

FIRST REGULAR SESSION

# HOUSE BILL NO. 247

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MEREDITH.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 452.335, RSMo, and to enact in lieu thereof one new section relating to spousal maintenance.

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*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Section A. Section 452.335, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.335, to read as follows: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] **such spouse**, 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] **such spouse**, 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] **each**
- 21 **spouse** 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** needs
- 26 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 3. The maintenance order shall state if it is modifiable or nonmodifiable. [The court may
- 30 order maintenance which includes a termination date.] Unless the maintenance order [which
- 31 includes a termination date] is nonmodifiable, the court may order the maintenance decreased,
- 32 increased, terminated, extended, or otherwise modified based upon a substantial and continuing
- 33 change of circumstances which occurred prior to the termination date of the original order.
- 34 **4. (1) All maintenance orders shall include a termination date of not more than five**
- 35 **years from date of entry of the original order; except that, any maintenance obligation**
- 36 **which is in arrearage at the scheduled termination date shall not terminate until the**
- 37 **obligor has repayed such arrearage in full. No additional obligation shall accrue during**
- 38 **the repayment of any arrearage.**
- 39 **(2) Any maintenance obligation in effect on the effective date of this section and not**
- 40 **in arrears may be automatically terminated six months after maintenance has been paid**
- 41 **for five years, or six months after the effective date of this section, whichever is later. The**
- 42 **maintenance obligation of any obligor who is in arrears shall not be terminated until such**
- 43 **obligor has repayed the entire arrearage in full, including the additional six months of**
- 44 **maintenance required under this subdivision. No additional obligation shall accrue during**
- 45 **the repayment of any arrearage.**
- 46 **(3) Any obligor who meets the requirements of this subsection may seek an**
- 47 **automatic termination of his or her maintenance obligation by filing notice with the court**
- 48 **of the obligor's intent to terminate his or her maintenance obligation in accordance with**
- 49 **this section and submitting evidence sufficient to establish that the obligor's maintenance**
- 50 **obligation is paid in full and not in arrears. The court shall, without a hearing, verify**
- 51 **whether the maintenance obligation is paid in full and not in arrears. Upon such**
- 52 **verification, the court shall automatically terminate the obligor's maintenance obligation**
- 53 **and notify the obligee of such termination.**

54           **(4) During any six-month period of continued maintenance payments or period of**  
55 **repayment of arrearages by an obligor under this subsection, the court shall not modify**  
56 **the existing order of maintenance.**

57           **(5) Nothing in this subsection shall be construed as invalidating or otherwise**  
58 **nullifying a termination date of any order of maintenance in existence on the effective date**  
59 **of this section which terminates a maintenance obligation in less than five years.**

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