor” means any person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction;

(E) “Obligee” means a person to whom a duty of support is owed as determined by a court or administrative agency of competent jurisdiction;

(F) “Arrearage” means past-due child support owed under a child support order;

(G) “Assignee” means a state agency to which an obligee relinquishes the right to receive child support, either by agreement or by operation of law;

(H) “Bond” means a cashier’s check or money order payable to the division to ensure the payment of child support under a child support order;

(I) “Current support” means the periodic child support obligation, imposed by a child support order;

(J) “Good cause” means the circumstances under which the director will not impose an immediate order to withhold income upon entry of an order for child support;

(K) “Income withholding” means the withholding of any form of payment to an individual regardless of source, including, but not limited to, wages, salary, commissions, compensation as an independent contractor, Workers’ Compensation, disability, annuity, and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public law or ordinance;

(L) “Notice and finding of financial responsibility” means a written allegation as to the parent’s responsibility to support his/her child(ren), which precedes the establishment of an administrative child support order for support pursuant to Chapter 454, RSMo of the Missouri Revised Statutes;

(M) “Written agreement” means an agreement in writing between the obligor and the obligee, and in cases in which there is an assignment of support rights, an agreement between the obligor and the assignee, which provides for an alternative arrangement for payment of support to the Family Support Payment Center and is signed by each party to the agreement; and

(N) “Family Support Payment Center” means the state disbursement unit established by the division pursuant to section 454.530, RSMo, for the receipt and disbursement of payments made pursuant to support orders.

(2) Immediate Income Withholding When Initial Order is Entered.

(A) The director shall issue an immediate withholding order to the obligor’s employer or other payor on the entry date of the child support order, unless the director determines that good cause exists not to do so or unless there is a written agreement as defined in this rule.

(B) Good cause exists for not effecting immediate income withholding if—

1. The obligor posts a bond with the division equal to two (2) months’ current support at the time the child support order is entered;

2. The obligor agrees to notify the division of his/her current employer’s name and address as long as the child support order is in effect; and

3. The obligor provides proof that he/she has obtained or applied for medical insurance for the child(ren) named in the notice and finding of financial responsibility, unless the obligee has medical insurance for the obligor’s child(ren) other than Medicaid.

(C) The division shall hold the bond in escrow. The bond will not accrue interest while held by the division. If no arrearage is owed to the obligee, the division shall refund any remaining balance to the obligor within sixty (60) days of—

1. The date the division is notified by the obligee that the child(ren) no longer meet requirements for continued support under 452.340, RSMo, or a court order or administrative order finds that the child(ren) are no longer eligible for continued support; or

2. The date the obligee stops receiving child support enforcement services from the division.

(D) If the obligor misses a scheduled child support payment and an arrearage equal to or greater than one (1) month’s current support amount has accrued, the director will—

1. Apply the bond to the obligor’s child support arrearage and pay to the obligee, or the current assignee of support rights, the amount of the accrued arrearage, up to the remaining bond amount; and

2. Issue an income withholding order to the obligor’s employer or other payor, if known.

(3) Immediate Income Withholding When Child Support Orders Are Modified.

(A) The director shall issue an immediate income withholding order to the obligor’s employer or other payor on the entry date of the modification of any child support order modified under sections 454.496, and 454.500, RSMo, unless the director determines that good cause exists not to do so or unless there is a written agreement as defined in this rule.

(B) Good cause exists for not effecting immediate income withholding if the obligor provides to the division—

1. A written request that immediate income withholding not be implemented;

2. Trusteeship records showing that an arrearage did not exist on the child support order prior to its modification;

3. Trusteeship records showing that all payments on the child support order were made on or before the due date;

4. Proof that he/she has obtained or applied for medical insurance for the child(ren) named in the order, unless the obligee has medical insurance other than Medicaid for the obligor’s child(ren); and

5. A written agreement to notify the division of the name and address of his/her current employer as long as the child support order is in effect.

