

Missouri Legal Services

Legal aid programs providing free legal help to the low-income and disadvantaged in Missouri



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Child Support in Missouri

The purpose of this article is to answer some of the questions that parents and custodians frequently ask about obtaining and enforcing child support orders, and to give you an idea of the services available to assist you in your efforts.

ESTABLISHMENT OF A CHILD SUPPORT ORDER

What is Child Support?

Child support is money that either or both parents are ordered to pay on a regular basis toward the costs of raising their child (ren).

What is a Child Support Order?

Child support may be ordered by the courts or by the Missouri Family Support Division – Child Support Enforcement (“FSD”). The order specifies how often and how much a parent is to pay for child support. When minor children are involved, a child support order is included in a dissolution of marriage (divorce) or paternity judgment.

What Amount of Child Support Will I Receive?

The Supreme Court of Missouri establishes guidelines (also known as “Form 14”) for the courts and FSD to use for the calculation of child support. Form 14 takes into account several factors, including the gross incomes of each parent, maintenance being paid to one of the parents, the number of children, the cost of work-related child care, the cost of health insurance for the children, and the amount of time the children spend overnight with each parent during the year. The courts and FSD presume that the Form 14 calculated amount of child support is the correct amount to award; however, based on the evidence, they may choose to award a different amount.

Am I Entitled to a Child Support Order?

If you are a party to proceedings for dissolution of your marriage, legal separation or paternity, and the children are either fully or partially

in your custody, you may ask the court for an award of child support (including temporary child support while your case is pending). When the court issues its final judgment, you may be entitled to obtain an order for child support if you are awarded a period of physical custody of a minor child.

If a court has not entered a child support order, FSD may be able to issue a child support order on your behalf.

Who Can Modify a Child Support Order?

Only the court may modify court-ordered child support. Child support may be modified only upon a showing of changed circumstances substantial and continuing as to make the terms of the original order unreasonable. A child support order entered by FSD may be modified by either FSD or the court.

How Do Visitation and Joint Custody Affect Child Support?

A parent may not deny court-ordered visitation/custody. If a parent denies visitation, the court may reduce child support if it finds that the parent receiving support has failed, without good cause, to provide visitation as ordered. The court's order may be based upon the parties' agreement.

Additionally, if the parent receiving support has voluntarily given up physical custody of the child to the parent paying support for more than 30 days, support for that period may abate. This is not triggered by periods of visitation or temporary custody. The amount of child support that the parent paying support need not pay must be calculated by FSD for a child support order originating there, or by the court.

In My Dissolution Judgment, the Court Did Not Order Child Support. Can I Now Apply?

Depending on the terms in your judgment, you may be able to seek child support through the courts through a modification of your judgment.

My Spouse and I are Separated, but Neither Has Filed for Divorce or Legal Separation. Our Children Live With Me. How Can I Get Child Support for My Kids?

FSD may be able to obtain a child support order for the custodial parent. Without filing for legal separation or dissolution of marriage, the court will not be able to order an award of child support.

Who Keeps Track of My Child Support Payments?

The court may order that support payments be made directly to the person entitled to receive the support or to the Missouri Family Support Payment Center in Jefferson City.

The Family Support Center maintains records in the Automated Child Support System, which lists the amount of payments, when they are made, and the names and addresses of parties affected by the order. If a party sends his or her payments directly to the other party, both should keep track of the payments made/received.

FAMILY SUPPORT DIVISION – CHILD SUPPORT ENFORCEMENT

What is the Family Support Division – Child Support Enforcement?

The State of Missouri established the Family Support Division – Child Support Enforcement (“FSD”), to assist parents and other persons in obtaining child support orders and in collecting child support.

How Can I Sign Up for FSD Services?

To apply, submit an application online or mail it to your nearest county office. Once you’ve submitted your application, FSD will open a case with the information you provided. FSD will send you a letter confirming the case opening and provide you with contact information and a case number.

Are There Any Financial Qualifications to Obtain FSD Services?

No, the services of FSD are available to all persons entitled to receive support, regardless of income level.

Can I Get Child Support If I Am Receiving State Aid?

As a Temporary Assistance for Needy Families (“TANF”) recipient, you have assigned your support rights to the state. The state may try to establish a support order if none exists, and will be a party to any attempt to modify the support order.

PATERNITY ISSUES

The Father of My Child and I Are Not Married. Can I Receive Child Support From Him?

Yes, even if you are not married, you may receive child support. Once paternity is established, you may be able to obtain a child support order. Child support in a paternity suit may be ordered by the court or FSD.

How Long Does it Take to Get an Order Establishing Paternity?

If the father of the child is unwilling to cooperate in establishing paternity, and it must be proven that he is the father, establishing paternity can be a long process. Every case is different, and the time span varies widely. If, on the other hand, the father admits his paternity, the case can proceed fairly quickly.

