

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 862, Page 40,
2 Section 337.618, Line 16, by inserting after all of said section and line the following:

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

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

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

14 2. The general assembly hereby finds and declares that every spouse has a continuing duty
15 to become self-supporting following the dissolution of a marriage, so long as physically and
16 mentally capable. Further, maintenance is not intended as a substitute for gainful employment, an
17 open-ended obligation without limitation, or a guaranty of a certain standard of living. The
18 maintenance order shall be in such amounts and for such periods of time as the court deems just, and
19 after considering all relevant factors, including:

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

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

26 (3) The comparative earning capacity of each spouse and the efforts made by each spouse to
27 take steps to become self-supporting in accordance with subsection 2 of this section;

28 (4) The standard of living established during the marriage considered in light of subsection
29 2 of this section;

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

3 (6) The duration of the marriage;

4 (7) The age[;] and the physical and emotional condition of [~~the spouse seeking maintenance~~]
5 each party;

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

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

9 (10) Any other relevant factors.

10 3. The maintenance order shall state if it is bridge, rehabilitative, or durational and whether
11 the order is modifiable or nonmodifiable. The court [~~may~~] shall order maintenance which includes a
12 termination date in accordance with the provisions of this section. Unless the maintenance order
13 which includes a termination date is nonmodifiable, the court may order the maintenance decreased,
14 increased, terminated, extended, or otherwise modified based upon a substantial and continuing
15 change of circumstances which occurred prior to the termination date of the original order, provided
16 that no maintenance order shall be modified to extend its duration in excess of the limits established
17 in this section, except as provided in subsection 10 of this section.

18 4. For purposes of determining maintenance only, or a modification thereto, a short-term
19 marriage is a marriage having a duration of less than seven years; a moderate-term marriage is a
20 marriage having a duration of seven years or more but less than seventeen years; and a long-term
21 marriage is a marriage having a duration of seventeen years or more. The duration of a marriage is
22 the period of time from the first day of the marriage until the date of the filing of a petition for
23 dissolution of marriage or legal separation.

24 5. Bridge maintenance may be awarded to assist a party to a short-term marriage seeking
25 maintenance with legitimate, identifiable short-term needs. The length of the maintenance shall not
26 exceed two years. An award of bridge maintenance shall terminate upon the death of either party or
27 upon the remarriage of the party receiving maintenance. An award of bridge maintenance shall not
28 be modifiable in amount or duration.

29 6. (1) Rehabilitative maintenance may be awarded to assist a party to a short-term or
30 moderate-term marriage seeking maintenance in establishing the capacity for self-support through
31 either:

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

33 (b) The acquisition of education, training, or work experience necessary to develop
34 appropriate employment skills or credentials.

35 (2) The length of the rehabilitative maintenance shall not exceed four years.

36 (3) An award of rehabilitative maintenance may be modified or terminated based upon
37 substantial and continuing changed circumstances, as a result of the failure, or insufficient efforts
38 being made by the party receiving rehabilitative maintenance, to establish the capacity for self-
39 support as provided in this subsection, or upon completion of the rehabilitative efforts contemplated

1 by this subsection, provided that the length of the maintenance shall not be modified to exceed the
2 limits set forth in this subsection, except in accordance with subsection 10 of this section.

3 7. Durational maintenance may be awarded to provide for the needs and necessities of life
4 as they were established during a moderate-term or long-term marriage. Durational maintenance
5 may be awarded if such an award is appropriate upon consideration of the factors set forth in
6 subsection 2 of this section.

7 8. Except as provided in subsection 10 of this section, a court shall not order durational
8 maintenance that remains in effect for more than:

9 (1) Five years if the duration of the marriage was seven years or more but less than twelve
10 years;

11 (2) Seven years if the duration of the marriage was twelve years or more but less than
12 seventeen years; or

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

14
15 An award of durational maintenance may be modified in accordance with the provisions of
16 subsection 3 of this section, provided that the length of the maintenance shall not be modified to
17 exceed the limits set forth in this subsection, except as provided in subsection 10 of this section.

18 9. In establishing the term of durational maintenance, and for purposes of all maintenance
19 modifications decided on or after August 28, 2024, the court shall consider all relevant factors
20 including, but not limited to:

21 (1) The retirement, or the prospect and ability of the payor of maintenance to retire, from
22 full-time employment or reduce his or her employment status to part-time or accept lower paying
23 employment as part of a plan to retire;

24 (2) The age of the party paying maintenance;

25 (3) The duration and amount of maintenance already paid, and the efforts made by the party
26 seeking maintenance to become self-supporting;

27 (4) The likelihood that the lifestyle of both spouses may reasonably decline following a
28 dissolution of marriage or legal separation and as the parties approach retirement age; and

29 (5) The provisions of subsection 2 of this section.

30 10. Notwithstanding the limits set forth in subsections 6 and 8 of this section, a court may
31 award durational maintenance or modify rehabilitative or durational maintenance in excess of the
32 limits set forth in this section if the court specifically finds, after consideration of all relevant
33 factors, including those set forth in subsection 2 of this section, that:

34 (1) Such limits will result in a substantial and continuing hardship for the party seeking, or
35 currently receiving maintenance;

36 (2) The party seeking maintenance meets the criteria in subdivisions (1) and (2) of
37 subsection 1 of this section;

1 (3) The party seeking maintenance will be unable to establish the capacity for self-support
2 within the maintenance limits set forth in subsection 6 or 8 of this section for the applicable marital
3 duration at issue; and

4 (4) Extending the maintenance further under this subsection is just and fair to both parties.

