

FIRST REGULAR SESSION

# HOUSE BILL NO. 242

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHARPE (4).

0392H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 452.335 and 452.370, RSMo, and to enact in lieu thereof two new sections relating to domestic relations.

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

Section A. Sections 452.335 and 452.370, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 452.335 and 452.370, to read as follows:

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

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

8 (2) Is unable to support himself **or herself** through appropriate employment or is the  
9 custodian of a child, **or a disabled or incapacitated adult dependent**, whose condition or  
10 circumstances make it appropriate that the custodian not be required to seek employment  
11 outside the home.

12 2. **The general assembly hereby finds and declares that every spouse has a**  
13 **continuing duty to become self-supporting following the dissolution of a marriage, so**  
14 **long as physically and mentally capable. Further, maintenance is not intended as a**  
15 **substitute for gainful employment, an open-ended obligation without limitation, or a**  
16 **guaranty of a certain standard of living.** The maintenance order shall be in such amounts

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 and for such periods of time as the court deems just, and after considering all relevant factors,  
18 including:

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

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

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

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

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

32 (6) The duration of the marriage;

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

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

37 (9) The conduct of the parties during the marriage; [~~and~~]

38 **(10) The factors set forth in subsection 9 of this section; and**

39 [~~(10)~~] **(11) Any other relevant factors.**

40 3. The maintenance order shall state if it is **bridge, rehabilitative, or durational and**  
41 **whether the order is** modifiable or nonmodifiable. **Bridge, rehabilitative, and durational**  
42 **maintenance orders shall not be combined.** The court [~~may~~] **shall** order maintenance  
43 which includes a termination date **in accordance with the provisions of this section.** Unless  
44 the maintenance order which includes a termination date is nonmodifiable, the court may  
45 order the maintenance decreased, increased, terminated, extended, or otherwise modified  
46 based upon a substantial and continuing change of circumstances which occurred prior to the  
47 termination date of the original order, **provided that no maintenance order shall be**  
48 **modified to extend its duration in excess of the limits established in this section, except**  
49 **as provided in subsection 10 of this section.**

50 4. For purposes of determining maintenance only, or a modification thereto, a  
51 **short-term marriage is a marriage having a duration of three years but less than ten**  
52 **years; a moderate-term marriage is a marriage having a duration of ten years but less**  
53 **than twenty years; and a long-term marriage is a marriage having a duration of twenty**

54 years or more. The duration of a marriage is the period of time from the first day of the  
55 marriage until the date of the filing of a petition for dissolution of marriage or legal  
56 separation.

57 5. Except as provided under subsection 10 of this section, for marriages lasting:

58 (1) Three years but less than ten years, durational maintenance shall not exceed  
59 fifty percent of the marriage's length;

60 (2) Ten years but less than twenty years, durational maintenance shall not  
61 exceed sixty percent of the marriage's length; and

62 (3) Twenty or more years, durational maintenance shall not exceed seventy-five  
63 percent of the marriage's length.

64

65 Marriages lasting less than three years shall be ineligible for durational maintenance.

66 6. Bridge maintenance may be awarded to assist a party to a short-term  
67 marriage seeking maintenance with legitimate, identifiable short-term needs. The  
68 length of the maintenance shall not exceed two years. An award of bridge maintenance  
69 shall terminate upon the death of either party or upon the remarriage of the party  
70 receiving maintenance. An award of bridge maintenance shall not be modifiable in  
71 amount or duration.

72 7. (1) Rehabilitative maintenance may be awarded to assist a party to a short-  
73 term or moderate-term marriage seeking maintenance in establishing the capacity for  
74 self-support through either:

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

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

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

79 (3) An award of rehabilitative maintenance may be modified or terminated  
80 based upon substantial and continuing changed circumstances, as a result of the failure,  
81 or insufficient efforts being made by the party receiving rehabilitative maintenance, to  
82 establish the capacity for self-support as provided in this subsection, or upon completion  
83 of the rehabilitative efforts contemplated by this subsection, if applicable, provided that  
84 the length of the maintenance shall not be modified to exceed the limits set forth in this  
85 subsection, except in accordance with subsection 10 of this section.

