

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend HCS/House Bill Nos. 243 & 280, Page 5, Section 452.310, Line 113,

2 by inserting after all of said line the following:

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

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

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

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

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

- 26           (2) The time necessary to acquire sufficient education  
27 or training to enable the party seeking maintenance to find  
28 appropriate employment;
- 29           (3) The comparative earning capacity of each spouse;
- 30           (4) The standard of living established during the  
31 marriage;
- 32           (5) The obligations and assets, including the marital  
33 property apportioned to him and the separate property of  
34 each party;
- 35           (6) The duration of the marriage;
- 36           (7) The age, and the physical and emotional condition  
37 of the spouse seeking maintenance;
- 38           (8) The ability of the spouse from whom maintenance is  
39 sought to meet his needs while meeting those of the spouse  
40 seeking maintenance;
- 41           (9) The conduct of the parties during the marriage; and
- 42           (10) Any other relevant factors;

43 provided, that the court shall have the authority to set an  
44 end date for any maintenance order granted, whether as part  
45 of the original order or as a modification. In no case  
46 shall the duration of a maintenance order go beyond the  
47 payor's actual date of full retirement; provided, that such  
48 date is no earlier than the payor's sixty-second birthday.

49           3. The maintenance order shall state if it is  
50 modifiable or nonmodifiable. The court may order  
51 maintenance which includes a termination date. Unless the  
52 maintenance order which includes a termination date is  
53 nonmodifiable, the court may order the maintenance  
54 decreased, increased, terminated, extended, or otherwise  
55 modified based upon a substantial and continuing change of  
56 circumstances which occurred prior to the termination date  
57 of the original order."; and

58           Further amend the title and enacting clause accordingly.