

SECOND REGULAR SESSION

SENATE BILL NO. 772

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 4, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4096S.011

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Section A. Section 452.335, RSMo, is repealed and one new section
2 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
2 marriage or legal separation, or a proceeding for maintenance following
3 dissolution of the marriage by a court which lacked personal jurisdiction over the
4 absent spouse, the court may grant a maintenance order to either spouse, **which**
5 **may be bridge-the-gap, rehabilitative, or durational**, but only if it finds
6 that the spouse seeking maintenance:

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

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

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

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

20 (2) The time necessary to acquire sufficient education or training to

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

33 3. The maintenance order shall state if it is **bridge-the-gap,**

34 **rehabilitative, or durational and whether the order is** modifiable or

35 nonmodifiable. The court may order maintenance which includes a termination

36 date **in accordance with the provisions of this section.** Unless the

37 maintenance order which includes a termination date is nonmodifiable, the court

38 may order the maintenance decreased, increased, terminated, extended, or

39 otherwise modified based upon a substantial and continuing change of

40 circumstances which occurred prior to the termination date of the original order;

41 **provided that, no maintenance order shall be modified to extend its**

42 **duration in excess of the limits established in this section.**

43 4. **For purposes of determining maintenance only, a short-term**

44 **marriage is a marriage having a duration of less than seven years; a**

45 **moderate-term marriage is a marriage having a duration of seven years**

46 **or more but less than seventeen years; and a long-term marriage is a**

47 **marriage having a duration of seventeen years or more. The duration**

48 **of a marriage is the period of time from the first day of the marriage**

49 **until the date of the most recent filing of an action of dissolution of**

50 **marriage or legal separation.**

51 5. **Bridge-the-gap maintenance may be awarded to assist a party**

52 **leaving a short-term marriage by providing support to allow the party**

53 **to make a transition from being married to being single. Bridge-the-**

54 **gap maintenance shall be designed to assist a party with legitimate,**

55 **identifiable short-term needs. The length of the maintenance shall not**

56 **exceed two years. An award of bridge-the-gap maintenance shall not be**

57 modifiable in amount or duration.

58 6. (1) Rehabilitative maintenance may be awarded to assist a
59 party leaving a short-term, moderate-term, or long-term marriage in
60 establishing the capacity for self-support through either:

61 (a) The redevelopment of previous skills or credentials; or

62 (b) The acquisition of education, training, or work experience
63 necessary to develop appropriate employment skills or credentials and
64 the development and implementation of a career plan and career goals.

65 (2) In order to award rehabilitative maintenance, there shall be
66 a specific and defined rehabilitative plan, which shall be included as
67 part of any order awarding rehabilitative maintenance. The length of
68 the maintenance shall not exceed five years.

69 (3) An award of rehabilitative maintenance may be modified or
70 terminated based upon a substantial change in circumstances, upon
71 noncompliance with the rehabilitative plan, or upon completion of the
72 rehabilitative plan; provided that, the length of the maintenance shall
73 not be modified to exceed the limits set forth in this subsection.

74 7. Durational maintenance may be awarded to provide for the
75 reasonable needs as they were established during a short-term,
76 moderate-term, or long-term marriage. An award of durational
77 maintenance may be modified in accordance with the provisions of
78 subsection 3 of this section; provided that, the length of the
79 maintenance shall not be modified to exceed the limits set forth in this
80 section.

81 8. Absent exigent circumstances, a court shall not order
82 durational maintenance that remains in effect for more than:

83 (1) Three years if the duration of the marriage was less than
84 seven years;

85 (2) Five years if the duration of the marriage was seven years or
86 more but less than ten years;

87 (3) Seven years if the duration of the marriage was ten years or
88 more but less than seventeen years;

89 (4) Ten years if the duration of the marriage was seventeen years
90 or more but less than twenty-five years; or

91 (5) Fifteen years if the duration of the marriage was twenty-five
92 years or more.

93 For purposes of this subsection, "exigent circumstances" shall mean a

94 medically-determinable physical or mental impairment or other
95 compelling substantial impediment that prevents such spouse from
96 earning sufficient income to provide for the spouse's reasonable needs.
97 In reaching its determination, the court may consider whether a
98 physical or mental impairment is the result of domestic violence or
99 other substantial abuse by the spouse paying the maintenance. If the
100 spouse seeking maintenance in a marriage of twenty-five years or more
101 duration lacks sufficient property, including marital property
102 apportioned to him or her, to provide for his or her reasonable needs,
103 and has not been meaningfully engaged in the workforce, and if such
104 spouse cannot reasonably reenter the workforce even if reasonable
105 retraining or other rehabilitative efforts were undertaken, then the
106 court may consider such spouse's lack of marketable skills an exigent
107 circumstance. The court shall consider that the lifestyle of both
108 spouses may reasonably decline following a dissolution of marriage or
109 legal separation.

110 9. An award of bridge-the-gap, rehabilitative, or durational
111 maintenance shall terminate upon a valid written agreement between
112 the parties submitted to the court, the death of either party, or the
113 remarriage of the party receiving maintenance.

114 10. For purposes of modification of prior orders establishing
115 maintenance, the standards set forth in this section shall be applicable
116 to all initial actions and modifications decided after August 28, 2020.

117 11. Nothing in this section shall be construed to prohibit parties
118 from reaching an agreement, submitted in writing to the court,
119 regarding the type or duration of modifiable or nonmodifiable
120 maintenance, even if the duration of maintenance in such agreements
121 exceeds the limits described in this section.

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