

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

RANDALL TETZNER,

Respondent,

v.

STATE OF MISSOURI, DEPARTMENT OF SOCIAL SERVICES, FAMILY SUPPORT
DIVISION,

Appellant.

DOCKET NUMBER WD76875

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: June 17, 2014

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Patrick W. Campbell, Judge

JUDGES

Division III: Newton, P.J., and Pfeiffer and Martin, JJ.

CONCURRING.

ATTORNEYS

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

RANDALL TETZNER,)
)
)
) **Respondent,**)
)
) **v.**)
)
) **STATE OF MISSOURI, DEPARTMENT**)
) **OF SOCIAL SERVICES, FAMILY**)
) **SUPPORT DIVISION,**)
)
)
) **Appellant.**)

**OPINION FILED:
June 17, 2014**

WD76875

Jackson County

Before Division III Judges: Thomas H. Newton, Presiding Judge, and Mark D. Pfeiffer and Cynthia L. Martin, Judges

Randall Tetzner (“Father”) petitioned the Circuit Court of Jackson County, Missouri (“Circuit Court”), for judicial review of the Missouri Department of Social Services, Family Support Division’s (“the Division”) withholding order and from the Division Director’s Decision affirming that withholding order. The Circuit Court reversed the Division Director’s Decision and vacated the withholding order. The Division timely appeals.

Father, as the party aggrieved by the agency decision, is the Rule 84.05(e) appellant. Father challenges the Division’s: (1) jurisdiction to issue the withholding order; (2) lack of authority to enforce child support rights where Grandmother never acquired such rights; (3) lack of authority to assert rights it purportedly acquired via an alleged assignment of rights from Grandmother; and (4) lack of authority to enforce child support rights barred by application of section 516.350.2.

REVERSED.

Division III holds:

1. The Division had subject matter jurisdiction over this matter because the legislature has granted it statutory authority to enforce court orders of support.

2. Grandmother, as the caretaker relative of the child via relinquishment of custody by Mother, applied for and received AFDC benefits. Upon Grandmother's doing so, *by operation of law*, the Division acquired the collection rights of the child support obligation set forth in the Dissolution Decree. Section 454.455.1 provides the applicable statutory link for the caretaker relative to acquire child support rights that are deemed to have been assigned to the Division by operation of law pursuant to section 208.040.2(2). The Circuit Court improperly concluded that "no assignment of support has been made," which led to its improper reliance upon section 454.455.3, instead of section 454.455.1.

3. The obligation to remit periodic child support payments ordered by a judgment, order, or decree may be revived by the obligor's payment on the judgment "duly entered upon the record thereof." § 516.350.1. Father's March 17, 1999 child support payment "duly entered upon the record" operated to revive the Dissolution Decree for all arrearages remaining due within the ten-year period preceding the payment. Thus, the Division's withholding order was timely to capture the child support arrearages from March 1989 to March 1999.

Opinion by: Mark D. Pfeiffer, Judge

June 17, 2014

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.