**FORM 68-E**

**JUDGMENT DISSOLVING MARRIAGE WITH UNEMANCIPATED CHILDREN**

INSTRUCTIONS

THIS DOCUMENT IS PROVIDED AS A FORM. IT CONTAINS VARIOUS ALTERNATIVE PROVISIONS THAT MUST BE SET FORTH IN THE JUDGMENT. THE WORDING ABOVE THE STYLE OF THE CASE, AS WELL AS ALL INAPPLICABLE OPTIONS THROUGHOUT THE DOCUMENT, MUST BE DELETED BEFORE SUBMITTING THE JUDGMENT TO THE COURT.

CIRCUIT COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, MISSOURI

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

SSN: XXX-XX-\_\_\_\_\_\_ )

)

Petitioner, )

)

vs. ) Case No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

SSN: XXX-XX-\_\_\_\_\_\_ )

)

Respondent. )

**JUDGMENT DISSOLVING MARRIAGE**

On hearing date Petitioner appeared in person and by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

On hearing date Petitioner appeared in person *pro* se, having filed the Certificate of Completion of Litigant Awareness Program with the Clerk.

Respondent appeared not in person, nor by counsel, although duly served.

**OR**

Respondent appeared not in person, nor by counsel, having filed an Entry of Appearance.

**OR**

Respondent appeared in person and by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

Respondent appeared in person, *pro se,* having filed the Certificate of Completion of Litigant Awareness Program with the Clerk.

**(if applicable)** The duly appointed Guardian ad Litem [ ] appeared in person.

[ ] appeared not.

The Court took up for hearing the Petition for Dissolution of Marriage, witnesses were sworn, evidence adduced and ( petitioner **OR** the parties ) rested. On the evidence adduced the Court finds as follows:

**OR**

**(IF JUDGMENT IS BY AFFIDAVIT)**

On this date the Court reviews the file, the matter having been submitted to the Court by Affidavit for Judgment. Upon considering the pleadings, documents submitted, and affidavit(s) the Court finds as follows:

1. Petitioner has been a resident of the State of Missouri for more than ninety (90) days next preceding the filing of this action, currently living in \_\_\_\_\_\_\_\_\_\_\_ County, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2. Respondent has been a resident of the County of \_\_\_\_\_\_\_\_\_, State of \_\_\_\_\_\_\_\_, currently living at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for more than ninety (90) days next preceding the filing of this action.

**OR**

**Petitioner Respondent** lives in the State of Missouri and **Petitioner Respondent** has subjected himself/herself to the jurisdiction of the court by \_\_\_\_\_\_\_\_.

3. More than thirty (30) days have elapsed since the filing of this action.

4. The parties lived as husband and wife in the State of Missouri prior to separation.

5. The parties’ social security numbers are as set forth in the case information sheet and the last four digits of their social security numbers are as set forth in the caption of the case.

6. Petitioner and Respondent were married on \_\_\_\_\_\_\_\_\_\_\_\_, in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and said marriage is registered

there. **OR** in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

7. Petitioner and Respondent separated on or about \_\_\_\_\_\_\_\_\_\_\_\_.

8. **(If applicable)** The following children were born of the parties or adopted by the parties during the marriage, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and are emancipated.

9. There following children were born of the parties or adopted by the parties during the marriage and remain unemancipated, to-wit:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, age \_\_\_\_\_\_\_\_\_\_\_\_\_, SSN: XXX-XX-\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, age \_\_\_\_\_\_\_\_\_\_\_\_\_, SSN: XXX-XX-\_\_\_\_\_.

10. **(If applicable)** The children, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, age \_\_\_\_\_\_\_\_\_\_\_\_\_, SSN: XXX-XX-\_\_\_\_\_, were born of the parties prior to the marriage and the paternity of said children was established by statute in that:

1. The parents married after the children were born; **OR**
2. Father has acknowledged paternity of the children in writing filed with the Bureau of Vital records; **OR**
3. Father’s name was placed on the children’s birth certificate with his consent; **OR**
4. Father is ordered to pay child support by court order in case number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and said children remain unemancipated.

11. The Court has jurisdiction over the unemancipated children under the Uniform Child Custody Jurisdiction and Enforcement Act.

12. The Court has jurisdiction over the parties and the subject matter.

13. There is no reasonable likelihood that the marriage of the parties can be preserved and, therefore, the marriage is irretrievably broken.

14. The female spouse is not pregnant.

15. \_\_\_\_\_\_ (has or have) filed a Parenting Plan which the Court has reviewed and finds that it is in the best interests of the unemancipated child\_\_\_ with custody to be awarded as follows:

The parties should be awarded joint legal and joint physical custody.

