

Frequently Asked Questions: Driver License Suspension

PLEASE NOTE: The information 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. Missouri laws governing license suspension are contained in Sections [454.1000 to 454.1031](#), RSMo.

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). (Section [454.1003, RSMo](#))

1. The FSD will serve you with a Notice of Intent to Suspend License by certified mail or in person. 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; and
 - How to request an administrative hearing to dispute the action. (Sections [454.1003](#) and [454.1005, RSMo](#))
2. You have 60 days after receiving this notice to enter into a payment agreement with the Family Support Division, provide employment information for an income withholding order or request an administrative hearing to dispute the Notice. (Sections [454.1003](#) and [454.1005, RSMo](#))

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

If you do not make your payments according to the payment agreement 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. (Section [454.1003, RSMo](#)).

If you are unable to pay your current child support obligation, 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 current child support obligation.

A payment agreement for less than the current child support obligation 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. (Sections [454.1005](#) and [454.1008, RSMo](#))

If your license is suspended, 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 agreement, your license suspension may be put in place again. A court can also stay your suspension if you show a significant hardship. (Section [454.1010, RSMo](#))

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. (Sections [454.1013](#) and [454.1015, RSMo](#))

After a suspension is terminated, another Notice of Intent to Suspend may be issued if payments do not continue to be made and you owe 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). (Section [454.1013, RSMo](#))

- **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 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 current child support obligation. 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. This includes issuing income withholding orders.
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)

6. If you enter into a payment agreement and FSD issues a stay order called an Order Concerning License:

- The stay order will be sent to you by certified mail or you can obtain the stay order in person at a child support office.
- The stay order acts as your driving permit so you must have the stay order with you while driving.
- The stay order is sent to the Missouri Department of Revenue, Driver License Bureau to update its records to reflect that there is a stay (temporary stop) in place on your suspended license. The Driver License Bureau must update the system to show that the suspension is stayed before you can drive.
- You can obtain information about the status of your license by calling the Department of Revenue, Driver License Bureau interactive voice system at (573) 526-2407 (available 24 hours a day, 7 days a week) or by logging into your [MyDMV](#) profile.

• **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 sent by:

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

OR

- Fax: 573-635-7545.

During an administrative hearing held pursuant to administrative rule 13 CSR 40-100.020, the administrative hearing officer will receive and hear evidence on whether license suspension is appropriate under the circumstances contained in Section [454.1005.4, RSMo](#), and issue a decision within thirty (30) days of the hearing record closing. The circumstances the hearing officer will consider include, but are not limited to:

- 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);
- Whether the individual who owes support has entered into a payment agreement;
- Whether the individual had the ability to make the payments that are in arrearage;
- Whether the individual has the current ability to make the payments;
- The reasons the individual needs the license;
- Whether the individual is unemployed or underemployed;
- Whether the individual is actively seeking employment;

- Whether the individual has engaged in job search and job readiness assistance;
- Whether the individual has a physical or mental impairment affecting his or her capacity to work; and
- Any other relevant factors that affect the individual's ability to make the child support payments.

If the Division of Legal Services determines that you failed, without good cause, to comply with any of the requirements in [454.1005.4, RSMo](#), the Division of Legal Services will enter a decision that finds suspension of the driver license is appropriate under Missouri law.

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. ([Section 454.1010, RSMo](#))

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.