

FIRST REGULAR SESSION

HOUSE BILL NO. 877

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEARD.

0888H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 452.335, RSMo, and to enact in lieu thereof one new section relating to modification of 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Section A. Section 452.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.335, to read as follows: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, to provide for his reasonable needs; and

(2) Is unable to support himself 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, and his ability to meet his 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;

(3) The comparative earning capacity of each spouse;

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 (4) The standard of living established during the marriage;
- 19 (5) The obligations and assets, including the marital property apportioned to him and the
20 separate property of each party;
- 21 (6) The duration of the marriage;
- 22 (7) The age, and the physical and emotional condition of the spouse seeking
23 maintenance;
- 24 (8) The ability of the spouse from whom maintenance is sought to meet his needs while
25 meeting those of the spouse seeking maintenance;
- 26 (9) The conduct of the parties during the marriage; and
- 27 (10) Any other relevant factors.
- 28 3. The maintenance order shall state if it is modifiable or nonmodifiable. The court may
29 order maintenance which includes a termination date. Unless the maintenance order which
30 includes a termination date is nonmodifiable, the court may order the maintenance decreased,
31 increased, terminated, extended, or otherwise modified based upon a substantial and continuing
32 change of circumstances which occurred prior to the termination date of the original order.
33 **There shall be a rebuttable presumption of changed circumstances so substantial and**
34 **continuing as to make the terms of the original maintenance decree unreasonable if the**
35 **spouse receiving maintenance is cohabiting with a person of the opposite sex.**

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