



Rules of
Department of Social Services
Division 40—Family Support Division
Chapter 110—Fees

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES
Division 40—Family Support Division
Chapter 110—Fees**

13 CSR 40-110.020 Federal Income Tax Refund Offset Fee

(Rescinded September 30, 2005)

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed Sept. 10, 2004, effective March 30, 2005. Emergency rescission filed March 17, 2005, effective March 30, 2005, expired Sept. 25, 2005. Rescinded: Filed March 17, 2005, effective Sept. 30, 2005.

13 CSR 40-110.030 Annual Thirty-Five Dollar (\$35) Fee

PURPOSE: This rule defines how the Family Support Division will assess and collect an annual thirty-five dollar (\$35) fee as required by section 454(6)(B)(ii) of Title IV-D of the Social Security Act as amended by the Bipartisan Budget Act of 2018, Pub. L. 115-123.

(1) Definitions.

(A) “Case” means an official record comprised of an obligee or payee and dependent child(ren), associated with a particular obligor.

(B) “Obligee or Payee” means an individual to whom a duty of support is owed.

(C) “Division” means the Family Support Division.

(D) “Federal fiscal year” means the period from October 1 to September 30.

(E) “IV-D” means part IV-D of the Social Security Act.

(F) “IV-D, Never-Assistance Case” means a case in which the obligee or payee is receiving services pursuant to section 454.400, RSMo, but has never received Aid to Families with Dependent Children or Temporary Assistance for Needy Families benefits on behalf of the child(ren) associated with the case.

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

(H) “Support” means any financial support collected for the support or maintenance of a child or the obligee or payee of a child or a spouse or ex-spouse based upon a judicial or administrative order.

(2) Assessing an Annual Thirty-Five Dollar (\$35) Fee. In a IV-D, never-assistance case in which the division has disbursed to the

obligee or payee at least five hundred fifty dollars (\$550) of support in the federal fiscal year, the division shall assess an annual fee of thirty-five dollars (\$35).

(A) If an obligee or payee (or an obligor is associated to more than one (1) IV-D, never-assistance case, the division shall assess the fee on each case in which at least five hundred fifty dollars (\$550) of support has been disbursed to the obligee or payee in the federal fiscal year.

(B) The division shall assess the fee in each federal fiscal year after the first five hundred fifty dollars (\$550) of support has been disbursed to the obligee or payee.

(C) The division shall not assess a fee in cases excluded by federal law or regulation.

(3) Collecting the Annual Thirty-Five Dollar (\$35) Fee. The division will collect seventeen dollars and fifty cents (\$17.50) of the thirty-five dollar (\$35) assessed fee from the obligee or payee and collect seventeen dollars and fifty cents (\$17.50) of the thirty-five dollar (\$35) assessed fee from the obligor on each assessed case.

(A) The division shall deduct the obligee’s or payee’s seventeen dollars and fifty cents (\$17.50) fee from support payments collected on behalf of the obligee or payee, in excess of the five hundred fifty dollar (\$550) threshold, prior to disbursing payments to the obligee or payee. The obligor shall receive credit toward his or her obligation for the entire support payment. The division will notify obligees or payees of the state’s annual fee for IV-D services.

(B) If the obligee or payee does not satisfy the seventeen dollar and fifty cent (\$17.50) fee by the end of the federal fiscal year in which the division assessed the thirty-five dollar (\$35) fee, the balance remains due, and the division will deduct the unpaid fee from any future support payments received for the obligee or payee until the entire fee is satisfied.

(C) The division shall provide notice to the obligor of his/her seventeen dollar and fifty cent (\$17.50) fee. The notice shall provide instructions to the obligor for satisfying the fee. The division may collect the fee from the obligor utilizing enforcement mechanisms provided by law.

(D) If the obligor does not satisfy the fee by the end of the federal fiscal year in which it is assessed, the balance remains due.

(E) Any fee assessed to the obligor under this regulation that is not satisfied prior to the amendment remains due.

AUTHORITY: sections 454.400.2(5) and 660.017, RSMo 2016. Original rule filed*

Aug. 20, 2007, effective Feb. 29, 2008. Amended: Filed April 8, 2019, effective Oct. 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 40-110.040 Annual Fee

PURPOSE: The purpose of this rule is to define how the Family Support Division will collect an annual processing fee from an obligee on a non-IV-D case who receives support payments that are processed by the Family Support Payment Center.

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

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

(B) “Payment Center” means the Family Support Payment Center;

(C) “Support” means any financial support due for the support or maintenance of a child, or the custodian of a child, or a spouse or ex-spouse based upon a judicial or administrative order;

(D) “Case” means a family, as used in section 454.425, RSMo, associated with a particular support order(s). A case includes a collection of people, generally, an obligee, and dependent(s) associated with an obligor;

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

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

(G) “Non-IV-D case” is a case as defined above which is not currently receiving child support services pursuant to section 454.400, RSMo.

(2) Annual Fees. The division will collect an annual processing fee of ten dollars (\$10) on each order associated with a non-IV-D case in which payments are being received by and processed through the Payment Center for all or any part of a calendar year. If an order is associated to more than one (1) case, all cases must be non-IV-D cases.

(A) The obligor will receive credit against the support obligation for the entire payment received by the Payment Center. The fee will be collected from the obligee.

(B) The fee will be deducted from the first support payment received in each calendar year by the Payment Center prior to disbursement of the payment to the obligee. If



the first support payment processed for the calendar year by the Payment Center does not satisfy the annual fee, the balance remains due and will be collected from subsequent support payments received for that calendar year until the entire fee is satisfied. If the fee is not satisfied by the end of a calendar year, the uncollected fee for that year will not accrue into the next calendar year.

(C) An annual fee will be charged in a former TANF or Medicaid case if all arrearages owed to the state have been paid and child support services pursuant to section 454.400, RSMo, are not currently being provided.

AUTHORITY: sections 454.400 and 660.017, RSMo 2016. This rule originally filed as 13 CSR 30-10.010. Original rule filed July 17, 2001, effective Jan. 30, 2002. Moved to 13 CSR 40-110.040 and amended: Filed Aug. 8, 2018, effective March 30, 2019.*

**Original authority: 454.400, RSMo 1959, amended 1982, 1993, 1995, 1997, 2014 and 660.017, RSMo 1993, amended 1995.*