

SECOND REGULAR SESSION

HOUSE BILL NO. 2084

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

4429H.01I

JOSEPH ENGLER, 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Section A. Section 452.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.335, to read as follows: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. In a proceeding for nonretroactive invalidity, dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order to either spouse, but only if it finds that the spouse seeking maintenance:

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

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

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

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

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

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.

- 18 (3) The comparative earning capacity of each spouse;
19 (4) The standard of living established during the marriage;
20 (5) The obligations and assets, including the marital property apportioned to him **or**
21 **her** and the separate property of each party;
22 (6) The duration of the marriage;
23 (7) The age, and the physical and emotional condition of the spouse seeking
24 maintenance;
25 (8) The ability of the spouse from whom maintenance is sought to meet his **or her**
26 needs while meeting those of the spouse seeking maintenance;
27 (9) The conduct of the parties during the marriage; and
28 (10) Any other relevant factors;
29

30 **provided, however, that the court shall have the authority to set an end date for any**
31 **maintenance order granted, whether as part of the original order or as a modification.**
32 **Maintenance orders shall end upon the payer reaching full retirement age unless**
33 **otherwise agreed to by both parties. For the purposes of this subsection, "full**
34 **retirement age" means the earlier of the date on which the payer is eligible for, or begins**
35 **receiving, full retirement benefits under the federal Social Security Act, but "full**
36 **retirement age" shall not mean "early retirement age" as defined under the federal**
37 **Social Security Act, 42 U.S.C Section 416, as amended. The payer shall provide the**
38 **payee reasonable notice in advance of retirement. Six months' notice shall be presumed**
39 **to be reasonable.**

40 3. The maintenance order shall state if it is modifiable or nonmodifiable. The court
41 may order maintenance which includes a termination date. Unless the maintenance order
42 which includes a termination date is nonmodifiable, the court may order the maintenance
43 decreased, increased, terminated, extended, or otherwise modified based upon a substantial
44 and continuing change of circumstances which occurred prior to the termination date of the
45 original order.

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