

FIRST REGULAR SESSION

SENATE BILL NO. 307

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

Read 1st time January 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1600S.01I

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Section A. Section 452.335, RSMo, is repealed and one new section
2 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
2 marriage or legal separation, or a proceeding for maintenance following
3 dissolution of the marriage by a court which lacked personal jurisdiction over the
4 absent spouse, the court may grant a maintenance order to either spouse, **which**
5 **may be bridge-the-gap, rehabilitative, or durational**, but only if it finds
6 that the spouse seeking maintenance:

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

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

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

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

20 (2) The time necessary to acquire sufficient education or training to

- 21 enable the party seeking maintenance to find appropriate employment;
- 22 (3) The comparative earning capacity of each spouse;
- 23 (4) The standard of living established during the marriage;
- 24 (5) The obligations and assets, including the marital property apportioned
- 25 to him **or her** and the separate property of each party;
- 26 (6) The duration of the marriage;
- 27 (7) The age, and the physical and emotional condition of the spouse
- 28 seeking maintenance;
- 29 (8) The ability of the spouse from whom maintenance is sought to meet
- 30 his **or her** needs while meeting those of the spouse seeking maintenance;
- 31 (9) The conduct of the parties during the marriage; and
- 32 (10) Any other relevant factors.

33 3. The maintenance order shall state if it is **bridge-the-gap,**

34 **rehabilitative, or durational and whether the order is** modifiable or

35 nonmodifiable. The court may order maintenance which includes a termination

36 date **in accordance with the provisions of this section.** Unless the

37 maintenance order which includes a termination date is nonmodifiable, the court

38 may order the maintenance decreased, increased, terminated, extended, or

39 otherwise modified based upon a substantial and continuing change of

40 circumstances which occurred prior to the termination date of the original order;

41 **provided that no maintenance order shall be modified to extend its**

42 **duration in excess of the limits established in this section.**

43 4. **For purposes of determining maintenance, there shall be a**

44 **rebuttable presumption that a short-term marriage is a marriage**

45 **having a duration of less than seven years; a moderate-term marriage**

46 **is a marriage having a duration of seven years or more but less than**

47 **seventeen years; and a long-term marriage is a marriage having a**

48 **duration of seventeen years or more. The duration of a marriage is the**

49 **period of time from the first day of the marriage until the date of the**

50 **filing of an action of dissolution of marriage or legal separation.**

51 5. **Bridge-the-gap maintenance may be awarded to assist a party**

52 **leaving a short-term marriage by providing support to allow the party**

53 **to make a transition from being married to being single. Bridge-the-**

54 **gap maintenance shall be designed to assist a party with legitimate,**

55 **identifiable short-term needs. The length of the maintenance shall not**

56 **exceed two years. An award of bridge-the-gap maintenance terminates**

57 upon the death of either party or upon the remarriage of the party
58 receiving maintenance. An award of bridge-the-gap maintenance shall
59 not be modifiable in amount or duration.

60 **6. (1) Rehabilitative maintenance may be awarded to assist a**
61 **party leaving a short-term or moderate-term marriage in establishing**
62 **the capacity for self-support through either:**

63 **(a) The redevelopment of previous skills or credentials; or**

64 **(b) The acquisition of education, training, or work experience**
65 **necessary to develop appropriate employment skills or credentials.**

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

70 **(3) An award of rehabilitative maintenance may be modified or**
71 **terminated based upon a substantial change in circumstances, upon**
72 **noncompliance with the rehabilitative plan, or upon completion of the**
73 **rehabilitative plan; provided that the length of the maintenance shall**
74 **not be modified to exceed the limits set forth in this subsection.**

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

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

82 **(1) Five years if the duration of the marriage was seven years or**
83 **more but less than ten years;**

84 **(2) Seven years if the duration of the marriage was ten years or**
85 **more but less than seventeen years; or**

86 **(3) Ten years if the duration of the marriage was seventeen years**
87 **or more.**

88 **For purposes of this subsection, "exigent circumstances" shall mean a**
89 **physical or mental disability or other compelling substantial**
90 **impediments to earning sufficient income to provide for the spouse's**
91 **minimal reasonable needs. An award of durational maintenance may**
92 **be modified in accordance with the provisions of subsection 3 of this**
93 **section; provided that the length of the maintenance shall not be**

94 **modified to exceed the limits set forth in this subsection.**

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

100 **10. For purposes of modification of prior orders establishing**
101 **maintenance, the standards set forth in this section shall be applicable**
102 **to all initial actions and modifications decided after August 28, 2019.**

Unofficial ✓

Bill

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