

SECOND REGULAR SESSION

SENATE BILL NO. 1250

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

5489S.01I

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Section A. Section 452.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.335, to read as follows: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, but only if it finds that the spouse seeking maintenance:

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

(2) Is unable to support himself 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:

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

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

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

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

33 (6) The duration of the marriage;

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

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

39 (9) The conduct of the parties during the marriage; and
40 (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 Act.

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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