

# SENATE BILL NO. 1250

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

5489S.011

KRISTINA MARTIN, Secretary

### AN ACT

To repeal section 452.335, RSMo, and to enact in lieu thereof one new section relating to spousal 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Section A. Section 452.335, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 452.335,  
3 to read as follows:

452.335. 1. In a proceeding for nonretroactive  
2 invalidity, dissolution of marriage or legal separation, or  
3 a proceeding for maintenance following dissolution of the  
4 marriage by a court which lacked personal jurisdiction over  
5 the absent spouse, the court may grant a maintenance order  
6 to either spouse, but only if it finds that the spouse  
7 seeking maintenance:

8 (1) Lacks sufficient property, including marital  
9 property apportioned to him, to provide for his reasonable  
10 needs; and

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

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

(1) The financial resources of the party seeking maintenance, including marital property apportioned to him, and his ability to meet his 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;

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

(3) The comparative earning capacity of each spouse;

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

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

(6) The duration of the marriage;

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

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

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

(10) Any other relevant factors.

**3. Notwithstanding the provisions of subsection 2 of this section to the contrary, a maintenance order shall terminate upon the payor reaching full retirement age, unless otherwise agreed to by both parties. For purposes of this subsection, "full retirement age" shall mean the earlier of the date on which the payor is either eligible for or begins receiving full retirement benefits under the federal Social Security Act, but shall not mean "early retirement age" as defined under the federal Social Security**

50 Act, 42 U.S.C. Section 416, as amended. The payor shall  
51 provide the payee reasonable notice in advance of  
52 retirement. Six months notice shall be presumed to be  
53 reasonable.

54 4. The maintenance order shall state if it is  
55 modifiable or nonmodifiable. The court may order  
56 maintenance which includes a termination date. Unless the  
57 maintenance order which includes a termination date is  
58 nonmodifiable, the court may order the maintenance  
59 decreased, increased, terminated, extended, or otherwise  
60 modified based upon a substantial and continuing change of  
61 circumstances which occurred prior to the termination date  
62 of the original order.

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