

FIRST REGULAR SESSION

HOUSE BILL NO. 194

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

0333H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 452.335, RSMo, and to enact in lieu thereof one new section relating to maintenance orders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 452.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.335, to read as follows:

452.335. 1. In a proceeding for nonretroactive invalidity, dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order to either spouse, **which may be bridge-the-gap, rehabilitative, or durational**, but only if it finds that the spouse seeking maintenance:

(1) Lacks sufficient property, including marital property apportioned to him **or her**, to provide for his **or her** reasonable needs; and

(2) Is unable to support himself **or herself** through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

2. The maintenance order shall be in such amounts and for such periods of time as the court deems just, and after considering all relevant factors including:

(1) The financial resources of the party seeking maintenance, including marital property apportioned to him **or her**, and his **or her** ability to meet his **or her** needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (2) The time necessary to acquire sufficient education or training to enable the party
18 seeking maintenance to find appropriate employment;

19 (3) The comparative earning capacity of each spouse;

20 (4) The standard of living established during the marriage;

21 (5) The obligations and assets, including the marital property apportioned to him **or her**
22 and the separate property of each party;

23 (6) The duration of the marriage;

24 (7) The age, and the physical and emotional condition of the spouse seeking
25 maintenance;

26 (8) The ability of the spouse from whom maintenance is sought to meet his **or her** needs
27 while meeting those of the spouse seeking maintenance;

28 (9) The conduct of the parties during the marriage; and

29 (10) Any other relevant factors.

30 3. The maintenance order shall state if it is **bridge-the-gap, rehabilitative, or**
31 **durational and whether the order is** modifiable or nonmodifiable. The court may order
32 maintenance which includes a termination date. Unless the maintenance order which includes
33 a termination date is nonmodifiable, the court may order the maintenance decreased, increased,
34 terminated, extended, or otherwise modified based upon a substantial and continuing change of
35 circumstances which occurred prior to the termination date of the original order.

36 **4. For purposes of determining maintenance, there is a rebuttable presumption that**
37 **a short-term marriage is a marriage having a duration of less than seven years; a**
38 **moderate-term marriage is a marriage having a duration of seven years or more but less**
39 **than seventeen years; and a long-term marriage is a marriage having a duration of**
40 **seventeen years or more. The duration of a marriage is the period of time from the first**
41 **day of the marriage until the date of the filing of an action of dissolution of marriage or**
42 **legal separation.**

43 **5. Bridge-the-gap maintenance may be awarded to assist a party leaving a short-**
44 **term marriage by providing support to allow the party to make a transition from being**
45 **married to being single. Bridge-the-gap maintenance is designed to assist a party with**
46 **legitimate, identifiable short-term needs. The length of the maintenance shall not exceed**
47 **two years. An award of bridge-the-gap maintenance terminates upon the death of either**
48 **party or upon the remarriage of the party receiving maintenance. An award of bridge-the-**
49 **gap maintenance shall not be modifiable in amount or duration.**

50 **6. (1) Rehabilitative maintenance may be awarded to assist a party leaving a short-**
51 **term or moderate-term marriage in establishing the capacity for self-support through**
52 **either:**

53 (a) The redevelopment of previous skills or credentials; or
54 (b) The acquisition of education, training, or work experience necessary to develop
55 appropriate employment skills or credentials.

56 (2) In order to award rehabilitative maintenance, there shall be a specific and
57 defined rehabilitative plan, which shall be included as part of any order awarding
58 rehabilitative maintenance. The length of the maintenance shall not exceed four years.

59 (3) An award of rehabilitative maintenance may be modified or terminated based
60 upon a substantial change in circumstances, upon noncompliance with the rehabilitative
61 plan, or upon completion of the rehabilitative plan.

62 7. Durational maintenance may be awarded to provide for the needs and necessities
63 of life as they were established during a moderate-term or long-term marriage. Durational
64 maintenance may be awarded if such an award is appropriate upon consideration of the
65 factors set forth in subsection 2 of this section.

66 8. Absent exigent circumstances, a court shall not order durational maintenance
67 that remains in effect for more than:

68 (1) Five years if the duration of the marriage was seven years or more but less than
69 ten years;

70 (2) Seven years if the duration of the marriage was ten years or more but less than
71 seventeen years; or

72 (3) Ten years if the duration of the marriage was seventeen years or more.

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74 For purposes of this subsection, “exigent circumstances” shall mean a physical or mental
75 disability or other compelling substantial impediment to earning sufficient income to
76 provide for the spouse’s minimal reasonable needs.

77 9. An order awarding maintenance is subject to modification or termination if it
78 can be shown that the recipient and another person have entered into a mutually
79 supportive relationship that is the functional equivalent of marriage that has existed for
80 at least twelve months of an eighteen-month period.

81 10. For purposes of modification of prior orders establishing maintenance, the
82 standards set forth in this section shall be applicable to all initial actions and modifications
83 decided after the effective date of this section.

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