**OR**

**Petitioner Respondent** should be awarded sole legal and the parties should be awarded joint physical custody.

**OR**

The parties should be awarded joint legal custody with **Petitioner Respondent** having sole physical custody.

**OR**

**Petitioner Respondent**  should be awarded sole legal and sole physical custody.

16. The custody award is appropriate after considering the factors set forth in §452.375.2 RSMo.

17. Petitioner is employed [ ] full-time [ ] part-time earning $\_\_\_\_\_\_\_\_\_\_\_ per month. **OR** Petitioner is unemployed.

18. Respondent is employed [ ] full-time [ ] part-time earning $\_\_\_\_\_\_\_\_\_ per month. **OR** Respondent is unemployed.

19. **Petitioner Respondent**  has work-related child-care costs in the amount of $\_\_\_\_\_\_\_\_\_ per month.

20. Neither parent has health insurance available for the unemancipated children nor is it economically possible for either parent to provide medical insurance coverage at this time.

**OR**

**(Petitioner) (Respondent)**  has medical insurance available for the unemancipated child\_\_\_ through place of employment at a cost of $\_\_\_\_\_\_\_\_\_\_ per month. The Court has reviewed all of the factors set forth in Section 454.603.2 RSMo and finds that the medical insurance available for the unemancipated child\_\_\_ through place of employment is best insurance available at this time.

21. The Court has reviewed the Form 14 submitted by **Petitioner Respondent**, a copy of which is marked “Judgment Exhibit \_\_\_\_”, attached hereto and incorporated herein by reference. The Court finds that the presumed amount of child support is just and appropriate under the circumstances of this case.

**OR**

The Court has reviewed the Form 14 submitted by **Petitioner Respondent** , a copy of which is marked “Judgment Exhibit \_\_\_\_”, attached hereto and incorporated herein by reference. The Court and finds that the presumed amount of child support is unjust and inappropriate under the circumstances of this case because: **(LIST REASONS FOR VARYING FROM THE PRESUMED AMOUNT ON THE FORM 14)**

**OR**

The Court has reviewed the Form 14 submitted by **Petitioner Respondent** , a copy of which is marked “Judgment Exhibit \_\_\_\_”, attached hereto and incorporated herein by reference. The Court and finds that the presumed amount of child support is unjust and inappropriate under the circumstances of this case. However, the presumed amount is ordered by the Court because the parties have agreed to the presumed amount with a division of the tax exemptions for the unemancipated children which varies from the guidelines.

22. **(if applicable)** The following property is the non-marital property of Petitioner: **(if real estate, set out or attach the legal description as an exhibit).**

23. **(if applicable)** The following property is the non-marital property of Respondent **(if real estate, set out or attach the legal description as an exhibit)**

24. The parties have the following that need to be divided:

[ ] marital real estate.

[ ] marital personal property

[ ] marital debts.

25. The parties have entered into a Property Settlement and Separation Agreement attached hereto as Judgment Exhibit “\_\_\_\_\_” which is found to be fair and not unconscionable.

**OR**

The parties have entered into an oral division of property and debt which has been presented on the record which is found to be fair and not unconscionable.

**OR**

The parties have already divided all of their marital property and marital debts to their mutual satisfaction and the Court finds said division to be fair and not unconscionable.

26. Neither party is entitled to maintenance from the other.

**OR**

The Court finds that after consideration of the law and the facts in this case that **Petitioner Respondent** is entitled to **modifiable non-modifiable** maintenance of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per month.

27. **(if applicable)** **Petitioner Respondent**  requested that her name be changed.

28. **(if applicable)** The Guardian ad Litem adequately protected the rights of the unemancipated children.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

29. The marriage of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is dissolved.

30. The parties are awarded joint legal and joint physical custody of the unemancipated children as set forth in the attached Parenting Plan, which is marked “Judgment Exhibit \_\_\_” and incorporated herein by reference.

**OR**

The parties are awarded joint legal custody of the unemancipated children, and **Petitioner Respondent**  shall have the sole physical custody, care and control of the unemancipated child(ren), which is marked “Judgment Exhibit \_\_\_\_” and incorporated herein by reference.

**OR**

**Petitioner Respondent** is awarded sole legal custody of the unemancipated children and the parties should be awarded joint physical custody as set forth in the attached Parenting Plan, which is marked “Judgment Exhibit \_\_\_\_\_” and incorporated herein by reference.

