

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES F. MARTIN,

APPELLANT,

v.

EMMA F. MARTIN,

RESPONDENT,

**STATE OF MISSOURI EX REL.
DEPARTMENT OF SOCIAL SERVICES,
FAMILY SUPPORT DIVISION,**

RESPONDENT.

DOCKET NUMBER WD72186

DATE: March 22, 2011

Appeal From:

Jackson County Circuit Court
The Honorable Christine T. Sill-Rogers, Judge

Appellate Judges:

Division Three: Cynthia L. Martin, Presiding Judge, James E. Welsh, Judge and Gary D. Witt,
Judge

Attorneys:

J. Michael Murphy, Liberty, MO, for appellant.

Emma F. Martin, Respondent, Pro Se
Jennifer O. Addadi, Kansas City, MO for respondent State of Missouri, Department of Social
Services.

MISSOURI APPELLATE COURT OPINION SUMMARY

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**STATE OF MISSOURI EX REL.
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No. WD72186

Jackson County

Before Division Three: Cynthia L. Martin, Presiding Judge, James E. Welsh, Judge and Gary D. Witt, Judge

James Martin and Emma Martin were divorced in 1973. Pursuant to the divorce decree, Father was ordered to pay periodic child support for six minor children. The last child was emancipated in July 1988. Father made no voluntary child support payments. Mother received financial assistance from the State to provide for the children.

Between May 1987 and August 2008, the State intercepted Father's tax refunds on twelve occasions as "involuntary" child support payments. On each occasion, the State contemporaneously notified the circuit court administrator of the payment. Five of these payments were made before 1999, when child support payment records were maintained by the circuit court.

In 2009, Father filed an application for order of satisfaction of his child support judgment. Father's motion was denied, and judgment was entered against Father for unpaid child support in the amount of \$10,444.98, plus interest thereon as of September 29, 2009, in the amount of \$50,648.59.

On appeal, Father claims that his child support obligations were deemed fully satisfied by July 1998, ten years after his final periodic payment was due. Father further maintains that the involuntary tax intercept payments made before July 1998 were not "duly entered on the record," and thus did not revive the child support judgment.

Affirm.

(1) Each periodic child support payment obligation has a separate ten-year period of limitations and, according to section 516.350.2, shall be presumed paid and satisfied after the expiration of ten years from the date the periodic payment is due, unless the obligation has been revived pursuant to section 516.350.1.

(2) Pursuant to Section 513.350.1 a judgment, order, or decree imposing a periodic child support obligation may be revived by a payment made on the judgment and "duly entered upon the record thereof."

(3) The involuntary tax intercept payments received before 1999, although not paid directly to the circuit court clerk, were nonetheless "duly entered on the record" when the State contemporaneously advised the circuit court administrator of the payments.

(4) Father's periodic child support obligations due and owing since May 1977 have been revived by each of the involuntary tax intercept payments made from May 1987 through August 2008.

Opinion by Cynthia L. Martin, Judge

March 22, 2011

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