

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 128

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

0070S.03P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 452.355, RSMo, and to enact in lieu thereof one new section relating to costs and fees in divorce proceedings.

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

Section A. Section 452.355, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 452.355,  
3 to read as follows:

452.355. 1. Unless otherwise indicated, the court  
2 from time to time after considering all relevant factors  
3 including the financial resources of both parties, the  
4 merits of the case and the actions of the parties during the  
5 pendency of the action, may order a party to pay a  
6 reasonable amount for the cost to the other party of  
7 maintaining or defending any proceeding pursuant to sections  
8 452.300 to 452.415 and for attorney's fees, including sums  
9 for legal services rendered and costs incurred prior to the  
10 commencement of the proceeding and after entry of a final  
11 judgment. The court may order that the amount be paid  
12 directly to the attorney, who may enforce the order in the  
13 attorney's name.

14 **2. In actions brought to enforce a temporary order or**  
15 **final judgment of the court in any proceeding under sections**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 452.300 to 452.415, excluding any proceeding described in  
17 subsection 3 of this section, the court shall order the  
18 party against whom enforcement is sought, if requested and  
19 for good cause shown, to pay the cost of the suit to the  
20 party seeking enforcement, including attorney's fees. The  
21 court may order that the amount be paid directly to the  
22 attorney, who may enforce the order in the attorney's name.

23 [2.] 3. In any proceeding in which the failure to pay  
24 child support pursuant to a temporary order or final  
25 judgment is an issue, if the court finds that the obligor  
26 has failed, without good cause, to comply with such order or  
27 decree to pay the child support, the court shall order the  
28 obligor, if requested and for good cause shown, to pay a  
29 reasonable amount for the cost of the suit to the obligee,  
30 including reasonable sums for legal services. The court may  
31 order that the amount be paid directly to the attorney, who  
32 may enforce the order in his name.

33 [3.] 4. For purposes of this section, an "obligor" is  
34 a person owing a duty of support and an "obligee" is a  
35 person to whom a duty of support is owed.

36 [4.] 5. For purposes of this section, "good cause"  
37 includes, **but shall not be limited to**, any substantial  
38 reason why the obligor is unable to pay the child support as  
39 ordered. Good cause does not exist if the obligor purposely  
40 maintains his inability to pay.

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