

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 2851, Page 5, Section 452.335, Lines
2 131-136, by deleting all of said lines and inserting in lieu thereof the following:

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4 "11. (1) Except as otherwise provided by subsection 12 or 13 of this section, an order
5 awarding maintenance shall be subject to modification, if modifiable, or termination if it can be
6 shown that the recipient and another person are cohabitating. For purposes of this subsection,
7 cohabitation is defined as a mutually exclusive supportive intimate personal relationship that has
8 existed between the obligee and a person who is not related to the obligee by consanguinity and
9 where similar duties and privileges to marriage are found.

10 (2) When deciding whether to reduce or terminate a maintenance order based on a finding
11 of cohabitation, the court shall consider the following factors:

12 (a) The extent to which the obligee and the other person have:

13 a. Held themselves out as a married couple by engaging in conduct such as using the same
14 last name, using a common mailing address, referring to each other in terms such as "my husband"
15 or "my wife"; or

16 b. Otherwise conducting themselves in a manner that evidences a permanent supportive
17 relationship;

18 (b) The period of time that the obligee has resided with the other person;

19 (c) The extent to which the obligee and the other person have pooled their assets or income,
20 acquired or maintained a joint bank account or other financial accounts, or otherwise exhibited
21 financial interdependence;

22 (d) The extent to which the obligee or the other person has financially supported the other,
23 in whole or in part, including payment of the other's debts, expenses, or liabilities;

24 (e) The extent to which the obligee and the other person have worked together to acquire
25 any assets or to enhance the value of any assets;

26 (f) The extent to which the obligee and the other person have jointly contributed to the
27 purchase of any real or personal property;

28 (g) The extent to which the obligee and the other person have conceived, or adopted,
29 children together;

30 (h) The extent to which the obligee and the other person have provided support to the
31 children or other family members of one another, regardless of any legal duty to do so."; and
32

33 Further amend said bill, Page 6, Section 452.370, Lines 20-22, by deleting all of said lines and
34 inserting in lieu thereof the following:

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36 "3. (1) Unless otherwise agreed in writing or expressly provided in the judgment, the

Action Taken _____ Date _____

1 obligation to pay future statutory maintenance is terminated upon the death of either party [ø], the
 2 remarriage of the party receiving maintenance, or if it can be shown that the party receiving
 3 maintenance and another person are cohabitating. For purposes of this subsection, cohabitation is
 4 defined as a mutually exclusive supportive intimate personal relationship that has existed between
 5 the obligee and a person who is not related to the obligee by consanguinity and where similar duties
 6 and privileges to marriage are found.

7 (2) When deciding whether to reduce or terminate a maintenance order based on a finding
 8 of cohabitation, the court shall consider the following factors:

9 (a) The extent to which the obligee and the other person have:

10 a. Held themselves out as a married couple by engaging in conduct such as using the same
 11 last name, using a common mailing address, referring to each other in terms such as "my husband"
 12 or "my wife"; or

13 b. Otherwise conducting themselves in a manner that evidences a permanent supportive
 14 relationship;

15 (b) The period of time that the obligee has resided with the other person;

16 (c) The extent to which the obligee and the other person have pooled their assets or income,
 17 acquired or maintained a joint bank account or other financial accounts, or otherwise exhibited
 18 financial interdependence;

19 (d) The extent to which the obligee or the other person has financially supported the other,
 20 in whole or in part, including payment of the other's debts, expenses, or liabilities;

21 (e) The extent to which the obligee and the other person have worked together to acquire
 22 any assets or to enhance the value of any assets;

23 (f) The extent to which the obligee and the other person have jointly contributed to the
 24 purchase of any real or personal property;

25 (g) The extent to which the obligee and the other person have conceived, or adopted,
 26 children together;

27 (h) The extent to which the obligee and the other person have provided support to the
 28 children or other family members of one another, regardless of any legal duty to do so."; and
 29

30 Further amend said bill by amending the title, enacting clause, and intersectional references
 31 accordingly.