

Frequently Asked Questions: Driver License Suspension

PLEASE NOTE: The information on provided below is for informational purposes only and is not legal advice. If you need legal guidance, consider contacting an attorney

- **What is the Driver License Suspension Process?**

Child support payments are an important financial responsibility that helps to support your children. When child support is not paid, children may not have the support they need to flourish and grow.

The Family Support Division (FSD) may order the Missouri Department of Revenue to suspend an individual's driver license if the person fails to pay child support. This process begins when an individual ordered to pay support is not making payments according to the support order and owes either \$2,500 in past-due support or an amount equal to or greater than 3 months of current support payments (whichever amount is lower).

1. The FSD will serve you with a Notice of Intent to Suspend License by certified mail, or special process server or sheriff.

This notice contains:

- How much past due support you owe;
- How to ask for a payment agreement or provide current employment information to avoid suspension;
- How to request an administrative hearing to dispute the action

2. You have 60 days after receiving this notice to enter into a payment agreement with the Family Support Division, provide employment information or request an administrative hearing to dispute the Notice.

Entering into a payment agreement prevents your license from being suspended. Contact the Child Support Call Center at 1-866-313-9960 to discuss entering into a payment agreement.

If you do not make your payments in a timely manner, FSD will suspend your license without additional notice to you. This means you will no longer be legally able to drive.

If you are unable to pay the full payment amount, FSD can discuss a temporary agreement that will allow you to make partial payments. You will need to provide information about your financial situation to show that you are not able to pay your full obligation.

A payment agreement for less than the full amount does not change the total amount of support you owe, but it does allow you to make smaller monthly payments on a temporary basis. It will result in an increase to the past due amount you owe (support arrearage) if current support is still due.

- **What happens if I fail to respond to a Notice of Intent to Suspend License?**

If you fail to respond to the Notice of Intent to Suspend License, FSD will order the Missouri Department of Revenue to suspend your Missouri driver license.

You may still enter into a payment agreement to obtain a stay (temporarily stop) of your license suspension. A stay allows you to drive. If you do not make your payments according to the payment plan, your license suspension may be put in place again. The court can also stay your suspension if you show a significant hardship.

Under Missouri law, your driver license suspension will end when child support payments have been fully paid. To reinstate your driver license after suspension, you must also pay any fees required by the Missouri Department of Revenue

- **How do I enter into a payment agreement when my license has been suspended?**

1. To obtain a stay (temporarily stop) after a license has been suspended, you must enter into a payment agreement. Contact the Child Support Call Center at 1–866–313–9960 to discuss entering into a payment agreement.
2. If you can't afford to make your payments, you can contact FSD and provide information about your financial situation to show that you are not able to pay the full amount. An agreement to make partial payments may be entered. This temporary agreement doesn't change the total amount of support you owe, but allows you to make smaller monthly payments on a temporary basis. It will result in an increase in the past due amount you owe (your support arrearage) if current support is still due.
3. When you make payments as agreed to under the payment agreement, FSD will enter a stay (temporarily stop) if a suspension is already in place.
4. Entering into a payment agreement does not prohibit the Family Support Division from taking other actions to collect current and past due support.
5. To help FSD determine what type of payment agreement is appropriate for you, you may want to provide FSD with your:
 - Employment Information (to allow for continuing payments through income withholding)
 - Income (paystubs, W2s, 1099s, bank records showing income)
 - Expenses (costs related to housing, food, and medical expenses)
 - Benefits received (Supplemental Security Income (SSI) or Veteran's Administration Disability, Medicaid, SNAP (food stamp) benefits, HUD Certification of Homelessness)

- **How do I request a hearing on a “*Notice of intent to Suspend License,*” and what should I expect at the hearing?**

An individual ordered to pay support has 60 days from the date the notice was served to request an administrative hearing. This request must be in writing and should be mailed to:

Family Support Division
P.O. Box 6790
Jefferson City, MO 65102-7545

At an administrative hearing, the only issues to be decided, according to Missouri law, are:

- The identity of the person who owes support,
- Whether the amount of support owed is \$2,500 or is equal to or greater than 3 months of support payments (whichever is less), and
- Whether the individual who owes support has entered into a payment agreement

The Division of Legal Services will issue a decision that finds whether the requirements to suspend the license under Missouri law are met. If the hearing decision finds the requirements were met, then FSD will proceed with suspension, if appropriate.

The Family Support Division or the courts may issue a stay (temporarily stop) of driver license suspension at any point after suspension.

- **How do I ask the court for a finding of hardship to stay (temporarily stop) my driver license suspension?**

The court, but not the Family Support Division, may stay (temporarily stop) suspension of a driver license when a suspension or continued suspension would create a significant hardship to you, your employees, any legal dependent residing in your household, or persons, businesses or other entities served by you.

To file a petition for hardship with the court, you may be required to pay a filing fee.

You should provide the Family Support Division with a copy of any petition filed with the court asking for a stay (temporarily stop) of driver license suspension based on a hardship and any resulting court order