

FIRST REGULAR SESSION

# HOUSE BILL NO. 1180

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

2194H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 452.335, RSMo, and to enact in lieu thereof one new section relating to maintenance orders.

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

Section A. Section 452.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.335, to read as follows:

452.335. 1. **As used in this section, the following terms mean:**

(1) **"Bridge-the-gap maintenance", short-term maintenance designed to assist a party with legitimate, identifiable short-term needs;**

(2) **"Duration of the marriage", the period of time from the first day of the marriage until the date of the filing of an action of dissolution of marriage or legal separation;**

(3) **"Durational maintenance", support awarded to a party leaving a mid-term or long-term marriage;**

(4) **"Exigent circumstances", a physical or mental disability or other compelling substantial impediment to earning sufficient income to provide for the spouse's minimal reasonable needs;**

(5) **"Long-term marriage", a marriage having a duration of seventeen years or more, as measured from the date of the marriage to the date of filing the petition for dissolution;**

(6) **"Maintenance", a court-ordered payment of support by an obligor spouse to an obligee spouse;**

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 (7) "Mid-term marriage", a marriage having a duration of more than seven years  
18 but less than seventeen years, as measured from the date of the marriage to the date of  
19 filing the petition for dissolution;

20 (8) "Rehabilitative maintenance", maintenance designed to establish the capacity  
21 for self-support through either:

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

23 (b) The acquisition of education, training, or work experience necessary to develop  
24 appropriate employment skills or credentials;

25 (9) "Short-term marriage", a marriage having a duration equal to or less than  
26 seven years, as measured from the date of the marriage to the date of filing the petition for  
27 dissolution.

28 2. In a proceeding for nonretroactive invalidity, dissolution of marriage or legal  
29 separation, or a proceeding for maintenance following dissolution of the marriage by a court  
30 which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance  
31 order to either spouse, **which may be bridge-the-gap, rehabilitative, or durational**, but only  
32 if it finds that the spouse seeking maintenance:

33 (1) Lacks sufficient property, including marital property apportioned to him **or her**, to  
34 provide for his **or her** reasonable needs; and

35 (2) Is unable to support himself **or herself** through appropriate employment or is the  
36 custodian of a child whose condition or circumstances make it appropriate that the custodian not  
37 be required to seek employment outside the home.

38 [2-] 3. The maintenance order shall be in such amounts and for such periods of time as  
39 the court deems just, and after considering all relevant factors including:

40 (1) The financial resources of the party seeking maintenance, including marital property  
41 apportioned to him **or her**, and his **or her** ability to meet his **or her** needs independently,  
42 including the extent to which a provision for support of a child living with the party includes a  
43 sum for that party as custodian;

44 (2) The time necessary to acquire sufficient education or training to enable the party  
45 seeking maintenance to find appropriate employment;

46 (3) The comparative earning capacity of each spouse;

47 (4) The standard of living established during the marriage;

48 (5) The obligations and assets, including the marital property apportioned to him **or her**  
49 and the separate property of each party;

50 (6) The duration of the marriage;

51 (7) The age, and the physical and emotional condition of the spouse seeking  
52 maintenance;

53 (8) The ability of the spouse from whom maintenance is sought to meet his **or her** needs  
54 while meeting those of the spouse seeking maintenance;

55 (9) The conduct of the parties during the marriage; and

56 (10) Any other relevant factors.

57 [~~3-~~] **4.** The maintenance order shall state if it is **bridge-the-gap, rehabilitative, or**  
58 **durational maintenance and whether the order is** modifiable or nonmodifiable **within the**  
59 **parameters provided in subsections 5 to 9 of this section.** The court may order maintenance  
60 which includes a termination date. Unless the maintenance order which includes a termination  
61 date is nonmodifiable, the court may order the maintenance decreased, increased, terminated,  
62 extended, or otherwise modified based upon a substantial and continuing change of  
63 circumstances which occurred prior to the termination date of the original order.

64 **5. Bridge-the-gap maintenance may be awarded to assist a party leaving a**  
65 **short-term marriage. The length of the maintenance shall not exceed two years and shall**  
66 **terminate upon the death of either party or upon the remarriage of the party receiving**  
67 **maintenance. An award of bridge-the-gap maintenance shall not be modifiable in amount**  
68 **or duration.**

69 **6. In order to award rehabilitative maintenance to assist a party leaving a**  
70 **short-term or mid-term marriage, there shall be a specific and defined rehabilitative plan,**  
71 **which shall be included as part of any order awarding rehabilitative maintenance. The**  
72 **length of the maintenance shall not exceed four years. An award of rehabilitative**  
73 **maintenance may be modified or terminated based upon a substantial change in**  
74 **circumstances, upon noncompliance with the rehabilitative plan, or upon completion of the**  
75 **rehabilitative plan.**

76 **7. Durational maintenance may be awarded if such an award is appropriate upon**  
77 **consideration of the factors set forth in subsection 2 of this section.**

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

80 (1) Five years if the duration of the marriage was seven years or more but less than  
81 ten years;

82 (2) Seven years if the duration of the marriage was ten years or more but less than  
83 seventeen years; or

84 (3) Ten years if the duration of the marriage was seventeen years or more.

85 **9. For purposes of modification of prior orders establishing maintenance, the**  
86 **standards set forth in this section shall be applicable to all initial actions and modifications**  
87 **decided after August 28, 2019.**

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