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**Rules of**  
**Department of Social Services**  
**Division 40—Family Support Division**  
**Chapter 106—Child Support, Modification**

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**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**

**Division 40—Family Support Division  
Chapter 106—Child Support,  
Modification**

**13 CSR 40-106.010 Review and Modifica-  
tion of Child and/or Medical Support  
Orders**

*PURPOSE: This rule sets forth the Family Support Division's procedures for review and modification of existing child and/or medical support orders in accordance with sections 454.400, 454.496, and 454.500, RSMo, and 42 U.S.C. 666.*

(1) Definitions.

(A) "Administrative order" means a child and/or medical support order established through the administrative process in accordance with sections 454.470–454.520, RSMo.

(B) "Temporary Assistance for Needy Families (TANF) case" means a case in which an applicant for or recipient of assistance has assigned to the state his/her rights to support as a condition of eligibility for public assistance under Title IV-A of the Social Security Act.

(C) "Division" means the Missouri Family Support Division.

(D) "Medicaid case" means a case in which a custodial parent or custodian has assigned to the state his/her rights to medical support to receive public assistance, but has not assigned to the state his/her rights to child support.

(E) "Review" means an objective evaluation of complete, accurate, up-to-date information necessary for application of the child support guidelines and criteria for support set forth in Missouri Supreme Court Rule 88.01 and other applicable law.

(2) Review.

(A) The division shall review the following cases, at its own request:

1. TANF cases with child and/or medical support orders, but the review will occur no less frequently than once every thirty-six (36) months from the date the order was established, last reviewed, or modified; and

2. Medicaid cases with child support orders that lack medical support provisions if the obligated parent has health insurance available through an employer, union, or group affiliation.

(B) A review shall be conducted after thirty-six (36) months from the date the order was established, last reviewed, or modified, or the date a review terminated pursuant to

subsection (5)(B) of this rule, when the review is being conducted at the request of either the obligated parent or the person or agency having custody of the dependent child subject to the order. A review may be conducted earlier than thirty-six (36) months at the request of the obligated parent or the person or agency having custody of the dependent child subject to the order, or the division in a TANF or Medicaid case, if—

1. A child should be added to an administrative order;

2. A child should be removed from a general order, whether administrative or judicial;

3. The requesting party submits information that shows, or a sworn statement that alleges, there has been a fifty percent (50%) or more increase or involuntary decrease in income of either party to the order, and the division determines that the circumstances that caused the change have existed for at least three (3) months, and that it is reasonably likely they will remain unchanged for another six (6) months or longer;

4. The requesting party submits information that shows, or a sworn statement that alleges there has been a fifty percent (50%) or more voluntary decrease in income of either party to the order, and the division determines that the circumstances that caused the change have existed for at least six (6) months, and that it is reasonably likely they will remain unchanged for another six (6) months or longer;

5. A health insurance provision should be added to an administrative or judicial order;

6. The obligated parent will be incarcerated for more than one hundred eighty (180) calendar days; or

7. A child support obligation should be added to an administrative or judicial order, and—

A. The order only addresses a health insurance obligation; or

B. The order specifically states that no child support is ordered; or

C. The court specifically reserved or retained jurisdiction of the child support issue in the order.

(3) Financial Information.

(A) Both parents subject to the order to be reviewed shall provide financial information and verification of income within ten (10) calendar days after the date the division mails a written request for the information. Documents verifying income shall include, but not be limited to, the following: copies of federal and state income tax returns, W-2 statements, pay stubs or a signed statement from

an employer, or other source of income. If the division is unable to obtain financial information concerning the nonrequesting parent, it may request the other party to provide the financial information if that party is able to do so. If a requesting parent fails to provide financial information, the division may terminate the review.

(B) The division may use all other resources normally accessed to obtain the parents' financial information.

(4) Denying Requests. A request for review by the obligated parent or the person or agency having custody of the dependent child subject to the order may be denied for the following reasons:

(A) The location of the nonrequesting party is unknown at the time the request is made;

(B) It has been less than thirty-six (36) months since the entry date of the support order or most recent modification, or last completed review, whichever is later, or it has been less than thirty-six (36) months since a review or modification action was terminated pursuant to subsection (5)(B) of this rule. However, a review may be conducted earlier than thirty-six (36) months if the case meets criteria for earlier review set forth in subsection (2)(B) of this rule;

(C) The division is not providing services with respect to the order for which the review has been requested;

(D) The request is for the purpose of modifying custody or visitation rights;

(E) The request is for the sole purpose of modifying the amount of delinquent support that has accrued under a support order;

(F) The request is for the purpose of modifying the amount of spousal support under a support order; or

(G) The request is for the review of a temporary support order.

(5) Withdrawing a Request by a Party.