Will a Blood Test Be Done in My Paternity Case?

In cases where the father denies paternity, paternity tests will usually be performed on the mother, the child and the alleged father in order to determine the probability of paternity. These tests usually consist of swabbing the inside the mouths of all parties, instead of a blood test.

ENFORCEMENT OF A CHILD SUPPORT ORDER

The Other Parent Isn't Paying Per the Child Support Order. What Do I Do?

Once you have a child support order, if the support is not being paid, you will need to enforce the order. You may attempt to enforce the order privately with the parent paying support, through the court or through FSD.

How Can a Child Support Order Be Enforced?

Because a wage withholding can issue without notice to the party paying support, it is usually the quickest and most effective way to enforce a child support order. If the parent paying support becomes delinquent in an amount equal to one month's total support obligation, his or her income is subject to withholding without further notice. The withholding includes an additional 50 percent above the ordered support amount to pay the parent receiving support for the unpaid support. A child support order may also be enforced through other methods, including real estate liens, personal property liens and attachments. However, these methods are usually more time-consuming and may involve large cash deposits by you.

What is a Civil Contempt of Court?

A civil contempt order is another means for the court to enforce a child support order. The court may order a parent sent to jail due to his or her failure to pay ordered child support.

OUT OF STATE ISSUES

What If the Parent Paying Support Does Not Reside in Missouri?

The fact that the parent paying support does not live in Missouri may make child support collection more difficult. However, all 50 states have passed laws intended to make collecting child support easier. You may want to speak with your attorney about registering your child support order in the state where the parent paying support resides.

FSD has the ability to cooperate with similar agencies in other states. Together, they may file a petition under the Uniform Reciprocal Enforcement of Support Act.

What Happens to the Child Support If I Move Out of Missouri?

In most cases, child support is not affected if you leave the state. If you experience problems collecting child support, contact the FSD agency near your new home.

Generally, after a judgment is issued with custody provisions in the judgment, you will either need the other parent's consent to move or a

Court-order allowing you to move. There are very specific actions you need to take if you want to

move (with your children). Contact your attorney for that information.

TERMINATION OF CHILD SUPPORT

When Does Child Support Terminate?

Unless the child support order states otherwise, child support terminates when the child:

Dies;

Marries;

Enters active duty in the military;

Becomes self-supporting;

Reaches 18, unless the child is physically or mentally incapacitated, or the child is attending a secondary school program; or

Reaches 21, unless the order extends support past the child's 21st birthday due to physical or mental incapacity.

Who Can Terminate a Child Support Order?

Child support may be terminated by the court, FSD or the parties for any of the reasons stated above.

The parties may terminate support without court or FSD involvement if:

The child reaches 21 and the order does not require support beyond 21;

The parent receiving support provides a sworn statement notifying the parent paying support of the child's emancipation, and the statement is filed with the court or FSD (whichever entered the order);

The parent paying support files a sworn statement with the court or FSD (whichever entered the order) stating why the child is emancipated, that statement is served on the party receiving support, and the party receiving support agrees or fails to respond within 30 days.

If the parent receiving support denies that the child is emancipated (per 3 above), the court or FSD shall hold a hearing to determine whether to terminate child support.

Other Issues

For questions about dissolution of marriage, child custody, visitation, spousal or child abuse, or mediation, please speak with an attorney. These issues are beyond the scope of this brochure, and are not part of the FSD Child Support Enforcement mandate.

FOR LEGAL ADVICE

The Missouri Bar offers a free Lawyer Search function, located at MissouriLawyersHelp.org. Those seeking representation can use the tool to locate lawyers by practice area, geographic location, and spoken language. The Missouri Bar or the Office of Chief Disciplinary Counsel cannot provide legal advice or refer you to an attorney, but select local bar associations in Missouri offer assistance in finding representation. The Office of Chief Disciplinary Counsel does not screen the attorneys who are affiliated with these lawyer referral services, and OCDC does not have information on their credentials or abilities. If you would like a referral to an attorney in the St. Louis area, call (314) 6216681. For a referral to an attorney in the

Springfield or Greene County area, call (417) 8312783.

Hiring a legal professional can be costly, but it is important to remember that you are paying for expertise. If you are unable to afford a lawyer, it might be possible to be represented at a lower rate or on a pro bono basis. In these situations, your quality of representation should not decrease, but your out-of-pocket costs will. The Missouri Bar does not match members of the public with pro bono lawyers, but it maintains a list of available discounted services, which is available at MissouriLawyersHelp.org.

Additionally, some matters, such as an uncontested divorce or traffic ticket, may not call for a lawyer at all. The Missouri Bar produces numerous brochures and blog posts – all available at MissouriLawyersHelp.org – that address general legal questions. While they are not a substitute for a hired lawyer, they are helpful for background information on matters and can help you decide if you need to seek representation.

For more information, go to MissouriLawyersHelp.org or call 5736354128.

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