

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 254, Pages 1-2, Section 452.335, Lines 1-28, by
2 deleting all of said lines and inserting in lieu thereof the following:

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4 "452.335. 1. In a proceeding for nonretroactive invalidity, dissolution of marriage or legal"; and

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6 Further amend said bill and section, Page 2, Line 31, by inserting after the phrase "either spouse," the phrase
7 "which may be bridge-the-gap, rehabilitative, or durational"; and

8
9 Further amend said bill, page, and section, Line 37, by deleting "[2-] 3." and inserting in lieu thereof "2."; and

10
11 Further amend said bill and section, Page 3, Lines 56-78, by deleting all of said lines and inserting in lieu
12 thereof the following:

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14 "3. The maintenance order shall state if it is bridge-the-gap, rehabilitative, or durational and whether
15 the order is modifiable or nonmodifiable. The court may order maintenance which includes a termination
16 date in accordance with the provisions of this section. Unless the maintenance order which includes a
17 termination date is nonmodifiable, the court may order the maintenance decreased, increased, terminated,
18 extended, or otherwise modified based upon a substantial and continuing change of circumstances which
19 occurred prior to the termination date of the original order; provided that, no maintenance order shall be
20 modified to extend its duration in excess of the limits established in this section.

21
22 4. For purposes of determining maintenance only, a short-term marriage is a marriage having a
23 duration of less than seven years; a moderate-term marriage is a marriage having a duration of seven years or
24 more but less than seventeen years; and a long-term marriage is a marriage having a duration of seventeen
25 years or more. The duration of a marriage is the period of time from the first day of the marriage until the
26 date of the most recent filing of an action of dissolution of marriage or legal separation.

27
28 5. Bridge-the-gap maintenance may be awarded to assist a party leaving a short-term marriage by
29 providing support to allow the party to make a transition from being married to being single. Bridge-the-gap
30 maintenance shall be designed to assist a party with legitimate, identifiable short-term needs. The length of
31 the maintenance shall not exceed two years. An award of bridge-the-gap maintenance shall not be modifiable
32 in amount or duration.

33
34 6. (1) Rehabilitative maintenance may be awarded to assist a party leaving a short-term, moderate-
35 term, or long-term marriage in establishing the capacity for self-support through either:

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37 (a) The redevelopment of previous skills or credentials; or

38
39 (b) The acquisition of education, training, or work experience necessary to develop appropriate
40 employment skills or credentials and the development and implementation of a career plan and career goals.
(2) In order to award rehabilitative maintenance, there shall be a specific and defined rehabilitative
plan, which shall be included as part of any order awarding rehabilitative maintenance. The length of the
maintenance shall not exceed five years.

(3) An award of rehabilitative maintenance may be modified or terminated based upon a substantial
change in circumstances, upon noncompliance with the rehabilitative plan, or upon completion of the

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1 rehabilitative plan; provided that, the length of the maintenance shall not be modified to exceed the limits set
 2 forth in this subsection.

3 7. Durational maintenance may be awarded to provide for the reasonable needs as they were
 4 established during a short-term, moderate-term, or long-term marriage. An award of durational maintenance
 5 may be modified in accordance with the provisions of subsection 3 of this section; provided that, the length of
 6 the maintenance shall not be modified to exceed the limits set forth in this section.

7 8. Absent exigent circumstances, a court shall not order durational maintenance that remains in
 8 effect for more than:

- 9 (1) Three years if the duration of the marriage was less than seven years;
 10 (2) Five years if the duration of the marriage was seven years or more but less than ten years;
 11 (3) Seven years if the duration of the marriage was ten years or more but less than seventeen years;
 12 (4) Ten years if the duration of the marriage was seventeen years or more but less than twenty-five
 13 years; or
 14 (5) Fifteen years if the duration of the marriage was twenty-five years or more.

15
 16 For purposes of this subsection, "exigent circumstances" shall mean a medically-determinable physical or
 17 mental impairment or other compelling substantial impediment that prevents such spouse from earning
 18 sufficient income to provide for the spouse's reasonable needs. In reaching its determination, the court may
 19 consider whether a physical or mental impairment is the result of domestic violence or other substantial abuse
 20 by the spouse paying the maintenance. If the spouse seeking maintenance in a marriage of twenty-five years
 21 or more duration lacks sufficient property, including marital property apportioned to him or her, to provide for
 22 his or her reasonable needs, and has not been meaningfully engaged in the workforce, and if such spouse
 23 cannot reasonably reenter the workforce even if reasonable retraining or other rehabilitative efforts were
 24 undertaken, then the court may consider such spouse's lack of marketable skills an exigent circumstance. The
 25 court shall consider that the lifestyle of both spouses may reasonably decline following a dissolution of
 26 marriage or legal separation.

27 9. An award of bridge-the-gap, rehabilitative, or durational maintenance shall terminate upon a valid
 28 written agreement between the parties submitted to the court, the death of either party, or the remarriage of
 29 the party receiving maintenance.

30 10. For purposes of modification of prior orders establishing maintenance, the standards set forth in
 31 this section shall be applicable to all initial actions and modifications decided after August 28, 2019.

32 11. Nothing in this section shall be construed to prohibit parties from reaching an agreement,
 33 submitted in writing to the court, regarding the type or duration of modifiable or nonmodifiable maintenance,
 34 even if the duration of maintenance in such agreements exceeds the limits described in this section."; and
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36 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.