(A) The division will consider the written withdrawal of the party who requested a review pursuant to subsection (2)(B) of this rule if the withdrawal is submitted after the division acknowledged the request for review, but no later than—

1. Thirty (30) calendar days after service of process is achieved on a motion to modify filed pursuant to sections 454.496 and 454.500, RSMo, if neither party requested an administrative hearing; or

2. The date of the administrative hearing if either party requested an administrative hearing within thirty (30) calendar days after service of process was achieved on a motion to modify filed pursuant to sections 454.496



and 454.500, RSMo.

(B) Upon receiving a withdrawal pursuant to subsection (5)(A) of this rule, the division will notify the nonrequesting party of the withdrawal. The nonrequesting party will have ten (10) calendar days from the date of notice to contact the division in writing—

1. If the nonrequesting party protests the withdrawal, the division will notify the requesting party of the protest and will continue the review or modification of the order; or

2. If the nonrequesting party agrees to the withdrawal, either in writing or by his/her failure to contact the division in writing within ten (10) calendar days, the division will terminate all actions to review or modify the order.

(C) If the division terminates a review or modification action pursuant to subsection (5)(A) of this rule, the division will not accept from either party a request to review the order earlier than thirty-six (36) months from the date the action was terminated, unless the case meets criteria for earlier review set forth in subsection (2)(B) of this rule.

(6) Withdrawing a Division Request.

(A) If the child(ren) of the order stop receiving TANF and/or Medicaid after the division has initiated a review, the division may withdraw from the review and modification.

(B) Upon withdrawing, the division will notify both parties of the withdrawal. The parties will have ten (10) calendar days from the date of notice to contact the division in writing—

1. If one (1) of the parties protests the withdrawal, the division will notify the other party of the protest and will continue the review or modification of the order; or

2. If both parties agree to the withdrawal, either in writing or by his/her failure to contact the division in writing within ten (10) calendar days, the division will terminate all actions to review or modify the order.

(C) If the division terminates a review or modification action pursuant to subsection (5)(B) of this rule, the division will not accept from either party a request to review the order earlier than thirty-six (36) months from the date the action was terminated, unless the case meets criteria for earlier review set forth in subsection (2)(B) of this rule.

(7) Modifications.

(A) The division will seek a modification if the review indicates that:

1. The case meets the modification threshold requirements of section 452.370 or

454.500, RSMo;

2. The child support obligation does not contain a provision for health insurance coverage by the obligated parent, and the children are not covered under a health benefit plan, other than Medicaid, by the custodial parent/custodian;

3. A child should be added to an administrative order; or

4. A child should be removed from a general order, whether administrative or judicial.

(B) If the obligated parent agrees to the modification, the division will send the order to the obligated parent to sign.

1. The obligated parent must return the signed and notarized order to the division in ten (10) calendar days.

2. Upon receipt of a signed and notarized order, the division will send the order to the person or agency having custody of the dependent child for signature. The person or agency having custody of the dependent child must return the signed and notarized order to the division in ten (10) calendar days.

(C) If the obligated parent and the person or agency having custody of the dependent child fail to return the signed and notarized order, the division will enter a default order.

(8) Modification Inappropriate.

(A) If the review of the order reveals a modification is inappropriate, the division will notify the parties in writing that the division will not modify the order.

(B) The parties will have thirty (30) calendar days from the date of the written notice to rebut in writing the division's decision not to proceed with a modification of the order.

*AUTHORITY: sections 454.400 and 660.017, RSMo 2016.\* This rule originally filed as 13 CSR 30-5.020. Original rule filed Dec. 24, 1990, effective June 10, 1991. Emergency amendment filed Dec. 2, 1991, effective Dec. 16, 1991, expired April 13, 1992. Amended: Filed Dec. 2, 1991, effective April 9, 1992. Emergency amendment filed May 14, 1993, effective May 24, 1993, expired Sept. 20, 1993. Emergency amendment filed July 28, 1993, effective Sept. 21, 1993, expired Jan. 18, 1994. Amended: Filed May 14, 1993, effective Nov. 8, 1993. Emergency amendment filed Dec. 13, 1993, effective Dec. 23, 1993, expired April 21, 1994. Emergency amendment filed April 11, 1994, effective April 21, 1994, expired Aug. 18, 1994. Emergency amendment filed May 26, 1994, effective June 6, 1994, expired Oct. 2, 1994. Amended: Filed Dec. 13, 1993, effective July 30, 1994. Emergency amendment filed May 26, 1994, effective June 5, 1994, expired*

*Oct. 2, 1994. Amended: Filed May 26, 1994, effective Nov. 30, 1994. Amended: Filed June 15, 1995, effective Dec. 30, 1995. Amended: Filed Nov. 30, 1995, effective May 30, 1996. Moved to 13 CSR 40-106.010 and amended: Filed Oct. 1, 2018, effective May 30, 2019.*

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