(C) Notwithstanding the fact that good cause exists under subsection (3)(B) of this rule, an income withholding shall be effected if any one (1) of the following occurs:

1. The obligor misses any scheduled payments on the child support order and an arrearage exists equal to at least one (1) month’s current support;

2. The obligor requests that income withholding begin;

3. The obligee requests that income withholding begin and the Family Support Payment Center received at least one (1) scheduled payment after its due date;

4. The obligor does not provide the division with his/her new employer’s name and address; or

5. The obligor terminates medical insurance coverage for the child(ren) named in a



child support order that includes medical support, unless the termination is done with the consent of the obligee or assignee.

(4) Written Agreement.

(A) As assignee of support rights, the director will not enter into a written agreement not to impose immediate income withholding if the person owed support for the obligor's child(ren) is receiving TANF on the date the notice and finding of financial responsibility is issued.

(B) If the obligee is not receiving TANF when the notice and finding of financial responsibility is issued, the director shall notify the obligor and the obligee that immediate income withholding will be initiated on the entry date of the order unless—

1. The obligee and the obligor each sign and within twenty (20) calendar days return to the division a written agreement allowing the obligor to make child support payments directly to the Family Support Payment Center;

2. The obligor agrees to notify the division of his/her current employer's name and address as long as the child support order is in effect; and

3. The obligor provides proof that he/she has obtained or applied for medical insurance for the child(ren) named in the notice and finding of financial responsibility, unless the obligee has medical insurance for the obligor's child(ren) other than Medicaid.

(C) The written agreement shall be invalid and the director shall initiate an income withholding order to the obligor's employer or other payor without prior notice to either party if—

1. The obligor misses any scheduled payments on the child support order and an arrearage exists equal to at least one (1) month's current support;

2. The obligor requests that income withholding begin;

3. The obligee requests that income withholding begin and the Family Support Payment Center received at least one (1) scheduled payment after its due date;

4. The obligor does not provide the division with his/her new employer's name and address; or

5. The obligor terminates medical insurance coverage for the child(ren) named in a child support order that includes medical support, unless it is terminated with the consent of the obligee or assignee.

(D) If the legal custody of the child(ren) has been placed with the Children's Division, a written agreement not to impose immediate income withholding may be obtained between the obligor and the Children's Division case-

worker assigned to the child(ren)'s alternative care case. The agreement shall be in accordance with the terms and requirements of subsections (4)(B) and (C) of this rule.

AUTHORITY: sections 454.400 and 660.017, RSMo 2016. This rule originally filed as 13 CSR 30-4.020. Original rule filed Dec. 24, 1990, effective June 10, 1991. Moved to 13 CSR 40-104.010 and amended: Filed Aug. 8, 2018, effective March 30, 2019.*

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

13 CSR 40-104.020 Reporting of Child Support Debts to Consumer Reporting Agencies

PURPOSE: The purpose of this rule is to establish procedures where a consumer reporting agency may request debt information from the Family Support Division (FSD). It also contains procedures for FSD to report an obligor who has an arrearage of \$1000 or more to consumer reporting agencies. This rule references 13 CSR 40-100.020, regarding procedures where an obligor, whose debt is to be reported to a consumer reporting agency, may request and receive an administrative hearing regarding the report. The information given to consumer reporting agencies will be used to update individual consumer records.

(1) Definitions.

(A) "Consumer reporting agency" (CRA), or a credit bureau, is any person, corporation, association, partnership, or other entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in assembling and/or evaluating consumer credit information or other information on consumers for the purpose of furnishing credit reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(B) "Division" means the Missouri Family Support Division (FSD) and its employees.

(C) "Arrearage" means an amount of money owed for past-due child support, spousal support, or a state debt arising from Temporary Assistance for Needy Families (TANF), which includes, but is not limited to, a cash grant, funds expended for medical services, and alternative care payments.

(D) "Obligor" means any person who is ordered to pay support by a court or administrative authority.

