

SECOND REGULAR SESSION

HOUSE BILL NO. 2115

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RUESTMAN (Sponsor), PHILLIPS, VOGT, NIEVES, JONES,
COOPER (155), SCHAAF, THRELKELD, HUNTER AND COOPER (120) (Co-sponsors).

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5540L.01I

AN ACT

To repeal section 452.075, RSMo, and to enact in lieu thereof one new section relating to alimony and maintenance.

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

Section A. Section 452.075, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.075, to read as follows:

452.075. **1.** When a divorce has been granted, and the court has made an order or decree providing for the payment of alimony and maintenance, the remarriage of the former spouse shall relieve the spouse obligated to pay support from further payment of alimony to the former spouse from the date of the remarriage, without the necessity of further court action, but the remarriage shall not relieve the former spouse from the provisions of any judgment or decree or order providing for the support of any minor children.

2. When a divorce has been granted, and the court has made an order or decree providing for the payment of alimony and maintenance, a finding that a former spouse receiving alimony or maintenance is cohabitating or has cohabitated with another person in a relationship of a romantic nature shall relieve the spouse obligated to pay support from further payment of alimony to the former spouse from the date of such finding. The order of the court terminating alimony or maintenance shall not relieve the former spouse from the provisions of any judgment or decree or order providing support for any minor.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **3. As used in this section, "cohabitation" means the act of two adults dwelling**
15 **together continuously and habitually in a romantic relationship, even if such relationship**
16 **is not solemnized by marriage. The romantic nature of any cohabitation is evidenced by**
17 **the voluntary mutual assumption of those marital rights, duties, and obligations which are**
18 **usually ascribed to the institution of marriage, and which include, but are not necessarily**
19 **dependent on, sexual relations.**

20 **4. Continued and habitual cohabitation occurs when the former spouse receiving**
21 **alimony or maintenance resides with another person in a romantic relationship for a**
22 **period of ninety or more consecutive days. The court may determine that a continued**
23 **cohabitation exists if there is evidence that the supported spouse resides with another**
24 **person in a romantic relationship for periods of less than ninety days and the two**
25 **periodically separated in order to circumvent the ninety-day requirement.**

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