5
6 If the court extends the duration of the maintenance under this subsection, the court shall enter
7 written findings of fact and conclusions of law setting forth the grounds for exceeding the limits set
8 forth in this section in the order establishing or modifying rehabilitative or durational maintenance,
9 specifically addressing subdivisions (1) to (4) of this subsection. The court shall also incorporate as
10 part of any modifiable maintenance order entered under this chapter a specific order that the party
11 receiving maintenance has an affirmative duty to make reasonable and continuing efforts to
12 establish the capacity for self-support and to become self-supporting, and the failure to do so may be
13 relied upon by the court as grounds for a modification or termination of maintenance in any future
14 proceeding unless the physical or mental condition of the party seeking maintenance or the
15 application of subsection 12 or 13 of this section makes the inclusion of such a provision in the
16 order unreasonable or inappropriate.

17 11. Except as otherwise provided by subsection 12 or 13 of this section, an order awarding
18 maintenance shall be subject to modification, if modifiable, or termination if it can be shown that
19 the recipient and another person are cohabitating or have entered into a mutually supportive
20 relationship that is the functional equivalent of marriage or a committed partnership that has existed
21 for at least twelve months of an eighteen-month period.

22 12. For purposes of modification of prior orders establishing maintenance, the standards set
23 forth in this section shall be applicable to all initial actions and modifications decided on or after
24 August 28, 2024. Notwithstanding provisions to the contrary contained in this section or section
25 452.370, either party to any maintenance order entered prior to August 28, 2024, may file a
26 modification under section 452.370 seeking to classify maintenance being paid under an existing
27 maintenance order as bridge, rehabilitative, or durational or to shorten or lengthen the term of
28 maintenance being paid under any such order, provided that the time limits, public policy
29 statements, and other provisions of this section and section 452.370 shall control in all such actions
30 initiated under those sections, including, without limitation, the durational limits on maintenance
31 specified in this section. There shall be a presumption in favor of modifying such existing orders to
32 bring them into conformity with the provisions of this section and section 452.370 and specifically
33 the public policy set forth in this section and section 452.370, and courts shall have the latitude to
34 give credit for maintenance paid under an existing order toward any modified maintenance term
35 entered as part of a modification order.

36 13. Nothing in this section shall be construed to prohibit parties from reaching an
37 agreement, submitted in writing to the court, regarding the type or duration of modifiable or
38 nonmodifiable maintenance, regardless of whether the duration of maintenance in such agreement
39 exceeds the limits described in this section.

1 452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, and in
2 accordance with the provisions of section 452.335, the provisions of any judgment respecting
3 maintenance or support may be modified only upon a showing of [~~changed circumstances so~~]
4 substantial and continuing [~~as to make the terms unreasonable~~] changed circumstances. In a
5 proceeding for modification of any child support or maintenance judgment, the court, in determining
6 whether or not [~~a~~] substantial [~~change in~~] and continuing changed circumstances [~~has~~] have
7 occurred, shall consider all financial resources of both parties, including the extent to which the
8 reasonable expenses of either party are, or should be, shared by a spouse or other person with whom
9 he or she cohabits, and the earning capacity of a party who is not employed. If the application of the
10 child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules
11 to the financial circumstances of the parties would result in a change of child support from the
12 existing amount by twenty percent or more, a prima facie showing has been made of [~~a change of~~
13 ~~circumstances so~~] substantial and continuing [~~as to make the present terms unreasonable~~] changed
14 circumstances, if the existing amount was based upon the presumed amount pursuant to the child
15 support guidelines.

16 2. When the party seeking modification has met the burden of proof set forth in subsection 1
17 of this section, the child support shall be determined in conformity with criteria set forth in section
18 452.340 and applicable supreme court rules.

19 3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation
20 to pay future statutory maintenance is terminated upon the death of either party or the remarriage of
21 the party receiving maintenance.

22 4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for
23 the support of a child are terminated by emancipation of the child. The parent entitled to receive
24 child support shall have the duty to notify the parent obligated to pay support of the child's
25 emancipation and failing to do so, the parent entitled to receive child support shall be liable to the
26 parent obligated to pay support for child support paid following emancipation of a minor child, plus
27 interest.

28 5. If a parent has made an assignment of support rights to the family support division on
29 behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for
30 Needy Families program and either party initiates a motion to modify the support obligation by
31 reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be
32 served with a copy of the motion by sending it by certified mail to the director of the family support
33 division.

34 6. The court shall have continuing personal jurisdiction over both the obligee and the
35 obligor of a court order for child support or maintenance for the purpose of modifying such order.
36 Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or
37 maintenance order was entered of any change of mailing address. If personal service of the motion
38 cannot be had in this state, the motion to modify and notice of hearing shall be served outside the
39 state as provided by supreme court rule 54.14. The order may be modified only as to support or

1 maintenance installments which accrued subsequent to the date of personal service. For the purpose
2 of 42 U.S.C. Section 666(a)(9)(C), the circuit clerk shall be considered the appropriate agent to
3 receive notice of the motion to modify for the obligee or the obligor, but only in those instances in
4 which personal service could not be had in this state.

5 7. If a responsive pleading raising the issues of custody or visitation is filed in response to a
6 motion to modify child support filed at the request of the family support division by a prosecuting
7 attorney or circuit attorney or an attorney under contract with the division, such responsive pleading
8 shall be severed upon request.

9 8. Notwithstanding any provision of this section which requires a showing of substantial and
10 continuing [~~change in~~ changed] circumstances, in a IV-D case filed pursuant to this section by the
11 family support division as provided in section 454.400, the court shall modify a support order in
12 accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations
13 thereunder if the amount in the current order differs from the amount which would be ordered in
14 accordance with such guidelines or regulations."; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.