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## **RULE 68 DISSOLUTION OF MARRIAGE, LEGAL SEPARATIONS, & MODIFICATIONS, AND OTHER FAMILY LAW CASES**

### **68.1 FILING REQUIREMENTS**

**68.1.1 Information Sheets Due Upon Filing.** Upon filing a Petition for Dissolution of Marriage, or Legal Separation, a Certificate of Dissolution of Marriage (Vital Statistics Report), as required by Section 193.360 RSMo available from the clerk's office, and a Domestic Relations Case Party Information Sheet, Form 68-A, and a Certificate of Dissolution of Marriage, Form 68-B, shall be filed. Both Form 68-A and Form 68-B are available on [www.selfrepresent.mo.gov](http://www.selfrepresent.mo.gov). In

cases where there are unemancipated children either an “Affidavit of Compliance with the Uniform Child Custody Jurisdiction and Enforcement Act, as set forth in Form 68-M4, shall be filed with the Petition or said information shall be included in the verified petition.

Upon filing an Answer to a Petition for Dissolution of Marriage or Legal Separation, or a Motion to Modify, or a Petition to Establish Paternity, Custody and Support, a Domestic Relations Case Party Information Sheet, as set forth in form 68-A, and either an “Affidavit of Compliance with the Uniform Child Custody Jurisdiction and Enforcement Act, as set forth in Form 68-M4 shall be filed, or said information included in a verified answer.

**68.1.2 Parenting Plan.** In all cases wherein a parenting plan is required, the party submitting a proposed parenting plan shall, either: Submit a fully completed Form 68-A Parenting Plan.

**68.1.3 Paternity Count.** Due to issues of confidentiality, in any dissolution case in which paternity of one or more children must be established, a separate count must be plead if only the two dissolution parties are the alleged parents of a child. If an outside party is alleged as the natural parent of a child born during the marriage, then a separate case shall be filed to establish paternity with no filing fee required. The paternity case and the dissolution case shall automatically be assigned to the same judge for disposition. In order to avoid a separate filing fee, the attorney filing the paternity case shall be responsible for advising the Clerk of the companion dissolution case and its case number.

## **68.2 INTERIM FAMILY LAW ORDER**

In all proceedings for Dissolution of Marriage or Legal Separation the Court hereby enters the Interim Family Law Order (Form 68-D). In any such proceeding the Clerk of the Court shall attach the Interim Family Law Order (Form 68-D), to the Summons or serve a copy of the Interim Family Law Order (Form 68-D) on the parties at the addresses specified in the petition. Proof of mailing by regular mail or delivery by the clerk shall constitute notice as required in this rule.

## **68.3 FORMS OF JUDGMENT**

All proposed judgments based upon affidavits shall have the affidavits filed with the judgment to the clerk and all proposed judgments shall be provided to the Judge in Word format and shall include all exhibits referred to therein, which shall be in PDF format.

All proposed judgments which contain a child custody order shall have a Parenting Plan attached and marked as “Judgment Exhibit A”.

All proposed judgments which contain a child support order shall have a Form 14 attached and marked as “Judgment Exhibit B”.

All proposed judgments in which there is reference to a Martial Separation Agreement shall have said agreement attached and marked as “Judgment Exhibit C”.

All other exhibits, such as legal descriptions, which are referred to a proposed judgment shall be labeled as “Judgment Exhibit D, E, etc.”

## **68.4 FILING OF FINANCIAL STATEMENTS**

**68.4.1 Dissolution Actions - Statements of Property & Income Required.** In all actions for Dissolution of Marriage or Legal Separation, a Statement of Marital and Non- marital Assets and Debts (Form 69-E) and a Statement of Income and Expenses (Form 68-F) shall be completed by each party, executed under oath, filed with the Clerk, and served on the opposing party by the one hundred twenty (120) day Call Docket.

**68.4.2 Motion to Modify/Paternity - Statements of Property & Income Required.** In all Motions to Modify Child Support, Alimony or Maintenance, and actions to establish Paternity and Child Support, a Statement of Income and Expenses (Form 68-F) shall be completed by each party, executed under oath, filed with the Clerk, and served on the opposing party by the one hundred twenty (120) day Call Docket.

**68.4.3 Supplemented Statements of Property and Income Required.** If any material changes occur prior to the trial date, the information provided on Forms 68-E and 68-F shall be

updated no less than thirty (30) days prior to trial and served on the opposing attorney with a Certificate of Service of same filed with the Clerk.

**68.4.4 Sanctions May Be Ordered - When.** If a party fails to timely file or update Forms 68-E or 68-F the judge may, at his or her discretion, order sanctions against that party such as prohibiting the party so failing from presenting affirmative evidence as to the values of the property, income or expenses which were not provided to the opposing party.

