

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. For purposes of modification of prior orders establishing maintenance, the standards set  
18 forth in this section shall be applicable to all initial actions and modifications decided on or after  
19 August 28, 2024. Notwithstanding provisions to the contrary contained in this section or section  
20 452.370, either party to any maintenance order entered prior to August 28, 2024, may file a  
21 modification under section 452.370 seeking to classify maintenance being paid under an existing  
22 maintenance order as bridge, rehabilitative, or durational or to shorten or lengthen the term of  
23 maintenance being paid under any such order, provided that the time limits, public policy  
24 statements, and other provisions of this section and section 452.370 shall control in all such actions  
25 initiated under those sections, including, without limitation, the durational limits on maintenance  
26 specified in this section. There shall be a presumption in favor of modifying such existing orders to  
27 bring them into conformity with the provisions of this section and section 452.370 and specifically  
28 the public policy set forth in this section and section 452.370, and courts shall have the latitude to  
29 give credit for maintenance paid under an existing order toward any modified maintenance term  
30 entered as part of a modification order.

31           12. Nothing in this section shall be construed to prohibit parties from reaching an  
32 agreement, submitted in writing to the court, regarding the type or duration of modifiable or  
33 nonmodifiable maintenance, regardless of whether the duration of maintenance in such agreement  
34 exceeds the limits described in this section.

35           452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, and in  
36 accordance with the provisions of section 452.335, the provisions of any judgment respecting  
37 maintenance or support may be modified only upon a showing of [changed circumstances so]  
38 substantial and continuing [as to make the terms unreasonable] changed circumstances. In a  
39 proceeding for modification of any child support or maintenance judgment, the court, in determining

1 whether or not ~~[a]~~ substantial ~~[change in]~~ and continuing changed circumstances ~~[has]~~ have  
2 occurred, shall consider all financial resources of both parties, including the extent to which the  
3 reasonable expenses of either party are, or should be, shared by a spouse or other person with whom  
4 he or she cohabits, and the earning capacity of a party who is not employed. If the application of the  
5 child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules  
6 to the financial circumstances of the parties would result in a change of child support from the  
7 existing amount by twenty percent or more, a prima facie showing has been made of ~~[a change of~~  
8 ~~circumstances so]~~ substantial and continuing ~~[as to make the present terms unreasonable]~~ changed  
9 circumstances, if the existing amount was based upon the presumed amount pursuant to the child  
10 support guidelines.

11 2. When the party seeking modification has met the burden of proof set forth in subsection 1  
12 of this section, the child support shall be determined in conformity with criteria set forth in section  
13 452.340 and applicable supreme court rules.

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

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

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

29 6. The court shall have continuing personal jurisdiction over both the obligee and the  
30 obligor of a court order for child support or maintenance for the purpose of modifying such order.  
31 Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or  
32 maintenance order was entered of any change of mailing address. If personal service of the motion  
33 cannot be had in this state, the motion to modify and notice of hearing shall be served outside the  
34 state as provided by supreme court rule 54.14. The order may be modified only as to support or  
35 maintenance installments which accrued subsequent to the date of personal service. For the purpose  
36 of 42 U.S.C. Section 666(a)(9)(C), the circuit clerk shall be considered the appropriate agent to  
37 receive notice of the motion to modify for the obligee or the obligor, but only in those instances in  
38 which personal service could not be had in this state.

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

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

11  
12 Further amend said bill by amending the title, enacting clause, and intersectional references  
13 accordingly.