(2) Division (IV-D) Responsibilities.

(A) If an obligor—

1. Is at least two (2) months delinquent in the payment of support and the arrearage is one thousand dollars (\$1,000) or more, the division shall periodically report to consumer reporting agencies an obligor's name and other identifying information specified in subsection (2)(D) and may continue to do so after the arrearage is less than one thousand dollars (\$1000); or

2. Has an arrearage of one thousand dollars (1,000) or more and is not two (2) months delinquent in the payment of support, the division may periodically report to consumer reporting agencies the obligor's name and other identifying information specified in subsection (2)(D), and may continue to do so after the arrearage is less than one thousand dollars (\$1,000).

(B) A CRA may request information on an obligor from the division. The request must always be in writing, signed by a CRA's managerial officer and sent to the division at its main office address contained in 13 CSR 40-1.010. The officer must possess authority to make the request and that authority must be cited in the request. If the obligor already has been referred to a CRA, the division must provide the information within a reasonable time. If a referral has never been made to a CRA, and the obligor is at least two (2) months delinquent in the payment of support, the division must send advance notice to the obligor as provided in subsection (2)(C), prior to providing the CRA with the requested information.

(C) Prior to the referral to a CRA under subsection (2)(A) or (2)(B), the division must provide notice to the obligor that consists of the arrearage information the division intends to give the CRA and the obligor's right to contest the accuracy of that information. The advance notice to the obligor will be sent by first class mail. The advance notice must contain—a statement that the division intends to report the obligor's arrearage to one (1) or more CRAs; the date the CRA(s) will be sent the arrearage information; the arrearage amount as calculated by the division; identifying information specified in subsection (2)(D); a statement that the obligor may contest the arrearage amount by requesting an administrative hearing within twenty (20) calendar days after the notice is mailed; and the name, address, and telephone number of the person from whom the obligor can request a hearing. The division shall not refer an obligor's name and other identifying information to a CRA under this rule while the request for hearing is pending.

(D) The division will generate a monthly



file of all obligors meeting the criteria under subsection (2)(A) and electronically transmit the file to each CRA. The file shall include, but not be limited to, the obligor's name, Social Security number, current arrearage figure, and other identifying information as determined necessary by the division.

(E) Notwithstanding the provisions of subsections (2)(A) and (2)(B) to the contrary, the division shall not make information available to—

1. A consumer reporting agency which the division determines does not have sufficient capability to systematically and timely make accurate use of such information; or
2. An entity which has not furnished evidence satisfactory to the division that the entity is a consumer reporting agency.

(3) CRA Responsibilities.

(A) Each CRA must agree to the following provisions. The CRA must develop a computer program which will allow the division's electronic information to be entered in its records in a systematic and timely manner, agree to use information provided by the division in a lawful manner and safeguard information received from the division in accordance with federal and state confidentiality requirements.

(4) Fees. The division shall not charge the credit bureau a fee.

(5) Disputing Arrearage Amounts on File with the CRA.

(A) An obligor may seek to contest arrearage figures on file with a CRA. If the obligor contacts the division, s/he must do so in writing and clearly state the grounds on which the arrearage figure is being contested. An administrative hearing will not be held, but the division will review the case and respond to the obligor regarding the results of the review.

(B) If the arrearage figure does change, the CRA will be notified on the next monthly electronic file listing. If the CRA representative contacts the division to verify the accuracy of information which is disputed by the obligor, the division will then review the case for accuracy in the same manner as if contacted directly by the obligor.

*AUTHORITY: sections 454.400 and 660.017, RSMo 2016. * This rule originally filed as 13 CSR 30-6.010. Original rule filed Dec. 13, 1989, effective April 26, 1990. Emergency amendment filed June 2, 1995, effective July 15, 1995, expired Nov. 11, 1995. Amended: Filed June 2, 1995, effective Sept. 30, 1995. Moved to 13 CSR 40-104.020 and amended:*

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