**68.4.5 Consolidated Statement Required - Time.** In every contested case in which property and/or debts are in issue, thirty (30) days prior to trial date Form 68-G shall be completed by Petitioner and forwarded to Respondent for completion. Respondent shall complete the original form at least fifteen (15) days prior to trial date and immediately forward a copy to Petitioner. The original form shall be submitted to the Court seven (7) days prior to hearing date. If either party does not complete Form 68-G in a timely manner then that party shall not be allowed to offer any values for property listed therein.

#### **68.4.6 STANDARD DISCOVERY FOR USE IN CONTESTED FAMILY LAW ACTIONS**

**68.4.6.1 Dissolution - Standard Interrogatories Required.** In all actions for Dissolution of Marriage or Legal Separation, the court en banc has approved standard opening Interrogatories (**Form 68-H**). At the one hundred twenty (120) day Call Docket counsel and unrepresented parties shall appear and advise if mediation should be ordered; if a Guardian Ad Litem is necessary and should be ordered; and shall have filed requests for answers to interrogatories and production of documents as provided herein at no less than ten (10) days prior to the one hundred twenty (120) day Call Docket. When the discovery process begins **Form 68-H** shall be used and the parties shall immediately exchange the following documents:

- (a) Complete copies of any federal and state income tax returns (including all schedules, W-2 and 1099 forms) for the preceding 3 calendar years;
- (b) Complete copies of the last (six) 6 pay periods "paycheck" stubs or other evidence of wages, salaries or tips if no "paycheck" stub is issued;
- (c) Complete copies of any benefit statements wherein a party claims an interest in any form of pension, profit-sharing, or other retirement plans whether vested or non-vested;
- (d) Copies of any deeds to real estate, notes, deeds of trust, or leases;
- (e) Description of all titled motor vehicles, trailers, etc. , including VIN; (f) Any other evidence of ownership of an asset or interest in an asset claimed as marital or separate property;
- (g) Copies of most recent statement of ownership and value for any life insurance policies insuring the life of either party or a unemancipated child involved in the proceedings **which has a cash value**;
- (h) Complete copies of any appraisals relating to any marital or separate property done within 1 calendar year;
- (i) Complete copies of any trusts where a party is either the grantor or current income beneficiary of the trust;
- (j) Copies of partnership agreements and/or stock certificates in any corporation in which you hold an interest, along with the most recent statement of assets and liabilities;

#### **UNLESS:**

- (a) Both parties stipulate in writing the case is not contested; **or**
- (b) No answer or pleadings are filed within 30 days from the date of service of legal process on the adverse party; **or**
- (c) The adverse party formally files a verified entry of appearance and no other responsive pleading.

#### **68.4.6.2 Motion to Modify, Paternity and Child Support - Standard Interrogatories**

**Required.** In all Motions to Modify Child Support and/or Maintenance, and actions to establish Paternity and Child Support, the court en banc has approved standard opening Interrogatories for Modifications (Form 68-I) and Paternity (Form 68-J). At the one hundred twenty (120) day Call Docket counsel and unrepresented parties shall appear and advise if mediation should be

ordered or the discovery process to begin. When the discovery process begins Form 68-I or Form 68-J shall be used and the parties shall exchange the following documents:

- (a) Complete copies of any federal and state income tax returns (including all schedules, W-2 and 1099 forms) for the preceding 3 calendar years;
- (b) Complete copies of the last (six) 6 pay periods "paycheck" stubs or other evidence of wages, salaries or tips if no "paycheck" stub is issued;
- (c) Complete copies of any trusts where a party is either the grantor or current income beneficiary of the trust;
- (d) Copies of partnership agreements and/or stock certificates in any corporation in which you hold an interest, along with the most recent statement of assets and liabilities;

**UNLESS**

- (a) Both parties stipulate in writing the case is not contested; **or**
- (b) No answer or pleadings are filed within 30 days from the date of service of legal process on the adverse party; **or**
- (c) The adverse party formally files a verified entry of appearance and no other responsive pleading.

