

**HOUSE COMMITTEE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered by**

**of** \_\_\_\_\_

1 AMEND House Bill No. 95, Page 1, Section A, Line 2, by inserting  
2 after all of said line the following:

3 "452.315. 1. In a proceeding for dissolution of marriage  
4 or legal separation, either party may move for temporary  
5 maintenance and for temporary support for each child entitled to  
6 support. The motion shall be accompanied by an affidavit setting  
7 forth the factual basis for the motion and the amounts requested.  
8 In a proceeding for disposition of property, maintenance or  
9 support following the dissolution of the marriage by a court  
10 which lacked personal jurisdiction over the absent spouse, either  
11 party may move for maintenance and for support of each child  
12 entitled to support. This motion shall be accompanied by an  
13 affidavit setting forth the factual basis for the motion and the  
14 amounts requested. This motion and the affidavit shall be served  
15 as though an original pleading upon the opposite party.

16 2. As a part of a motion for temporary maintenance or  
17 support or by independent motion accompanied by affidavit, either  
18 party may request the court to issue an order after notice and  
19 hearing:

20 (1) Restraining any person from transferring, encumbering,  
21 concealing, or in any way disposing of any property except in the  
22 usual course of business or for the necessities of life and, if  
23 so restrained, requiring the person to notify the moving party of  
24 any proposed extraordinary expenditures and to account to the  
25 court for all extraordinary expenditures made after the order is  
26 issued;

27 (2) Enjoining a party from harassing, abusing, molesting or  
28 disturbing the peace of the other party or of any child;

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1 (3) Excluding a party from the family home or from the home  
2 of the other party upon a showing that physical or emotional harm  
3 would otherwise result;

4 (4) Establishing and ordering compliance with a custody  
5 order and providing for the support of each child;

6 (5) Reallocating or reapportioning between the parties any  
7 or all insurance costs under section 452.317 incurred during the  
8 pendency of the dissolution of marriage or legal separation.

9 3. The court may issue a restraining order only if it finds  
10 on the evidence that irreparable injury would result to the  
11 moving party if an order is not issued until the time for  
12 answering has elapsed.

13 4. An answer may be filed within ten days after service of  
14 notice of motion or at the time specified in the restraining  
15 order.

16 5. On the basis of the showing made and in conformity with  
17 section 452.335 on maintenance and section 452.340 on support,  
18 the court may issue a temporary injunction and an order for  
19 temporary maintenance or support in such amounts and on such  
20 terms as are just and proper in the circumstances.

21 6. A restraining order or temporary injunction:

22 (1) Does not prejudice the rights of the parties or the  
23 child which are to be adjudicated at subsequent hearings in the  
24 proceedings;

25 (2) May be revoked or modified prior to final judgment on a  
26 showing by affidavit of the facts necessary to revocation or  
27 modification of a final judgment pursuant to section 452.370; and

28 (3) Terminates when the final judgment is entered or when  
29 the petition for dissolution or legal separation is voluntarily  
30 dismissed.

31 7. The court shall enter a temporary order requiring the  
32 provision of child support pending the final judicial  
33 determination if there is clear and convincing evidence  
34 establishing a presumption of paternity pursuant to section  
35 210.822. In determining the amount of child support, the court  
36 shall consider the factors set forth in section 452.340.

37 8. Any order entered in modification or vacation of any

1 temporary order entered pursuant to this section may be  
2 retroactive to the date of entry of the original temporary  
3 order."; and  
4

5 Further amend said bill, Page 1, Section 452.317, Lines 4 to  
6 6, by deleting all of said lines and inserting in lieu thereof  
7 the following: "insurance. Any insurance costs incurred during  
8 the pendency of the dissolution of marriage or legal separation  
9 shall be subject to court order for temporary maintenance or  
10 support under subdivision (5) of subsection 2 of section  
11 452.315."; and  
12

13 Further amend said title, enacting clause and intersectional  
14 references accordingly.