

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

TG,)	
)	
Petitioner,)	
)	
v.)	
)	Division No.: 15
DEPARTMENT OF FAMILY SERVICES and)	
DC,)	
)	
Respondents.)	

JUDGMENT AND ORDER

1. This matter was submitted on the record for review of the May 26, 2017 decision rendered by the Department of Social Services Before the Director, Family Support Division (hereinafter referred to as “Division”).

2. At the hearing held before the Division on May 19, 2017, Petitioner TG (hereinafter referred to as “Mother”), Respondent DC (hereinafter referred to as “Father”) and the Family Support Division Investigator appeared by telephone.

3. The hearing in question was requested by Father after the Division issued a Notice of Consumer Reporting Agency Referral. That notice was issued to notify Father that the Division intended to refer Father’s name to consumer reporting agencies as a person who owes past due child support. Father requested an administrative hearing to contest the referral of his name to credit reporting agencies by the Division.

4. In rendering its order relative to Father’s request, the Division made a Determination that because Father did not receive certain college information pursuant to Rule 452.340.5 RSMo (2016), his obligation to provide child support ended in May of 2015. The

Division then recalculated Father's child support obligation and found that Father did not owe any child support to Mother.

5. Upon receipt of the Decision of the Division, Mother filed her Petition for Review before this Court.

6. The Court acknowledges that the Scope of Review to be utilized by this Court is set forth in Section 536.140 RSMo.

7. Upon review of the transcript filed by the Division, the Court finds, pursuant to Section 536.140.2(3) that the action of the Division is unsupported by competent and substantial evidence upon the whole record. The Court finds that there is not competent and substantial evidence to support the finding of the Division that Father's child support obligation ceased due to non-compliance with the requirements of Section 452.340.5 RSMo. See Schubert v. Schubert, 366 SW3d 55 (MoCtApp ED 2012).

8. The Court further finds, pursuant to Section 536.140.2(6), that the action of the Division is arbitrary, capricious or unreasonable, in that, the record does not reflect that Mother was notified, prior to the hearing, that the issue of termination of Father's child support obligation was to be decided as part of the hearing on the issue of notification to credit reporting agencies.

Judgment

The Court now orders, adjudges and decrees as follows:

1. Based upon the Court's findings relative to the Division's decision, the Court hereby reverses the decision of the Division and remands the matter to the Director of the

Division of Family Services of the Department of Social Services for further proceedings consistent with this Order.

2. Costs shall be taxed against Petitioner TG.

Entered this 5th day of January, 2018.

So Ordered:

THERESA COUNTS BURKE
Circuit Judge, Division 15

cc: Petitioner's attorney via e-filing
Respondents via mail