**68.4.6.3 Parties Required to Exchange Documents.**

(See Rules 68.4.6.1 and 68.4.6.2, which shall apply)

**68.4.6.4 Certificate of Service Required.** When the interrogatory answers and documents specified in 68.4.6.1 and 68.4.6.2 are exchanged, the delivering party shall immediately file with the Court a certificate of service (Form 68-K) identifying the interrogatories answered and the documents exchanged, the fact that a document may not now exist or has never existed, or that if a document exists, but is not in the possession of the exchanging party, the name and current address of the person who has possession of the document;

**68.4.6.5 Requested Information Shall be Updated Prior to Trial.**

All information requested in the above interrogatories and document requests shall be updated fifteen (15) days prior to trial if any material changes occur prior to the trial date except significant changes such as employment, income or expert witnesses which should be updated immediately;

**UNLESS:**

- (a) Both parties stipulate in writing the case is not contested; **or**
- (b) No answer or pleadings are filed within 30 days from the date of service of legal process on the adverse party; **or**
- (c) The adverse party formally files a verified entry of appearance and no other responsive pleading.

**68.4.6.6 Court May Authorize Additional Discovery and Extend time for Filing.** For good cause shown, the Court, upon written motion and without hearing, may authorize additional discovery. For good cause shown, the Court, upon written motion and without hearing, may extend the time for exchanging the documents required in Rule 68, or may waive the exchange of documents entirely but only for good cause shown.

**68.4.6.7 Sanctions May Be Imposed for Failure to Comply** Failure to timely comply with Rule 68 discovery shall, at the discretion of the Judge and upon written motion of either party, result in such sanctions as are provided by law, to include, but not limited to, preventing the non-compliant party from presenting affirmative evidence as to the matters set forth in the documents to be exchanged or answers to interrogatories and/or the award of reasonable attorney fees and/or costs against the non-compliant party.

**68.4.6.8 If Mediation is Ordered** Upon mediation being ordered, each party shall bring to the first mediation session a completed Form 68-E and Form 68-F for use in the mediation process. Upon completion of all mediation sessions the mediator shall forward to the Court a letter indicating whether or not mediation was successful and a separate summary letter to counsel of record of items (if any) negotiated and agreed to by the parties.

## **68.5 Pro Se Litigant Awareness Program and Pro Se Pleadings, Forms and Judgments**

Every Petitioner not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, parentage, or modification of a judgment in any such proceeding, **upon filing any motion or petition**, shall complete the Litigant Awareness Program which is available on the website of the Supreme Court at address:

(<http://www.courts.mo.gov/page.asp?id=4092>), unless waived by the Court, and shall present to the Clerk with the petition the Certificate of Completion (Form 68-L).

Every Respondent or Third Party not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, parentage, or modification of a judgment in any such proceeding, **after filing an Entry of Appearance or Answer in a case**, shall complete the Litigant Awareness Program which is available on the website of the Supreme Court at address: (<http://www.courts.mo.gov/page.asp?id=4092>), unless waived by the Court, and shall present to the Clerk with the Entry of Appearance or Answer the Certificate of Completion (Form 68-L).

Pro se Petitioners and Respondents shall use the pleadings, forms, and proposed judgments adopted by this circuit, which are contained in Local Court Rule 68 and available on line, or the pleadings, forms, and proposed judgments approved by the Missouri Supreme Court.

## **68.8 ENTRY OF JUDGMENT UPON AFFIDAVIT – REQUIREMENTS**

**68.8.1 Final Orders Entered - When.** Final orders in a proceeding for Dissolution of Marriage, Legal Separation, Motions to Modify, and actions for Declaration of Paternity, may be entered upon the affidavit of either or both parties when:

(a) There are no unemancipated children of the parties and the female party is not pregnant, and the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance; **or**

(b) There are unemancipated children, one of the parties is represented by counsel, a parenting plan is submitted, Supreme Court Rule 88.01 Form 14 is followed, and the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance.

**68.8.2 Affidavit - Filing.** If one party desires to submit the matter for entry of final Judgment upon an affidavit, the submitting party shall file an affidavit (Form 68-M1, M2 or M3), a proposed judgment, a parenting plan, and a Civil Procedure Form 14 if appropriate, and all exhibits referred to in the Affidavit or Judgment.

## **68.11 Temporary Child Support**

**68.11.1 Either Parent May Move for Temporary Child Support.** In an original proceeding for Dissolution of Marriage or Legal Separation only, when there are minor children of the marriage who are subject to the jurisdiction of the court, either parent may move for an Order for Temporary Child Support not less than thirty (30) days from service and provided the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure, or has formally filed a verified entry of appearance, or has filed a responsive pleading.

**68.11.2 Verified Motion for Temporary Child Support.** The Movant shall file a verified Motion for Temporary Child Support which shall set forth clearly and concisely the grounds for such motion. The motion shall include a fully completed Civil Procedure Form 14 in accordance with Supreme Court Rule 88.01.

