



Rules of
Department of Social Services
Division 30—Child Support Enforcement
Chapter 4—Income Withholding

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 30—Child Support
Enforcement**

Chapter 4—Income Withholding

13 CSR 30-4.010 Interstate Income Withholding Procedure
(Rescinded October 30, 2008)

AUTHORITY: section 454.400, RSMo Supp. 1990. Emergency rule filed Sept. 17, 1986, effective Sept. 27, 1986, expired Jan. 25, 1987. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Emergency rule filed Feb. 16, 1993, effective Feb. 26, 1993, expired June 25, 1993. Emergency amendment filed April 13, 1993, effective June 22, 1993, expired Oct. 19, 1993. Amended: Filed Feb. 16, 1993, effective Aug. 9, 1993. Rescinded: Filed April 22, 2008, effective Oct. 30, 2008.

13 CSR 30-4.020 Immediate Income Withholding Exceptions for Administrative Orders

PURPOSE: This rule establishes and sets forth the procedures for allowing exceptions from immediate income withholding when administrative orders are entered or modified by the Division of Child Support Enforcement pursuant to sections 454.460—454.520, RSMo.

(1) Definitions. As used in this rule—

(A) Absent parent means a natural or adoptive parent who does not reside with his/her dependent child(ren) and against whom the division is seeking to establish and enforce a support order;

(B) Administrative order means a child support order established by administrative process pursuant to sections 454.460—454.520, RSMo.

(C) Aid to families with dependent children (AFDC) means a financial assistance program for families with children, also known as Title IV-A of the Social Security Act;

(D) Arrearage means past-due child/spousal support;

(E) Assignee means a state agency to which a child's custodian relinquishes the right to receive child support, either by agreement or by operation of law;

(F) Bond means a cashier's check or money order payable to the Division of Child Support Enforcement to ensure the payment of child support;

(G) Current support means the periodic child support obligation, imposed by administrative order;

(H) Director means the director of the Missouri Division of Child Support Enforcement or a designee;

(I) Division means the Missouri Division of Child Support Enforcement;

(J) Good cause means the circumstances under which the director will not impose an immediate order to withhold income upon entry of an administrative 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 absent parent's responsibility to support his/her child(ren), which precedes the establishment of an administrative order for support pursuant to sections 454.460—454.520, RSMo; and

(M) Written agreement means an agreement in writing between the absent parent and the custodial parent or caretaker, and in cases in which there is an assignment of support rights, an agreement between the absent parent and the assignee, which provides for an alternative arrangement for payment of support to the circuit clerk and is signed by each party to the agreement.

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

(A) The director shall issue an immediate withholding order to the absent parent's employer or other payor on the effective date of the administrative support order issued pursuant to sections 454.460—454.520, 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) The director shall determine that good cause exists for not effecting immediate income withholding if—

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

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

3. The absent parent provides proof that s/he has obtained or applied for medical insurance for the child(ren) named in the notice and finding, unless the custodial parent or caretaker has medical insurance for the absent parent's child(ren) other than Medicaid.

(C) The division shall hold the bond in trust and, so long as no arrearage is owed, shall refund any remaining balance to the absent parent within sixty (60) days of—

1. The date the division is notified of the child(ren)'s emancipation or the termination of the support order; or

2. The date the child(ren)'s custodian stops receiving child support enforcement services from the division.

(D) If the absent parent 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 absent parent's child support arrearage and pay to the custodian, 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 absent parent's employer or other payor, if known.

(3) Immediate Income Withholding When Administrative Orders Are Modified.

(A) The director shall issue an immediate income withholding order to the absent parent's employer or other payor on the effective date of any administrative order modified under section 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) The director shall determine that good cause exists for not effecting immediate income withholding if the absent parent provides to the division—

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

2. Court records showing that an arrearage did not exist on the administrative order prior to its modification;

3. Court records showing that all payments on the administrative order were made on or before the due date;

4. Proof that s/he has obtained or applied for medical insurance for the child(ren) named in the order, unless the custodial parent or caretaker has medical insurance other than Medicaid for the absent parent'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 support order is in effect.

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

1. The absent parent 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 absent parent requests that income withholding begin;

3. The custodial parent or caretaker requests that income withholding begin and at least one (1) payment has been received after its due date;

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

5. The absent parent terminates medical insurance coverage for the child(ren) named in a support order that includes medical support, unless the termination is done with the consent of the custodial parent, caretaker or assignee.

(4) Written Agreement.

(A) As assignee of support rights, the director shall not enter into a written agreement not to impose immediate income withholding if the custodian of the absent parent's child(ren) is receiving AFDC on the date the notice and finding of financial responsibility is issued.

(B) If the custodian is not receiving AFDC when the notice and finding of financial responsibility is issued, the director shall notify the absent parent and custodian that immediate income withholding will be initiated on the effective date of the administrative order unless—

1. The custodial parent or caretaker and the absent parent each sign and within twenty (20) calendar days return to the division a written agreement allowing the absent parent to make child support payments directly to the circuit court;

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

3. The absent parent provides proof that s/he has obtained or applied for medical insurance for the child(ren) named in the notice and finding, unless the custodian has medical insurance for the absent parent's child(ren) other than Medicaid.

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

1. The absent parent 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 absent parent requests that income withholding begin;

3. The custodial parent or caretaker requests that income withholding begin and the circuit court receives at least one (1) payment after its due date;

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

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

(D) If the legal custody of the child(ren) has been placed with the Division of Family Services, a written agreement not to impose immediate income withholding may be obtained between the absent parent and the Division of Family Services caseworker 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.

(E) If the physical custody of the child(ren) has been placed with the Department of Mental Health, a written agreement not to impose immediate income withholding may be obtained between the absent parent and the reimbursement administrator of the Department of Mental Health or his/her designee. The agreement shall be in accordance with the terms and requirements of subsections (4)(B) and (C) of this rule, except that the absent parent will not be required to provide proof that s/he has obtained or applied for medical insurance for the child(ren) named in the notice and finding.

AUTHORITY: section 454.400, RSMo Supp. 1990. Original rule filed Dec. 24, 1990, effective June 10, 1991.*

**Original authority 454.400, RSMo 1982, amended 1985, 1986, 1990.*