

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 1135

103RD GENERAL ASSEMBLY
2026

3858S.03T

AN ACT

To amend chapter 454, RSMo, by adding thereto one new section relating to child maintenance orders for certain persons convicted of driving while intoxicated.

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

Section A. Chapter 454, RSMo, is amended by adding thereto
2 one new section, to be known as section 454.1050, to read as
3 follows:

454.1050. 1. This section shall be known and may be
2 cited as "Bentley and Mason's Law".

3 2. If a person has been convicted of, pled guilty to,
4 or entered a plea of nolo contendere to an offense under
5 sections 577.010 or 577.012, such offense caused the death
6 of a parent or parents of a child or children, and a
7 surviving parent or guardian files a petition to receive
8 child maintenance from the person, such person shall be
9 ordered by the court to pay child maintenance to the child
10 or children until the child or children:

11 (1) Die;

12 (2) Marry;

13 (3) Enter active military duty;

14 (4) Reach eighteen years of age unless the provisions
15 of subsection 3 of this section apply; or

16 (5) Reach twenty-one years of age unless the
17 provisions of the maintenance order specifically extend
18 beyond the child's or children's twenty-first birthdays for
19 reasons provided under subdivision (1) of subsection 3 of
20 this section.

21 3. (1) If the child or children are physically or
22 mentally incapacitated from supporting themselves and
23 insolvent and unmarried, the court may extend the
24 maintenance obligation past the child's or children's
25 eighteenth birthday.

26 (2) (a) If the child or children reach eighteen years
27 of age and are enrolled in and attending a secondary school
28 program of instruction, maintenance shall continue, if the
29 child or children continue to attend and progress toward
30 completion of such program, until the child or children
31 complete such program or reach twenty-one years of age,
32 whichever first occurs.

33 (b) If the child or children are enrolled in an
34 institution of vocational or higher education no later than
35 October first following graduation from a secondary school
36 or completion of a graduation equivalence degree program and
37 so long as the child or children enroll for and complete at
38 least twelve hours of credit each semester, not including
39 the summer semester, at an institution of vocational or
40 higher education and achieve grades sufficient to reenroll
41 at such institution, maintenance shall continue until the
42 child or children complete their education or until the
43 child or children reach twenty-one years of age, whichever
44 first occurs. To remain eligible for such continued
45 maintenance, at the beginning of each semester the child or
46 children shall submit to the court a transcript or similar
47 official document provided by the institution of vocational

48 or higher education that includes the courses the child or
49 children are enrolled in and have completed for each term,
50 the grades and credits received for each such course, and an
51 official document from the institution listing the courses
52 that the child or children are enrolled in for the upcoming
53 term and the number of credits for each such course. When
54 enrolled in at least twelve credit hours, if the child or
55 children receive failing grades in half or more of the
56 child's or children's courseload in any one semester,
57 payment of maintenance for the child or children receiving
58 the failing grades may be terminated and shall not be
59 eligible for reinstatement. Upon request for notification
60 of the child's or children's grades by the court, the child
61 or children shall produce the required documents to the
62 court within thirty days of receipt of grades from the
63 education institution. If the child or children fail to
64 produce the required documents, payment of maintenance may
65 terminate without the accrual of any maintenance arrearage
66 and shall not be eligible for reinstatement. If the
67 circumstances of the child or children manifestly dictate,
68 the court may waive the October first deadline for
69 enrollment required by this subdivision. As used in this
70 subdivision, "institution of vocational education" means any
71 postsecondary training or schooling for which the child is
72 assessed a fee and attends classes regularly. "Higher
73 education" means any community college, college, or
74 university at which the child attends classes regularly. A
75 child or children who have been diagnosed with a
76 developmental disability, as defined under section 630.005,
77 or whose physical disability or diagnosed health problem
78 limits the child's or children's ability to carry the number
79 of credit hours prescribed in this subdivision, shall remain

80 eligible for maintenance so long as such child or children
81 are enrolled in and attending an institution of vocational
82 or higher education and the child or children continue to
83 meet the other requirements of this subdivision. A child or
84 children who are employed at least fifteen hours per week
85 during the semester may take as few as nine credit hours per
86 semester and remain eligible for maintenance so long as all
87 other requirements of this subdivision are complied with.