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

90           **9. In establishing the term of durational maintenance, and for purposes of all**  
91 **maintenance modifications decided on or after August 28, 2025, the court shall consider**  
92 **all relevant factors including, but not limited to:**

93           **(1) The retirement, or the prospect and ability of the payer of maintenance to**  
94 **retire, from full-time employment or reduce his or her employment status to part-time**  
95 **or accept lower-paying employment as part of a plan to retire;**

96           **(2) The age of the party paying maintenance;**

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

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

102           **(5) The provisions of subsection 2 of this section.**

103           **10. Notwithstanding the limits set forth in subsections 5 and 7 of this section, a**  
104 **court may award durational maintenance or modify rehabilitative or durational**  
105 **maintenance in excess of the limits set forth in this section if the court specifically finds,**  
106 **after consideration of all relevant factors, including those set forth in subsection 2 of this**  
107 **section, that:**

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

110           **(2) The party seeking maintenance meets the criteria in subdivisions (1) and (2)**  
111 **of subsection 1 of this section;**

112           **(3) The party seeking maintenance will be unable to establish the capacity,**  
113 **despite having made reasonable and continuing efforts to do so, for self-support within**  
114 **the maintenance limits set forth in subsection 5 or 7 of this section for the applicable**  
115 **marital duration at issue; and**

116           **(4) Extending the maintenance further under this subsection is just and fair to**  
117 **both parties. In any case in which the court orders a party sixty-seven years of age or**  
118 **older to pay or continue to pay maintenance, the court shall make written findings of**  
119 **fact and conclusions of law evidencing exceptional circumstances to support its ruling.**

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121 **If the court extends the duration of the maintenance under this subsection, the court**  
122 **shall enter written findings of fact and conclusions of law setting forth the grounds for**  
123 **exceeding the limits set forth in this section in the order establishing or modifying**  
124 **rehabilitative or durational maintenance, specifically addressing subdivisions (1) to (4)**  
125 **of this subsection. The court shall also incorporate as part of any modifiable**  
126 **maintenance order entered under this chapter a specific order that the party receiving**

127 maintenance has an affirmative duty to make reasonable and continuing efforts to  
128 establish the capacity for self-support and to become self-supporting, and the failure to  
129 do so may be relied upon by the court as grounds for a modification or termination of  
130 maintenance in any future proceeding unless the physical or mental condition of the  
131 party seeking maintenance or the application of subsection 11 or 12 of this section makes  
132 the inclusion of such a provision in the order unreasonable or inappropriate.

133 11. Nothing in this section shall be construed to prohibit parties from reaching  
134 an agreement, submitted in writing to the court, regarding the type or duration of  
135 modifiable or nonmodifiable maintenance, regardless of whether the duration of  
136 maintenance in such agreement exceeds the limits described in this section.

137 12. For purposes of modification of prior orders establishing maintenance, the  
138 standards set forth in this section shall be applicable to all initial actions and  
139 modifications decided on or after August 28, 2025. Notwithstanding provisions to the  
140 contrary contained in this section or section 452.370, either party to any maintenance  
141 order entered prior to August 28, 2025, may file a modification under section 452.370  
142 seeking to classify maintenance being paid under an existing maintenance order as  
143 bridge, rehabilitative, or durational or to shorten or lengthen the term of maintenance  
144 being paid under any such order, provided that the time limits, public policy statements,  
145 and other provisions of this section and section 452.370 shall control in all such actions  
146 initiated under those sections, including, without limitation, the durational limits on  
147 maintenance specified in this section. The courts shall have the latitude to give credit  
148 for maintenance paid under an existing order toward any modified maintenance term  
149 entered as part of a modification order.

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

15 **circumstances**, if the existing amount was based upon the presumed amount pursuant to the  
16 child support guidelines.

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

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

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

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

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

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

50 8. Notwithstanding any provision of this section which requires a showing of  
51 substantial and continuing [~~change in~~] **changed** circumstances, in a IV-D case filed pursuant

52 to this section by the family support division as provided in section 454.400, the court shall  
53 modify a support order in accordance with the guidelines and criteria set forth in supreme  
54 court rule 88.01 and any regulations thereunder if the amount in the current order differs from  
55 the amount which would be ordered in accordance with such guidelines or regulations.

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