**OR**

**Petitioner Respondent**  is awarded sole legal and sole physical custody, care, and control of the unemancipated children, subject to **Petitioner’s Respondent’s**  right to visitation as set forth in the attached Parenting Plan, which is marked “Judgment Exhibit \_\_\_\_” and incorporated herein by reference.

31. The mailing address for the unemancipated child(ren) for medical and educational purposes shall be: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

32. Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information: (1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city; (2) The home telephone number of the new residence, if known; (3) The date of the intended move or proposed relocation; (4) A brief statement of the specific reasons for the proposed relocation of the child; and (5) A proposal for a revised schedule of custody or visitation with the child; and (6) The other party’s right, if that party is a parent, to file a motion, pursuant to Section 452.377, RSMo, seeking an order to prevent the relocation and an accompanying affidavit setting forth the specific good faith factual basis for opposing the relocation within thirty days of receipt of the notice. Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice.

33. All parties should refer to Section 452.377 RSMo. for the proper procedures regarding relocation.

34. In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file.

35. **Petitioner Respondent**  shall pay to the Family Support Payment Center, P.O. Box 109001, Jefferson City, MO 65110-9001 **if an automatic wage withholding** **OR** P.O. Box 109002, Jefferson City, MO 65110-9002 **if no automatic wage withholding**, as Trustee for **Petitioner Respondent**, as and for child support for the \_\_\_\_\_\_ unemancipated children, the sum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_) per month with the first such payment for the month of \_\_\_\_\_\_\_\_\_\_\_\_ and payable on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and a like amount on the \_\_\_\_ of each month thereafter. At such time as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is entitled to support for only \_\_\_\_ unemancipated children, on the date child support is payable, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall pay the sum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_) per month, and at such time as \_\_\_\_\_\_\_\_\_\_ is entitled to support for only one child, on the date the child support is payable, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall pay the sum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dollars ($\_\_\_\_\_\_) per month. This child support obligation shall continue in effect until the payor is no longer obligated to pay same or until subsequent order of the Court.

36. Pursuant to §452.350.4 RSMo an automatic wage withholding shall be initiated against the wages of **Petitioner Respondent**  at place of employment upon the Obligee completing and filing with the Circuit Clerk Form 68-W (OMB 0970-0154).

**OR**

No automatic wage withholding shall be initiated under §452.350.4 RSMo because: it is agreed to in writing. **OR**  Payor is unemployed. **OR** Payor is self-employed.

37. The medical insurance available for the unemancipated child\_\_\_ through **Petitioner’s Respondent’s** place of employment, or the insurance currently in effect, is found to be the best coverage available at this time. **Petitioner Respondent**  shall cause said unemancipated child\_\_\_ to continue to be covered by medical, health and hospitalization insurance in the form now provided by the employer. In the event said employment or insurance is lost, **Petitioner Respondent** shall obtain a private policy of similar coverage. This order is in the nature of child support and is modifiable.

**OR**

Neither parent is ordered to provide medical insurance coverage for the unemancipated children at this time. This order is in the nature of child support and is modifiable.

38. Pursuant to §454.603.5 RSMo **Petitioner Respondent**  shall be liable for \_\_\_\_% of the medical or dental expenses for the unemancipated child\_\_\_ that are not covered by health benefit plan coverage because the Court finds that said plan does not cover all such expenses; each parent has the financial resources to contribute to said uncovered medical and dental expenses; and each parent has substantially complied with the terms of the health benefit coverage. Medical and dental expenses are defined to be those expenses deductible for federal income tax purposes, including but not limited to: insurance deductibles, doctor's visits, dental visits, orthodontia, eye exams and glasses, and prescription drugs. The parent incurring out-of-pocket medical expenses shall advise the other parent, in writing, in a timely manner of all medical expenses incurred and, within thirty (30) days of the receipt of any bill or insurance notice that all claims have been processed and paid (whichever is later), shall forward same to the other parent for payment of his or her share. Each parent shall pay his or her share of the unpaid medical expenses within sixty (60) days of the receipt of the final bill.

39. **Petitioner Respondent**  shall receive the federal and state income tax exemptions for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

**Petitioner Respondent** shall receive the federal and state income tax exemptions for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and **Petitioner Respondent** is hereby ordered to annually sign the prescribed declaration, IRS Form 8332, to enable the non-custodial parent to claim the unemancipated children for income tax exemptions. The execution of IRS Form 8332 is contingent upon **Petitioner’s Respondent’s** receipt of the court ordered child support payments as set out in the most recent decree. The declaration shall be signed by January 30th of the year following the year for which taxes are due. If **Petitioner Respondent** does not execute the annual declaration in a timely manner, the other parent may seek appropriate court relief. This order is modifiable.

