FORM 68-F

JUDGMENT ESTABLISHING PATERNITY, CUSTODY AND SUPPORT

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

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

a minor, )

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

by next friend, )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

and )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

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

Individually, )

)

Plaintiffs, )

)

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

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

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

)

Defendant. )

**JUDGMENT ESTABLISHING PATERNITY, CUSTODY AND SUPPORT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as Plaintiff) appeared in person and by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as Defendant) appeared not in person, nor by counsel, although duly served. **OR** not in person, nor by counsel, having filed an Entry of Appearance. **OR** in person and by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. **OR** 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 to Establish Paternity, Custody and Child Support, witnesses were sworn, evidence adduced and (plaintiff **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. This action was filed on or about \_\_\_\_\_\_\_\_\_, under the authority of §210.817, et seq., RSMo, Plaintiff and Defendant having never been married.

2. Plaintiff 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. Defendant 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.

4. The parties’ social security numbers are as set forth in the case information sheet filed with the clerk and the last four digits of the parties’ social security numbers are as set forth in the caption.

5. The minor child, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ who was born of **Plaintiff Defendant**  , is age \_\_\_\_\_\_\_\_\_\_\_\_, SSN: XXX-XX-\_\_\_\_. **(Repeat for each child)**

6. The Court has jurisdiction over the minor child\_\_\_ under the Uniform Child Custody Jurisdiction and Enforcement Act.

7. The court has jurisdiction over the subject matter and the parties.

8. **Plaintiff Defendant** has filed a Parenting Plan which the Court has reviewed and finds that it is in the best interests of the minor child\_\_\_ with custody to be awarded as follows:

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

**OR**

**Plaintiff Defendant** should be awarded sole legal custody and the parties should be awarded joint physical custody.

**OR**

The parties should be awarded joint legal custody with **Plaintiff Defendant** having sole physical custody.

**OR**

**Plaintiff Defendant**  should be awarded sole legal custody and sole physical custody.

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

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

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

12. **Plaintiff Defendant**  has work-related child-care costs in the amount of $\_\_\_\_\_\_\_\_ per month.

13. Neither parent has health insurance available for the minor child\_\_\_ nor is it economically possible for either parent to provide medical insurance coverage at this time.

**OR**

**Plaintiff Defendant**  has medical insurance available for the minor child\_\_\_ through place of employment at a cost of $\_\_\_\_\_\_\_\_\_\_ per month. The Court has reviewed all of the factors set forth in §454.603.2 RSMo and finds that the medical insurance available for the minor child\_\_\_ through **Plaintiff’s Defendant’s**  place of employment is best insurance available at this time.

14. The Court has reviewed the Form 14 submitted by **Plaintiff Defendant** , a copy of which is attached hereto marked “Judgment Exhibit \_\_\_” 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 **Plaintiff Defendant ,** a copy of which is attached hereto marked “Judgment Exhibit \_\_\_” and incorporated herein by reference. The Court 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 **Plaintiff Defendant ,** a copy of which is attached hereto marked “Judgment Exhibit \_\_\_” and incorporated herein by reference. The Court 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 child\_\_\_ which varies from the guidelines.

15. **(if applicable)** **Plaintiff Defendant**  is entitled to necessaries and birth expenses in the amount of $\_\_\_\_\_\_\_\_\_\_\_.

**OR**

The parties agreed that there are necessaries and birthing expenses in the amount of $\_\_\_\_\_\_\_\_\_ and **Plaintiff Defendant**  has agreed to pay $\_\_\_\_\_\_\_\_\_\_ per month, through wage assignment, toward said amount until it is paid in full.

16. **(if applicable)** Arrearages are due the State of Missouri from **Plaintiff Defendant** in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_.

17. **Plaintiff Defendant**  is  **OR** is not in a position to pay toward **Plaintiff’s Defendant’s**  attorney fees.

18. The **next friend Guardian ad Litem** has adequately protected the rights of the minor child.

19. **(if a GAL)** The Guardian ad Litem is entitled to fees in the amount of $\_\_\_\_\_\_\_\_\_\_.

