

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 95

98TH GENERAL ASSEMBLY

0111H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 452.315 and 452.317, RSMo, and to enact in lieu thereof two new sections relating to reimbursement of insurance costs during dissolution of marriage proceedings.

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

Section A. Sections 452.315 and 452.317, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 452.315 and 452.317, to read as follows:

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

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

(1) Restraining any person from transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life and, if so restrained, requiring the person to notify the moving party of any proposed extraordinary

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.

16 expenditures and to account to the court for all extraordinary expenditures made after the order
17 is issued;

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

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

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

24 **(5) Reallocating or reapportioning between the parties any or all insurance costs**
25 **under section 452.317 incurred during the pendency of the dissolution of marriage or legal**
26 **separation.**

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

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

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

36 6. A restraining order or temporary injunction:

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

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

42 (3) Terminates when the final judgment is entered or when the petition for dissolution
43 or legal separation is voluntarily dismissed.

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

48 8. Any order entered in modification or vacation of any temporary order entered pursuant
49 to this section may be retroactive to the date of entry of the original temporary order.

452.317. From the date of filing of the petition for dissolution of marriage or legal
2 separation, no party shall terminate coverage during the pendency of the proceeding for any other

3 party or any minor child of the marriage under any existing policy of health, dental or vision
4 insurance. **Any insurance costs incurred during the pendency of the dissolution of marriage**
5 **or legal separation shall be subject to court order for temporary maintenance or support**
6 **under subdivision (5) of subsection 2 of section 452.315.**

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