88 4. The court shall order the person who was convicted,
89 pled guilty to, or entered a plea of nolo contendere to an
90 offense under sections 577.010 or 577.012 as provided under
91 subsection 2 of this section to pay maintenance in an amount
92 that is reasonable or necessary for the maintenance of the
93 child or children after considering all relevant factors,
94 including:

95 (1) The financial needs and resources of the child or
96 children;

97 (2) The financial resources and needs of the surviving
98 parent or, if no other parent is alive or capable of caring
99 for the child or children, the guardian of the child or
100 children, including the state if the state is the guardian;

101 (3) The standard of living the child or children would
102 have enjoyed;

103 (4) The physical and emotional condition of the child
104 or children and the child's or children's educational needs;

105 (5) The child's or children's physical and legal
106 custody arrangements; and

107 (6) The reasonable work-related child care expenses of
108 the surviving parent or guardian.

109 5. In addition to the relevant factors listed under
110 subsection 4 of this section, the court shall consider the
111 guidelines set out under subsection 8 of section 452.340 and

112 Missouri supreme court civil procedure rule form 14 in
113 determining the amount reasonable or necessary for the
114 maintenance of the child or children.

115 6. (1) The court shall order that child maintenance
116 payments be made to the circuit clerk as trustee for
117 remittance to the surviving parent or guardian entitled to
118 receive the payments. The circuit clerk shall remit such
119 payments to the surviving parent or guardian within three
120 working days of receipt by the circuit clerk. Circuit
121 clerks shall deposit all receipts no later than the next
122 working day after receipt.

123 (2) As an alternative to subdivision (1) of this
124 subsection, the court may, upon its own motion, order that
125 maintenance payments be made to the family support payment
126 center established under section 454.530 as trustee for
127 remittance to the surviving parent or guardian. However,
128 the court shall not order payments to be made to the payment
129 center if the family support division notifies the court
130 that such payments shall not be made to the center. In such
131 cases, payments shall be made to the clerk as trustee until
132 the division notifies the court that payments shall be
133 directed to the payment center.

134 7. In addition to any other remedy provided by law for
135 the enforcement of child maintenance, if a maintenance order
136 has been entered, the director of the family support
137 division or the director's designee shall issue an order
138 directing any employer or other payer of the person required
139 to pay child maintenance under this section to withhold and
140 pay over to the family support division or the clerk of the
141 circuit court in the county in which a trusteeship is or
142 will be established moneys due or to become due to the

143 surviving parent or guardian for the child or children in an
144 amount not to exceed federal wage garnishment limitations.

145 8. If a person ordered to pay child maintenance under
146 this section is incarcerated and unable to pay the required
147 maintenance, the person shall have up to one year after the
148 release from incarceration to begin payment, including any
149 arrearage. If any obligation under this section is to
150 terminate as provided under subsection 2 of this section but
151 the person's obligation is not paid in full, payments shall
152 continue until the entire arrearage is paid.

153 9. (1) If the surviving parent or guardian of the
154 child or children brings a civil action against the person
155 convicted of, pled guilty to, or entered a plea of nolo
156 contendere to an offense under sections 577.010 or 577.012
157 prior to any child maintenance order under this section and
158 the surviving parent or guardian obtains a judgment in his
159 or her favor in the civil suit, no maintenance shall be
160 ordered under this section.

161 (2) If the court orders child maintenance under this
162 section but the surviving parent or guardian brings a civil
163 action and obtains a judgment in his or her favor, the child
164 maintenance order shall offset the judgment awarded in the
165 civil action.

166 (3) If the surviving parent or guardian obtains a
167 payment from any motor vehicle liability insurer relating to
168 the death of the parent or parents, then the child
169 maintenance order shall be offset by the amount obtained
170 from such insurer.

171 (4) No funds received under section 595.045 shall
172 result in a reduction of an amount provided by a child
173 maintenance order under this section.

174 10. The provisions of any order respecting maintenance
175 under this section may be modified only upon a showing of
176 changed circumstances so substantial and continuing as to
177 make the terms unreasonable.

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