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

20. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is declared to be the biological father of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a \_\_male minor child\_\_\_\_, age \_\_\_\_\_\_\_\_\_\_born of **Plaintiff Defendant** , SSN: XXX-XX-\_\_\_\_\_\_. **(Repeat for each child)**

21. The parties are awarded joint legal and joint physical custody of the minor child 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 minor child\_\_\_ and **Plaintiff Defendant**  is awarded sole physical custody, care and control of the minor child\_\_\_ subject to **Plaintiff’s Defendant’s**  right to visitation as set forth in the attached Parenting Plan, which is marked “Judgment Exhibit \_\_\_” and incorporated herein by reference.

**OR**

**Plaintiff Defendant**  is awarded sole physical custody and the parties are awarded joint legal custody of the minor child\_\_\_ subject to **Plaintiff’s Defendant’s**  right to visitation as set forth in the attached Parenting Plan, which is marked “Judgment Exhibit \_\_\_” and incorporated herein by reference.

**Plaintiff Defendant**  shall have sole legal and sole physical custody, care, and control of the minor child\_\_\_\_, subject to **Plaintiff’s Defendant’s**  right to visitation as set forth in the attached Parenting Plan, which is marked “Judgment Exhibit \_\_\_” and incorporated herein by reference.

22. The mailing address for the minor child\_\_\_\_ for medical and educational purposes shall be that of **Plaintiff Defendant**.

23. 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. 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; 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 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.

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

25. 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.

26. **Plaintiff Defendant** 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 **Plaintiff Defendant** , as and for child support for the minor child, 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. 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.

27**. (if applicable)** In addition to current child support, **Plaintiff Defendant** shall pay to the Family Support 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 **Plaintiff Defendant**  as and for necessaries and birthing expenses for the minor child, the sum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_\_\_\_\_) which shall be payable at the rate of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_\_\_\_\_) per month with the first such payment for the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and payable on \_\_\_\_\_\_\_\_\_\_\_\_\_, and a like amount on the \_\_\_\_ of each month thereafter.

28. **(if applicable)** In addition to current child support, **Plaintiff Defendant**  shall pay to the Family Support 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** , toward the arrearage due the State of Missouri the sum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_\_\_\_\_) which shall be payable at the rate of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ($\_\_\_\_\_\_\_\_) per month with the first such payment for the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and payable on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and a like amount on the \_\_\_\_ of each month thereafter.

29. Pursuant to §452.350.4 RSMo an automatic wage withholding shall be initiated against the wages of **Plaintiff Defendant**  at place of employment upon the Obligee completing and filing with the Circuit Clerk Form OMB 0970-0154.

OR

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

30. The medical insurance available for the minor child through **Plaintiff’s Defendant’s**  place of employment is found to be the best coverage available at this time. **Plaintiff Defendant**  shall cause said minor 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 is lost, **Plaintiff Defendant**  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 minor child\_\_\_\_ at this time. This order is in the nature of child support and is modifiable.

31. Pursuant to §454.603.5 RSMo **Plaintiff Defendant** shall be liable for \_\_\_\_% of the medical or dental expenses for the minor 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.

32. **Plaintiff Defendant** shall receive the federal and state income tax exemptions for the minor child\_\_\_\_.

**OR**

**Plaintiff Defendant** shall receive the federal and state income tax exemptions for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and **Plaintiff Defendant** is hereby ordered to annually sign the prescribed declaration, IRS Form 8332, to enable **Plaintiff Defendant** to claim the unemancipated child\_\_\_\_ for income tax exemptions. The execution of IRS Form 8332 is contingent upon the 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 **Plaintiff Defendant** does not execute the annual declaration in a timely manner, **Plaintiff Defendant** may seek appropriate court relief. This order is modifiable.

33. No attorney fees are awarded.

**OR**

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

34. **(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**.

35. **(If asked for and the appropriate best interest standards are met or the matter is consented to in writing or on the record).** The name of the child is changed to: \_\_\_\_\_\_\_\_\_\_\_\_\_.

36. Pursuant to Section 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.

37. All other relief requested by either party is denied

38. All other relief requested by either party is denied.

39. Costs are assessed against **Plaintiff Defendant** .

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

Judgment Entered and So Ordered: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Judge