

SECOND REGULAR SESSION

HOUSE BILL NO. 1234

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor) AND MCGHEE (Co-sponsor).

3385L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 451.151 and 452.320, RSMo, and to enact in lieu thereof three new sections relating to the marriage matters act.

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

Section A. Sections 451.151 and 452.320, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 451.151, 452.309, and 452.320, to read as follows:

451.151. 1. In addition to any other fee for the issuance of a marriage license there is hereby imposed a fee of twenty dollars to be paid by the person applying for such license. Such fee shall be collected by the recorder of deeds at the time the marriage license is issued.

2. In addition to any other fee for a certified copy of a marriage license there is hereby imposed a fee of seven dollars to be paid by the person applying for such certified copy. Such fee shall be collected by the recorder of deeds at the time the certified copy is issued. The recorder of deeds shall have the authority to differentiate, for fee imposition purposes, between a certified copy and a mere photocopy copy.

3. (1) **The recorder of deeds shall waive the fee imposed under subsections 1 and 2 of this section if the applicants complete a premarital preparation course in accordance with this subdivision.**

(2) **Such premarital preparation course may be performed by a member of the clergy, a religious institution, or a professional counselor and shall include a minimum of fifteen hours of instruction in the following areas:**

- (a) **Communication skills;**
- (b) **Children and parenting;**

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.

17 (c) **Financial responsibilities; and**

18 (d) **Conflict management.**

19 (3) **The applicant shall submit an affidavit attesting to the completion of the**
20 **premarital course requirements and include the name and qualifications of the person or**
21 **religious institution from which the instruction was received.**

22 4. The recorder of deeds shall, at the end of each month, forward fifteen dollars for the
23 issuance of a marriage license to the director of the department of revenue for deposit in the
24 children's trust fund established in section 210.173, RSMo, and five dollars for the issuance of
25 a marriage license shall be paid to the county treasurer and deposited in a special trust fund to
26 be expended only to provide financial assistance to shelters for victims of domestic violence,
27 established pursuant to sections 455.200 to 455.230, RSMo. The recorder of deeds shall at the
28 end of each month forward seven dollars for each certified copy of a marriage license to the
29 children's trust fund established in section 210.173, RSMo.

452.309. Notwithstanding any other provision of law to the contrary, any filing fee
2 **required for the filing of a dissolution of marriage or legal separation involving minor**
3 **children shall be held in trust by the clerk of the court for a period of one year from the**
4 **date of the filing of the petition. If during such one-year period the petition for dissolution**
5 **or legal separation is withdrawn, the entire filing fee shall be returned to the petitioner.**
6 **If after such one-year period the petition is not withdrawn, the clerk of the court shall**
7 **retain such filing fee as otherwise provided by law.**

452.320. 1. If both of the parties by petition or otherwise have stated under oath or
2 affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the
3 other has not denied it, the court, after considering the aforesaid petition or statement, and after
4 a hearing thereon shall make a finding whether or not the marriage is irretrievably broken and
5 shall enter an order of dissolution or dismissal accordingly.

6 2. If one of the parties has denied under oath or affirmation that the marriage is
7 irretrievably broken, the court shall consider all relevant factors, including the circumstances that
8 gave rise to the filing of the petition and the prospect of reconciliation, and after hearing the
9 evidence shall

10 (1) Make a finding whether or not the marriage is irretrievably broken, and in order for
11 the court to find that the marriage is irretrievably broken, the petitioner shall satisfy the court of
12 one or more of the following facts:

13 (a) That the respondent has committed adultery and the petitioner finds it intolerable to
14 live with the respondent;

15 (b) That the respondent has behaved in such a way that the petitioner cannot reasonably
16 be expected to live with the respondent;

17 (c) That the respondent has abandoned the petitioner for a continuous period of at least
18 six months preceding the presentation of the petition;

19 (d) That the parties to the marriage have lived separate and apart by mutual consent for
20 a continuous period of twelve months immediately preceding the filing of the petition;

21 (e) That the parties to the marriage have lived separate and apart for a continuous period
22 of at least twenty-four months preceding the filing of the petition; or

23 (2) Continue the matter for further hearing not less than thirty days or more than six
24 months later, or as soon thereafter as the matter may be reached on the court's calendar, and may
25 suggest to the parties that they seek counseling. No court shall require counseling as a condition
26 precedent to a decree, nor shall any employee of any court, or of the state or any political
27 subdivision of the state, be utilized as a marriage counselor. At the adjourned hearing, the court
28 shall make a finding whether the marriage is irretrievably broken as set forth in subdivision (1)
29 above and shall enter an order of dissolution or dismissal accordingly.

30 **3. For any dissolution of marriage judgment entered after August 28, 2010, if there**
31 **is a child of the marriage who is less than twenty-one years of age, the court shall not enter**
32 **a judgment of dissolution on the grounds that the marriage is irretrievably broken unless**
33 **one of the following exists, which shall be pleaded generally:**

34 (1) The parties mutually consent in writing that the marriage is irretrievably
35 broken; or

36 (2) Two years have elapsed from the date of the filing of the petition for dissolution;
37 or

38 (3) There is a showing based on the evidence presented at hearing that:

39 (a) The respondent has committed adultery; or

40 (b) The respondent has been convicted of a felony and has been sentenced to
41 imprisonment of ten years or more; or

42 (c) Willful desertion of the petitioner by the respondent for more than one year; or

43 (d) The respondent has physically abused the petitioner or a child of the marriage
44 or a child of one of the parties; or

45 (e) Mental incapacity of one of the parties; except that, no dissolution shall be
46 granted unless the party alleging incapacitation has been adjudged incapacitated for a
47 period of at least three years.

48

49 **If at any time, the court finds that such mutual consent, waiting period, or evidentiary**
50 **findings have occurred, the court shall enter a judgment of dissolution of marriage. In the**
51 **absence of such findings, the court shall deny the petition for dissolution of marriage.**

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