**68.11.3 Copy of Motion to Other Parent.** The Movant shall then provide the other parent, or his or her attorney, as may be appropriate, with a copy of such Motion for Temporary Child Support by regular mail, by personal service, or by Facsimile, and shall provide a certificate of service.

**68.11.3 Time to Respond - Include Form 14.** The other parent shall have fifteen (15) days from the date of such certification to respond to such motion. Any response shall be verified and shall include a fully completed Civil Procedure Form 14.

**68.11.5 Court May Rule on Motion On Verified Motions and Response.** Within ten (10) days after the date upon which the response is due, the Court may rule upon such motion based solely upon the verified motion and any verified response thereto, applying the principles set forth in Missouri Rule of Civil Procedure 88 and Chapter 452, RSMo. Any orders issued under this rule shall be enforceable by contempt proceedings and shall remain in effect until further order of the Court.

**68.11.6 Court May Require Hearing.** If the Court determines that it is impracticable to make a determination based upon the verified motion and the verified response thereto, then the Court may set the matter down for expedited hearing, which hearing shall be held within twenty (20) days after the date upon which any response is due except for good cause shown. The only issues which shall be considered by the Court at such expedited hearing shall be those relating specifically to temporary child support. The Court shall issue its order under this rule as soon as practical thereafter.

**68.11.7 The Time Shall Not Be Stayed or Tolled.** The time frames specified in this rule shall not be stayed or tolled by the filing of any pleadings, proceedings or other motions, specifically including motion for change of temporary custody of the unemancipated children of the parties.

#### **68.12 DOMESTIC CALL DOCKET AND PRE-TRIAL CONFERENCE**

**68.12.1 Call Docket.** Upon filing of a domestic relations case the Clerk shall place the matter on the Court's first docket one hundred twenty (120) days after filing for review. Counsel and unrepresented parties shall appear at said time and advise the Court of the status of the case. A Discovery or Mediation Order may be entered that date.

**68.12.2 Trial Setting.** No case shall be set for a contested hearing:

.1 Until all discovery is complete and all required documents filed (or there is a written waiver by the Court due to lack of cooperation by one of the parties or discovery schedule ordered) including Form 68-P, Request for Trial Setting and Certification, and Form 68-Q, Pre-Trial Stipulation;

.2 **If there are unemancipated children** and mediation has **not** been completed or ordered, Form 68-N waiving mediation shall be filed;

.3 **If venue is improper**, Form 68-O shall be filed.

**68.12.3 Pre-Trial Conference.** If a pre-trial conference is ordered by the Court **the parties and their counsel shall appear**. The conference will be held for the following purposes: (a) To decide on the amount of time needed for the proper conduct of the trial; (b) To determine the agreed upon and contested issues in the cause; (c) To exchange any updated disclosure and file required documents.

#### **68.13 DISMISSAL BY COURT**

Without notice, the Court may dismiss any family law case or motion which is not tried or set for trial after the expiration of twelve (12) months from the filing date.

#### **68.14 Employer Information for Automatic Wage Withholding of Child Support and/or Maintenance**

In any case in which child support or maintenance has been ordered, upon judgment being entered, counsel for the child support or maintenance recipient shall file with the Circuit Clerk's office a completed Form 68-R.

## RULE 68 FORMS

- Form 68-A Domestic Relations Case Party Information Sheet  
available at [www.selfrepresent.mo.gov](http://www.selfrepresent.mo.gov)
- Form 68-B Certificate of Dissolution of Marriage  
available at [www.selfrepresent.mo.gov](http://www.selfrepresent.mo.gov)
- Form 68-C Parenting Plan
- Form 68-D Interim Family Law Order
- Form 68-E Statement of Marital and Non-marital Assets and Debts
- Form 68-F Statement of Income and Expenses
- Form 68-G Consolidated Statement of Marital and Non-marital Assets and Debts
- Form 68-H Standard First Interrogatories and Production of Documents-Dissolution
- Form 68-I Standard First Interrogatories and Production of Documents-Modification
- Form 68-J Standard First Interrogatories and Production of Documents-Paternity
- Form 68-K Certificate of Service
- Form 68-L Litigant Awareness Certificate of Completion
- Form 68-M1 Affidavit for Judgment – Dissolution of Marriage
- Form 68-M2 Affidavit for Judgment – Paternity, Custody and Support
- Form 68-M3 Affidavit for Judgment – Modification
- Form 68-M4 Affidavit of Compliance with Uniform Child Custody Jurisdiction and  
Enforcement Act
- Form 68-N Waiver of Mediation
- Form 68-O Consent to Venue
- Form 68-P Request for Trial Setting and Certification
- Form 68-Q Pre-Trial Stipulation
- Form 68-R Income Withholding for Support Form