40. Neither of the parties shall pay maintenance and this order is not modifiable.

**OR**

**Petitioner Respondent**  shall pay to the Family Support Payment Center, P.O. Box 109001, Jefferson City, MO 65110-9001 **if an automatic wage withholding** **OR** P.O. Box 109002, Jefferson City, MO 65110-9002 **if no automatic wage withholding**, as Trustee for **Petitioner Respondent** , as and for maintenance, the sum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_\_\_\_\_) per month with the first such payment payable for the month of \_\_\_\_\_\_\_\_\_\_\_\_ and payable on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and a like amount on the \_\_\_\_ of each month thereafter. This maintenance order is **OR** is not modifiable.

41. Pursuant to §452.350.4 RSMo an automatic wage withholding shall be initiated against the wages of **Petitioner Respondent**  at place of employment upon the Obligee completing and filing with the Circuit Clerk Form 68-W (OMB 0970-0154).

**OR**

No automatic wage withholding shall be initiated under §452.350.4 RSMo because: it is agreed to in writing. **OR** Payor is unemployed. **OR** Payor is self-employed.

42. Petitioner is awarded the following real property: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A copy of the legal description is attached hereto, marked “Judgment Exhibit \_\_\_\_”, and incorporated herein by reference. Petitioner shall assume the mortgage on said real estate and hold Respondent harmless therefrom.

43. Respondent is awarded the following real property: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A copy of the legal description is attached hereto, marked “Judgment Exhibit \_\_\_\_”, and incorporated herein by reference. Respondent shall assume the mortgage on said real estate and hold Petitioner harmless therefrom.

44. Petitioner is awarded the personal property as set forth in the attached Property Settlement and Separation Agreement, which is marked, “Judgment Exhibit \_\_\_”, and incorporated herein by reference.

**OR**

Petitioner is awarded the following items of personal property:

45. Respondent is awarded the personal property as set forth in the attached Property Settlement and Separation Agreement.

**OR**

Respondent is awarded the following items of personal property:

46. Petitioner shall pay the marital debts set over to Petitioner in the attached Property Settlement and Separation Agreement and hold Respondent harmless therefrom.

**OR**

Petitioner shall pay the following marital debts and hold Respondent harmless therefrom: **(list debts with last four digits of account numbers)**

47. Respondent shall pay the marital debts set over to Respondent in the attached Property Settlement and Separation Agreement and hold Petitioner harmless therefrom.

**OR**

Respondent shall pay the following marital debts and hold Petitioner harmless therefrom: **(list debts with last four digits of account numbers)**

**OR**

48. Each party is awarded the marital personal property in his or her possession and to pay the marital debts in his or her individual name.

49. Each party is awarded all of pension benefits or retirement benefits in his or her name.

**OR**

**Petitioner Respondent**  is awarded \_\_\_\_\_\_\_\_ of **Petitioner’s Respondent’s**  pension and retirement benefits at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Court retains jurisdiction to enter a Qualified Domestic Relations Order satisfactory to the Trustee of said plan.

50. Neither party is awarded attorney fees.

**OR**

**Petitioner Respondent**  shall pay to **Petitioner Respondent**  the sum of $\_\_\_\_\_\_\_\_\_\_ as and for attorney fees in this case.

51. **(if applicable) Petitioner Respondent** has completed the Litigant Awareness Program and filed a certificate of completion with the Clerk.

52. **(if applicable) Petitioner’s Respondent’s**  name is hereby changed from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

53. **(if applicable)** The Guardian ad Litem is granted judgment against **Petitioner Respondent**  in the amount of $\_\_\_\_\_\_\_\_\_\_ for services rendered in this case which is taxed as costs payable by **Petitioner Respondent**.

54. Pursuant to §452.425 RSMo the sheriff, or other law enforcement officer, shall enforce the rights of any person to custody or visitation. The sheriff, or other law enforcement officer, shall not remove a child from a person who has actual physical custody of the child unless the sheriff, or other law enforcement officer, is shown a court order or judgment which clearly and convincingly verifies that such person is not entitled to the actual physical custody of the child, and there are not other exigent circumstances that would give the sheriff, or other law enforcement officer, reasonable suspicion to believe that the child would be harmed or that the court order presented to the sheriff, or other law enforcement officer, may not be valid.

55. All other relief requested is denied.

56. The Clerk shall forward a certified copy to counsel of record and unrepresented parties.

57. Costs are assessed against **Petitioner Respondent**.

JUDGMENT ENTERED AND SO ORDERED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge