

**COURT RULES OF THE 38TH JUDICIAL CIRCUIT**

**CHRISTIAN AND TANEY COUNTIES**

The following Circuit Court Rules are adopted for use in the 38th Judicial Circuit consisting of Christian and Taney Counties, pursuant to the authority granted in Article V, Section 15 of the Missouri Constitution adopted in 1977 and as implemented by the provisions of Section 478.245, RSMo., and in accordance with the mandate of the Supreme Court under Administrative Rule No. 6, and shall apply to the Circuit Courts of this Circuit and to the Divisions of the Circuit Courts of this Circuit presided over by an Associate Circuit Judge.

All prior Rules of the 38th Judicial Circuit are herewith rescinded and declared void.

These rules shall become effective September 1, 2001.

JAMES L. EIFFERT  
PRESIDING JUDGE  
38TH JUDICIAL CIRCUIT

ANTHONY McCONNELL  
ASSOCIATE CIRCUIT JUDGE  
ASSOCIATE DIVISION I  
CHRISTIAN COUNTY

JOHN S. WATERS  
ASSOCIATE CIRCUIT JUDGE  
ASSOCIATE DIVISION II  
CHRISTIAN COUNTY

TONY WILLIAMS  
ASSOCIATE CIRCUIT JUDGE  
ASSOCIATE DIVISION I  
TANEY COUNTY

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MICHAEL MERRELL  
ASSOCIATE CIRCUIT JUDGE  
ASSOCIATE DIVISION II  
TANEY COUNTY

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**ADMINISTRATION**

**RULE 1 DIVISIONS OF COURT**

There shall be divisions of court in each county as follows:

Circuit

(Which, in addition to having jurisdiction over all cases specified by statute will have jurisdiction over all juvenile cases.)

Associate

(Which, in addition to having jurisdiction over all cases specified by statute and these rules, shall have jurisdiction over Small Claims and Municipal Cases where the municipality has not elected to maintain its own court system.)

In Christian County the Associate Division shall consist of two divisions and shall be designated Associate Division I and Associate Division II.

Municipal

**RULE 2 HOURS AND TERMS OF COURT**

2.1 HOURS OF COURT

REGULAR TERM AND LAW DAYS

Court will convene at 9:00 A.M., including jury and court tried cases, unless otherwise specified by the division before which any matter is pending.

2.2 TERMS OF COURT

1. The circuit court of each county of the circuit shall be in continual session as provided by Section 478.205, RSMo. To the extent that a term of circuit court may be required or specified by these rules or by any provisions of law, the "terms" of court shall be considered as commencing on the dates as hereafter stated:

- a) Christian County, on the first Tuesday in the months of February, June, October; and
- b) Taney County, on the first Thursday in the months of February, June, and October.

2.3 LAW DAYS

Law Day will be held as follows, unless otherwise directed by the Court:

- a) Christian County, on the Friday after the first and third Thursday of each month;
- b) Taney County, on the first and third Thursday of each month.
- c) Taney County, Criminal only, on the second Thursday of each month beginning at 1:00 p.m.

No regularly scheduled Law Day will be held the first

Thursday or the first Friday of August, unless otherwise directed by the Court.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

REGULAR TERM DAY

REGULAR LAW DAY

Attorneys desiring to bring a case before the court on law day shall give opposing attorneys, if any, proper notice and shall notify the circuit clerk. The Clerk shall prepare a Law Day Docket and have a sufficient number of copies made to supply each attorney having business on that law day, and the sheriff with a copy of such docket.

The cases will be placed on the docket in the order in which the clerk is notified and will be disposed of by the Court in the order in which the clerk is notified, as follows:

All Civil Matters.....9:00 A.M.  
Criminal arraignments and pleas.....10:00 A.M.  
Adoptions.....1:00 P.M.

No matters requiring testimony, other than default civil matters, will be heard on Law Days unless specially set by the Court.

JUVENILE

Juvenile cases other than adoptions will be heard on the following days, unless otherwise directed by the court:

- a) Christian County, on Friday following the second Thursday of each month;
- b) Taney County, 9:00 A.M. to 12:00 P.M. on the second Thursday of each month.

**RULE 3 PLEADINGS**

3.1 CAPTION

The following caption is required:

In the Circuit Court of \_\_\_\_\_ County, at \_\_\_\_\_,  
Missouri

\_\_\_\_\_ Division

(Name) \_\_\_\_\_ )

)

(Address) \_\_\_\_\_ )

)

(City) \_\_\_\_\_ )

Plaintiff, )

)

vs. )

)

(Name) \_\_\_\_\_ )

)

(Address) \_\_\_\_\_ )

)

(City) \_\_\_\_\_ )

Case No. \_\_\_\_\_

Defendant. )

CAUSE

Signed (Attorney of Record, or Party)

(Address)

(Telephone Number)

(Missouri Bar Number)

3.2 STYLE

All pleadings and motions intended for filing in any case shall be legibly written on one side of the paper only, either typewritten or printed, double-spaced, on 8-1/2 by 11 inch paper; shall be signed by the party or his attorney offering the same for filing together with the address, telephone and bar identification numbers of the trial attorney in the case; shall be captioned with the style and number of the case, the character of the pleadings and motions and, if a petition, the nature of the suit and, if consisting of more than one sheet, shall be securely bound at the top and with page numbers at the bottom. Paragraphs of pleadings shall be numbered consecutively. Where service of summons or other pleading is requested a copy of the pleading for each party to be served shall be filed and shall include the address for each party to be served.

3.3 FAX PLEADINGS

3.3A GENERAL

Fax transmissions of pleadings are permissible in any situation. No filing by fax shall be processed by the Clerks until the appropriate filing fees have been received.

Time of receipt of any pleading shall be governed by the time affixed on the fax transmission and shall be filed accordingly if the appropriate fees have been received. If the appropriate fees have not been received, the document shall be discarded.

Any person utilizing this method shall keep the

original in his possession and shall provide same upon order of the Court for inspection.

Judges shall mail the original of any Order, Judgment, Writ or Decree to the Clerk of the Court within 10 days.

### 3.3B PROOF OF SERVICE

Proof of service by facsimile machine shall be made by the person causing the paper to be transmitted. Such proof of service shall indicate the telephone number to which the paper was transmitted and the method of confirmation that the transmission was received.

## **RULE 4 FILING OF CASES**

4.1 CRIMINAL CASES  
(No local rule.)

4.2 CIVIL CASES

In all dissolution cases, the Vital Statistics form must accompany the petition.

The clerk shall not accept a petition for filing without said forms accompanying said petition.

4.3 PROBATE CASES  
(No local rule.)

4.4 JUVENILE CASES  
(No local rule.)

4.5 SMALL CLAIMS CASES  
(No local rule.)

4.6 MUNICIPAL CASES

Municipal ordinance violation cases shall be filed with the clerk of the appropriate municipal division when that municipality has made provisions for a municipal judge as provided by law. If the municipality has not made such provisions, the filing shall be with the clerk of the associate circuit court.

4.7 ADULT ABUSE CASES

In all adult abuse cases (Sections 455.010 to 455.085) the Petitioner shall file, with the clerk, a financial statement

indicating the petitioner's income and liabilities. Said statement shall be made available by the clerk to petitioner and shall be in substantially the same form as the Income and Expense referred to in local rule 68.4.

**RULE 5 FEE AND COSTS**

5.1 FILING FEE AND COST DEPOSIT

In all cases filed in this circuit there shall be deposited with the appropriate clerk, for which he shall give his receipt, the following sums:

A. Circuit Division

All Civil Cases

Taney County	\$ 90.00
Christian County	\$100.00
Each additional defendant	\$20.00
Publication requirement (additional)	\$100.00
Guardian Ad Litem (additional)	\$50.00

B. Associate Division

All original civil cases	\$57.00
Each additional defendant	\$20.00
Small claims by registered mail:	
Up to \$100.00	\$10.00, plus postage (\$4.79 per defendant)
\$100.00 to \$1500.00	\$15.00, plus postage (\$4.79 per defendant)

Cost of service shall be paid in advance

Small claims where service by sheriff requested	\$25.00
Each additional defendant	\$20.00
Upon filing an application for trial <u>de novo</u> under Small Claims or Chapter 517, RSMo., procedures	\$65.00

5.2 COSTS  
(No local rule.)

5.3 WITNESS FEE  
(No local rule.)

5.4 WAIVER OF FEES  
(No local rule.)

5.5 MOTION FOR SECURITY  
(No local rule.)

**RULE 6 ASSIGNMENT OF JUDGES, CASES AND TRANSFER OF CASES**

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1 CHRISTIAN COUNTY ASSOCIATE DIVISION I

Absent other order from the Presiding Circuit Judge, the following classes of cases are hereby assigned to Christian County Associate Division I:

- (a) All actions for support brought pursuant to Chapters 207 and 208, V.A.M.S., and pursuant to the Uniform Reciprocal Enforcement of Support Law as set forth in Chapter 454, V.A.M.S.;
- (b) All actions brought pursuant to the Adult Abuse Act, Sections 455.010 to 455.085, RSMo.;
- (c) All actions brought pursuant to the Protective Services for Adults Act, Sections 660.250 to 660.295, RSMo.;
- (d) All actions brought pursuant to the Child Protection Orders Act, Sections 455.500 to 455.538,
- (e) All actions filed on behalf of the State of Missouri by the Prosecuting Attorney pursuant to Chapters 210, 452 and 454 R.S.Mo.

- (f) Contested dissolution of marriage cases, legal separation or separate maintenance proceedings;
- (g) Contested motions to modify decrees of dissolution of marriage, legal separation, separate maintenance, child custody and child support.
- (h) All actions seeking a declaration of paternity.
- (i) All Family Access motions brought pursuant to the provision of Section 452.400 RSMo.
- (j) All proceedings in Habeas Corpus in child custody cases.
- (k) All civil actions and proceedings for the recovery of money when the sum demanded, exclusive of interest and costs, does not exceed \$25,000.00; (Section 517.011.1(1) RSMo);
  - (l) "Small claims" cases as provided in Sections 482.300 through 482.365, V.A.M.S.;
- (m) All actions for replevin, attachment and mechanics lien in which the recovery sought is less than \$25,000.00;
- (n) Actions for unlawful detainer, actions for rent and; possession;
- (o) All actions against any railroad company in this state for damages for killing or injuring any animal.

#### 6.1.2 CHRISTIAN COUNTY ASSOCIATE DIVISION II

Absent other order from the Presiding Circuit Judge, the following classes of cases are hereby assigned to Christian County Associate Division II:

- (a) All cases of misdemeanor or infraction;
- (b) Felony cases prior to the filing of the Information;
- (c) Municipal ordinance violation cases of any municipality in the county for which no municipal judge is provided;
- (d) All trial de novo proceedings from municipal divisions;
- (e) All actions seeking reinstatement of a driver's license revoked for refusal to submit to a chemical test to determine alcoholic content of blood; and, all petitions for review of driver's license revocations;

- (f) All actions seeking hardship driving privileges;
- (g) All probate proceedings.

#### 6.1.3 TANEY COUNTY ASSOCIATE DIVISION I

Absent other order from the Presiding Circuit Judge, the following classes of cases are hereby assigned to Taney County Associate Division I:

- (a) All cases of misdemeanor or infraction;
- (b) Felony cases prior to the filing of the Information;
- (c) Municipal ordinance violation cases of any municipality in the county for which no municipal judge is provided;
- (d) All trial de novo proceedings from municipal divisions;
- (e) All actions seeking reinstatement of a driver's license revoked for refusal to submit to a chemical test to determine alcoholic content of blood; and, all petitions for review of driver's license revocations;
- (f) All actions seeking hardship driving privileges;
- (g) All probate proceedings.

#### 6.1.4 TANEY COUNTY ASSOCIATE DIVISION II

Absent other order from the Presiding Circuit Judge, the following classes of cases are hereby assigned to Taney County Associate Division II:

- (a) All actions for support brought pursuant to Chapters 207 and 208, V.A.M.S., and pursuant to the Uniform Reciprocal Enforcement of Support Law as set forth in Chapter 454, V.A.M.S.;
- (b) All actions brought pursuant to the Adult Abuse Act, Sections 455.010 to 455.085, RSMo.;
- (c) All actions brought pursuant to the Protective Services for Adults Act, Sections 660.250 to 660.295, RSMo.;
- (d) All actions brought pursuant to the Child Protection Orders Act, Sections 455.500 to 455.538, RSMo.
- (e) All actions filed on behalf of the State of Missouri by the Prosecuting Attorney pursuant to Chapters 210, 452 and 454 R.S.Mo.

- (f) Contested dissolution of marriage cases, legal separation or separate maintenance proceedings;
- (g) Contested motions to modify decrees of dissolution of marriage, legal separation, separate maintenance, child custody and child support.
- (h) All actions seeking a declaration of paternity.
- (i) All Family Access motions brought pursuant to the provision of Section 452.400 RSMo.
- (j) All proceedings in Habeas Corpus in child custody cases.
- (k) All civil actions and proceedings for the recovery of money when the sum demanded, exclusive of interest and costs, does not exceed \$25,000.00; (Section 517.011.1(1) RSMo);
- (l) "Small claims" cases as provided in Sections 482,300 through 482.365, V.A.M.S.;
- (m) All actions for replevin, attachment and mechanics lien in which the recovery sought is less than \$25,000.00;
- (n) Actions for unlawful detainer, actions for rent and; possession;
- (o) All actions against any railroad company in this state for damages for killing or injuring any animal.

#### 6.1.5 DISQUALIFICATIONS AND de NOVO TRIALS

- (a) Criminal cases which originate in associate division which are transferred to the circuit division because of a request for jury trial, are assigned to the associate circuit judge of the county in which the case was originally filed;
- (b) Upon disqualification of an associate circuit judge, in an associate division case or any case assigned by these rules, the other associate judge of that county is hereby assigned to hear said cause;
- (c) All trials de novo from associate and small claims, are hereby assigned to the associate circuit judge of the other associate division of that county.

#### 6.1.6 BY LOCAL COURT RULES OR ORDER

Associate circuit judges of the counties within the Thirty-

eighth Circuit may hear and determine the cases or the types or classes of cases as hereafter stated which are pending in that county for which the associate circuit judge sits.

(a) Uncontested dissolution of marriage cases, legal separation or separate maintenance proceedings;

(b) Uncontested motions to modify decrees of dissolution of marriage, legal separation, separate maintenance, child custody and child support;

(c) Proceedings for change of name of a person;

(d) Uncontested proceedings for the approval of settlement of suit involving claims by persons under eighteen years of age; and

(e) Uncontested actions involving the title to real estate.

6.1.7 SPECIAL ASSIGNMENT

(No local rule.)

6.2 ASSIGNMENT TO CIRCUIT JUDGES

(No local rule.)

6.3 CERTIFICATION TO CIRCUIT DIVISION

(No local rule.)

6.4 TRIAL de NOVO

(No local rule.)

6.5 DISQUALIFICATION OF JUDGE

(No local rule.)

6.6 ABSENCE OF JUDGE

In the event that an associate circuit judge is absent or unavailable to act, any associate judge of the 38th Judicial Circuit, who is present, may act in any case assigned by these Rules to the absent or unavailable associate circuit judge.

6.7 ABSENCE OF PRESIDING JUDGE

In the event that the presiding judge is from time to time absent from the circuit or is disabled; then, prior to such period of absence or disability, the presiding circuit judge shall assign the associate circuit judge in each county who shall exercise the responsibilities prescribed by law for presiding circuit judges,

(as set out in Rule 100.1.2), during such period of absence or disability.

**RULE 7 WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE**

7.1 WHEN ALLOWED

No official files of the circuit court of any division thereof shall be removed from the office of the circuit clerk or the office of any division clerk except in the custody of employees of the circuit court, the judges or the court reporter.

7.2 DUPLICATING POLICY  
(No local rule.)

**RULE 8 PUBLICATION OF DOCKETS**

8.1 TRIAL DOCKET  
(No local rule.)

8.2 DISMISSAL DOCKET

In the first trial docket of each calendar year in each county, the circuit clerk shall designate those civil cases which are considered inactive, in accordance with Rule 37 herein.

**RULE 9 COURTROOMS**  
(See Rule 21.8)

9.1 ASSIGNMENT OF COURTROOM

Assignment of courtrooms shall be scheduled by the Presiding Judge's secretary.

9.2 PLACE OF HEARING  
(No local rule.)

9.3 USE OF COUNSEL TABLE  
(No local rule.)

9.4 COURTROOM DECORUM AND DRESS  
(No local rule.)

9.5 WHO IS PERMITTED WITHIN BAR  
(No local rule.)

**RULE 10 COURT REPORTERS AND COMPENSATION FOR SAME**

Preparation of any transcript on appeal by an official court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

**RULE 11 RECORDING OF JUDICIAL PROCEEDINGS**

All persons except those authorized by the court to preserve the record shall refrain from broadcasting, televising, recording, or taking photographs in the courtrooms or areas immediately adjacent thereto during sessions of court or recesses between sessions.

**RULE 12 MONIES PAID INTO COURT**

12.1 BOND IN CIVIL CASES  
(No local rule.)

**RULE 13 COMMUNICATIONS WITH COURT**

13.1 ORAL COMMUNICATIONS WITH THE COURT  
(No local rule.)

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

Any party sending a written communication to a Judge or to the Secretary of a Judge shall send a copy thereof to counsel of record for all other parties, and to all other parties not represented by counsel.

## GENERAL RULES

### **RULE 21 ATTORNEYS**

- 21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS  
(No local rule.)
- 21.2 ENTRIES OF APPEARANCE  
(No local rule.)
- 21.3 CONDUCT OF ATTORNEYS  
(No local rule.)
- 21.4 WITHDRAWAL OF ATTORNEYS

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Rule 4, Supreme Court Rule, ("Code of Professional Responsibility") Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. Any attorney who desires to withdraw as attorney of record for any party to any action pending in this Court shall comply with the following procedure:

(a) The attorney shall file a written motion requesting leave of court to withdraw. If the case is then set for trial the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the Court for hearing.

(b) A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01.

- 21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL  
(No local rule.)
- 21.6 APPOINTMENT OF ATTORNEYS  
(No local rule.)
- 21.7 AGREEMENT OF ATTORNEYS  
(No local rule.)
- 21.8 ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE

The attorney is to advise his client and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

He is to advise his client not to discuss any phase of the

case with the court.

When the rule as to witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with that rule. If any witness violates the rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court, in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered.

**RULE 22 APPOINTMENT OF GUARDIAN AD LITEM**  
(No local rule.)

**RULE 23 TRANSCRIPTS**  
(No local rule.)

**RULE 24 EXHIBITS**  
(No local rule.)

#### **PRE-TRIAL MATTERS**

**RULE 32 DISCOVERY**

32.1 **USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION**  
(No local rule.)

32.2 **INTERROGATORIES**

Interrogatories shall be prepared by the party submitting same to allow sufficient space following the interrogatory for the answer to said interrogatory. If sufficient space is not provided by the attorney submitting said interrogatory, the party requested to answer same shall continue his answer to said interrogatory on the back of the page containing said interrogatory.

Answers to interrogatories may be in the following format:

INTERROGATORY 1. State the name of any person who you believe observed the occurrence described in plaintiff's petition?

ANSWER. John Doe.

32.3 DEPOSITION  
(No local rule.)

32.4 MOTION FOR SANCTIONS  
(No local rule.)

32.5 CRIMINAL DISCOVERY  
(No local rule.)

**RULE 33 PRE-TRIAL MOTIONS**

33.1 HEARING DATES  
(No local rule.)

33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED  
(No local rule.)

33.3 ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED  
(No local rule.)

33.4 MOTIONS IN LIMINE  
(No local rule.)

**RULE 34 CONTINUANCES**

34.1 CIVIL CASES  
(No local rule.)

34.2 CRIMINAL CASES  
(No local rule.)

**RULE 35 PRE-TRIAL CONFERENCE**  
(No local rule.)

**RULE 36 SETTING CASES FOR TRIAL**

36.1 REQUEST FOR TRIAL  
(No local rule.)

36.2 DATE OF CALENDAR CALL  
(No local rule.)

36.3 PREPARATION OF CALENDAR  
(No local rule.)

- 36.4 CALENDAR CALL  
(No local rule.)
- 36.5 INACTIVE CALENDAR  
(See Rules 8.2 and 37.1) (No local rule.)
- 36.6 REVISION OF REMOVAL FROM PREPARED CALENDAR  
(No local rule.)
- 36.7 SPECIAL ASSIGNMENTS  
(No local rule.)

#### **RULE 37 - DISMISSALS BY COURT**

##### 37.1 CIRCUIT COURT CIVIL CASES.

**(1) Circuit Civil Case.** All cases remaining inactive and on file for a period of 6 months shall, upon 30 days written notice to the parties or their attorneys, be dismissed without prejudice for failure to prosecute, except for good cause shown.

**(2) Family Law Cases.** The Court may dismiss all family law cases, dissolution, legal separation, modification, adult abuse, child protection, family access motions, paternity, and other family law cases pending but not tried or set for trial after the expiration of four months from the filing date.

**(3) If There is No Service.** If there is no service of process in a case within thirty days of filing, it may be dismissed.

##### 37.2 CIRCUIT COURT CRIMINAL CASES.

**(1) Circuit Criminal Cases.** All cases remaining inactive and on file for a period of 6 months shall, upon 30 days written notice to the parties or their attorneys, be dismissed without prejudice for failure to prosecute, except for good cause shown.

##### 37.3 ASSOCIATE COURT CIVIL CASES.

**(1) The Court May Dismiss Any Civil Case.** Except as otherwise provided herein, the Court may dismiss any case still pending that is more than one hundred twenty days old from the date of filing which is not set for trial.

**(2) If There is No Service.** If there is no service of process in a case within thirty days of filing, it may be dismissed.

#### 37.4 ASSOCIATE COURT CRIMINAL CASES.

**(1) The Court May Dismiss Any Criminal Case.** Except as otherwise provided herein, the Court may, at any Docket Call, dismiss any case still pending that is more than one hundred twenty days old from the date of filing which is not set for trial.

#### 37.5 DISMISSAL WITHOUT PREJUDICE.

**(1) All Dismissals by the Court of Any Case Shall be Without Prejudice Unless Otherwise Stated.** If any case is dismissed under this rule the dismissal shall be under this rule without prejudice unless otherwise ordered by the court or provided by law.

#### 37.6 NOTICE OF DISMISSAL.

**(1) The Clerk Shall Mail Notice of Dismissal.** If a case is dismissed under this rule, the Clerk shall mail a copy of the written dismissal or docket entry to the attorneys of record for each party, or a party without counsel, at his or her last known address, by ordinary mail to notify the person of the dismissal under this rule. Proof of mailing by the clerk shall constitute notice as required in this rule.

#### 37.7 REINSTATEMENT OF CAUSE.

**(1) A Motion to Reinstate May be Filed.** Within thirty days from the date of dismissal, an application or motion to reinstate the case may be filed. Cases will only be reinstated for good cause shown.

**(2) Notice of Filing of Motion to Reinstate.** Notice of the filing of each application or motion for the reinstatement of a dismissed cause, shall, before the filing of the same, be served by counsel or a party litigant upon the opposing party or his counsel of record or upon the party litigant, and proof of such service shall be filed with such written application or motion.

### SETTLEMENT AND DEFAULT

#### **RULE 41 SETTLEMENT**

##### 41.1 NOTICE OF SETTLEMENT

The court and the clerk shall be notified promptly by counsel if a case is settled after it has been set for trial.

#### **RULE 42 DEFAULT**

(See Rules 2.4 and 5.) (No local rule.)

### TRIALS

**RULE 51 COURT-TRIED CASES**

51.1 DEFAULT AND UNCONTESTED MATTERS  
(See Rule 2.4) (No local rule.)

51.2 CONTESTED MATTERS  
(No local rule.)

51.3 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

In all court-tried cases in which findings of fact and conclusions of law are required, or properly requested, the parties, through their attorneys, shall submit proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time thereafter as directed by the Court.

**RULE 52 SELECTION OF JURY**

52.1 JURY QUESTIONNAIRES

The jury questionnaire shall be delivered with the summons along with directions to fill it out and return it to the clerk's office within 10 days.

Copies of jury questionnaires shall be available on the day of any jury trial by contacting the clerk. At the completion of the voir dire examination, it is the responsibility of the attorney to return his copy of the jury questionnaires to the clerk.

Attorneys shall not, as part of the voir dire examination, examine a member of the jury panel as to any matter contained on the jury questionnaire, without the permission of the court, except as to events that have occurred since the signing of the questionnaire.

**RULE 53 JURY TRIALS**

53.1 INSTRUCTIONS  
(No local rule.)

53.2 CLOSING ARGUMENTS  
(No local rule.)

**RULE 54 JUDGMENT ENTRY**

54.1 CONTESTED CASES

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the form of judgment entry to the court for its approval.

54.2 DEFAULT OR UNCONTESTED CASES

The form of judgment entry shall be submitted to the court at the time of hearing of the default; except in associate division.

**RULES RELATING TO PARTICULAR ACTIONS**

**RULE 61 ADOPTION**

61.1 FILING REQUIREMENTS  
(No local rule.)

61.2 HOME STUDY

In cases where the adoption or custody involves a minor child under 18 years of age who is the natural child of one of the petitioners the home study required by Chapter 453 is hereby waived. (453.070.3)

**RULE 62 DRIVERS' CASES**

62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES  
(No local rule.)

62.2 PETITIONS FOR REVIEW  
(No local rule.)

62.3 BREATHALYZER TEST  
(No local rule.)

**RULE 63 ASSOCIATE DIVISION**  
(No local rule.)

**RULE 64** CASES ARISING UNDER CHAPTERS 207 AND 208, RSMo. 1978  
(COMMONLY KNOWN AS TITLE IV-D AND H. B. 601 ACTIONS)  
(No local rule.)

**RULE 65** CIVIL COMMITMENT  
(No local rule.)

**RULE 66** CONDEMNATION  
(No local rule.)

**RULE 67** CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION  
(No local rule.)

67.1.2 DEPOSIT OF OPERATOR'S LICENSE  
(No local rule.)

67.2 PRELIMINARY HEARING  
(No local rule.)

67.3 GRAND JURY  
(No local rule.)

67.4 ATTORNEYS  
(See Rule 21.) (No local rule.)

67.5 ARRAIGNMENTS  
(No local rule.)

67.5.1 IN GENERAL  
(No local rule.)

67.5.2 DATES  
(No local rule.)

67.6 DISCOVERY  
(No local rule.)

67.7 MOTIONS  
(No local rule.)

67.8 PLEA BARGAINING

In order for a plea bargain to be approved in any felony criminal case the plea bargain or agreement shall be in writing and signed by the prosecuting attorney, the defense attorney and the defendant and shall be made a part of the permanent court file. Said plea bargain may be placed on memoranda forms provided by the court clerk.

No plea bargains, in felony cases, are allowed within 30 days of the trial date.

67.9 GUILTY PLEA

67.9.1 WHERE ENTERED  
(No local rule.)

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

In all felony cases wherein the defendant desires to plead guilty, the defendant and his attorney shall prepare a petition to enter a plea of guilty on a form adapted by this court. The petition to enter a plea of guilty shall be ready to be executed by the defendant and his attorney in open court.

67.10 CALENDAR  
(No local rule.)

67.11 PROBATION AND PAROLE  
(No local rule.)

**RULE 68. DISSOLUTION OF MARRIAGE**

68.1 FILING REQUIREMENTS

**(1) Vital Statistics Report.** At the time of filing the petition, the attorney for the petitioner shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360, RSMo and in cases where there are minor children the information required by Section 452.480, RSMo shall be furnished in the original pleading or contained in a separate affidavit attached to the original pleading.

**(2) Parenting Plan.** In all cases wherein a parenting plan is required, the party submitting a proposed parenting plan shall, either:

(a) Submit a fully completed Supreme Court Form CV265(Rev. 12/98), or;

(b) Submit a parenting plan together with a fully completed parenting plan checklist (Form 10).

#### 68.2 Interim Family Law Order

**(1) Interim Family Law Order.** In all proceedings for Dissolution of Marriage or Legal Separation the Court hereby enters the Interim Family Law Order (Form 12). In any such proceeding the Clerk of the Court shall attach the Interim Family Law Order (Form 12), to the Summons or serve a copy of such the Interim Family Law Order (Form 12) on the parties at the addresses specified in the petition. Proof of mailing by the clerk shall constitute notice as required in this rule.

#### 68.4 FILING OF FINANCIAL STATEMENTS

**(1) Dissolution Actions - Statement 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 2) and a Statement of Income and Expenses (Form 1) shall be completed by each party, executed under oath, filed with the Court and served on the opposing party within 60 days from the date the answer is filed.

**(2) Motion to Modify/Paternity - Statement 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 1) and a Modified Statement of Property (Form 3) shall be completed by each party, executed under oath, filed with the Court and served on the opposing party within 30 days from the date the answer is filed. If no answer is filed or due, these forms shall be filed with the court and served on the opposing party within 60 days from the date of service.

**(3) Supplemented Statement of Property and Income Required.**  
If any changes occur prior to the trial date, the information provided on Forms 1, 2 and 3 shall be updated no less than 15 days prior to trial and served on the opposing attorney with a Certificate of Service of same to the Court.

**(4) Sanctions may be ordered - when.** If a party fails to timely file or update Forms 1, 2 or 3, the judge may, at his or her discretion, order sanctions against that party such as the party so failing being prohibited from presenting affirmative evidence as to the values of the property, income or expenses which were not provided to opposing counsel.

**(5) Consolidated Statement Required -Time.** A consolidated statement of marital and non-marital assets and debts of Petitioner and Respondent (Form 9) shall be submitted in every contested Dissolution of Marriage or Legal Separation action. Twenty days prior to the scheduled trial date of any such action the parties shall file with the Court their Form 9. If the parties are unable to agree upon a Form 9, then each party shall submit a proposed Form 9 to the Court and the Court may schedule a pre-trial conference to resolve any differences in the proposed forms.

68.4.1        STANDARD DISCOVERY FOR USE IN CONTESTED FAMILY LAW ACTIONS

**(1) Dissolution - Standard Interrogatories Required.** In all actions for Dissolution of Marriage or Legal Separation, the court en banc approved standard sets of opening Interrogatories (Form 5) shall be first used and automatically answered by both parties unless both parties stipulate in writing the case is not contested.

(a) Within 30 days from the filing of the Answers to the Petition, each party shall serve a copy of the answers to the Form 5 Interrogatories and a certificate of service to the court without either party being required to have actually served a copy of said Interrogatories on the other party. The original Interrogatory Answers shall be maintained by the party.

**(2) Motion to Modify - Standard Interrogatories Required.** In all Motions to Modify Child Support, Alimony and Maintenance, and actions to establish Paternity and Child Support, the court en banc approved standard sets of opening Interrogatories (Form 6) shall be first used and automatically answered by each party and served on the other party within 60 days of the date the Movant serves the motion on the other party, unless both parties stipulate in writing the case is not contested.

(a) Each party shall serve a copy of the answers to the Form 6 Interrogatories to the other party and file a certificate of mailing with the court without either party being required to have actually served a copy of said interrogatories on the other. The original Interrogatory Answers shall be maintained by the party.

**(3) In Contested Cases - Release for Benefits & Financial Disclosure Required.** In all actions for Dissolution of Marriage, Legal Separation, Motions to Modify Child Support and actions to establish Paternity and Child Support, each party shall (unless

both parties stipulate in writing that the case is not contested) within 30 days of the date the Petition is served execute and serve on the other party:

(a) An original Authorization to Release Employee Benefits to the other party and that party's attorney (Form 7) directed to each current employer and to each former employer from whom the party is entitled to receive any employment or retirement benefits; and

(b) An original Authorization to Disclose Financial Institution Records to that party and the party's attorney (Form 8) to each financial institution at which the party has maintained an account within the last 24 months or at which the party has an outstanding loan balance.

**(4) Parties Required to Exchange Documents.** Petitioner and Respondent shall exchange the following documents within 30 days from the date the Answer is filed:

(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 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 plan whether vested or non-vested.

(d) Complete copy of the plan(s) relating to any pension benefits whether vested or non-vested.

(e) Copies of any titles to real estate, notes, deeds of trust, leases, titles to motor vehicles, stock or bond certificates and any other evidence of ownership of an asset or interest in an asset claimed as marital or separate property.

(f) Copies of all life insurance policies insuring the life of either party or a minor child involved in the proceedings.

(g) Copy of most recent statement of value for any life insurance policy of either party or child, which has a cash value.

(h) Complete copies of any financial statements provided to a lender or prospective lender within the preceding 3 calendar years.

(i) Complete copies of any appraisals relating to any marital or separate property done within 1 calendar year.

(j) Complete copies of any trusts where a party is either the grantor or current income beneficiary of the trust.

(k) 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.

**(5) Certificate of Service Required.** When the documents specified in Paragraph 4 above are exchanged, the respective party shall file with the Court a certificate of service (Form 4) identifying 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.

**(6) Court May Extend Time for Filing.** The Court, upon motion of one or more parties, may extend the time for exchanging the documents required in Paragraphs 4 above or may waive the exchange of documents entirely but only for good cause shown.

**(7) Requested Information Shall be Updated Prior to Trial.** All information requested in the above interrogatories and document requests shall be updated within 15 days prior to trial if any changes occur prior to the trial date except significant changes such as employment, income or expert witnesses which should be updated immediately.

**(8) Sanctions May Be Imposed for Failure to Comply.** Failure to timely comply with this rule shall, at the discretion of the Judge and upon motion of either party, result in such sanctions as are provided by law, to include, but not limited to, preventing the noncompliant 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's fees and/or costs against the noncompliant party.

#### 68.6 CHILDREN FIRST

All litigants in a dissolution, modification or action to establish Paternity, who are parents of a minor child/children where custody is to be determined by the Circuit Court are subject to the following conditions:

(1) The Court finds that in custody determination proceedings arguing and manipulating by the parents of minor children and participation by those children in said proceedings has a detrimental effect on the emotional well-being of those children.

(2) Burrell Center, Springfield, Missouri, has available an educational program entitled *Children First* which consists of vignettes depicting typical problem situations encountered by separating parents.

(3) The Court believes that participation in the educational session(s) by the parties to a custody determination proceeding will assist them in avoiding those common problems depicted therein, and thereby benefit the parties, more particularly their children, and incidentally the Court by reducing custodial disputes.

Both parties to any proceeding involving the custody of a minor child shall be required to view the film *Children First* and attend the aforesaid educational sessions.

The petitioner or movant shall attend said sessions within 60 days of the filing of the petition or motion. The respondent shall attend said program within 60 days of the date of service of process. Each party shall file a certificate of completion with the Circuit Clerk on each participation within 15 days of completion. No case shall proceed to commencement of a hearing on the merits of the case until said certificate(s) are filed or the Court, for good cause shown, waives application of this rule.

Costs of this program, shall be paid by the parties to Burrell Center. The cost of the program is hereby waived in all cases filed in forma pauperis or for parties who have qualified for legal aid.

#### 68.8 ENTRY OF JUDGMENT UPON AFFIDAVIT - REQUIREMENTS

**(1) Final Orders Entered B When.** Final orders in a proceeding for Dissolution of Marriage or 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 minor children of the parties and the female party is not pregnant, or one of the parties is represented by counsel and the parties have entered into a written agreement determining custody and child support; and

(b) 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 responsive pleading; and

(c) There is no genuine issue as to any material fact; and

(d) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

**(2) Affidavit B Filing.** If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit (Form 11).

#### 68.11 TEMPORARY CHILD SUPPORT

**(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 as a result of the filing thereof, either parent may move for an Order for Temporary Child Support under this rule.

**(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 No. 14.

**(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 or by personal service, and shall provide a certificate of service.

**(4) Time to Respond - Include Form 14.** The other parent shall have ten (10) 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 No. 14.

**(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.

**(6) Court May Require Hearing.** If the Court determines that it is impossible 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. The only issues which shall be considered by the Court at such expedited hearing shall be those relating specifically to temporary child support as set forth in Missouri Rule of Civil Procedure 88. The Court shall issue its orders under this rule within five days of any such hearing.

**(7) Court May Issue Such Orders as Appropriate.** Irrespective of whether a hearing is held, if the Court determines that any verified motion or verified response thereto, or any testimony given under oath pursuant to this rule is perjured or made with reckless disregard to whether the allegations contained therein are true, then the Court may issue such orders as it may deem appropriate, including, but not limited to, orders for costs and expenses of litigation under this rule, including attorney fees.

**(8) 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 minor children of the parties.

#### 68.12 PRE-TRIAL CONFERENCE

**(1) Pre-Trial Conference.** A pre-trial conference may be held in all contested cases to which this Rule 68 applies.

**(2) Time for Conference.** A pre-trial conference may be held between twenty and fourteen days prior to the date set for trial. It will be the responsibility of the Petitioner to set this pre-trial conference.

**(3) Pre-Trial Conference - Purpose.** The pre-trial conference will be held with the Judge assigned to conduct the trial and shall include the parties and their counsel and 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 complete Form 9 the consolidated Statement of Marital Assets, Non-Marital Assets, and Debts of the parties and Form 10, Parenting Plan Checklist;

(d) To determine whether the parties should be ordered to participate in Alternative Dispute Resolution; and

(e) To exchange updated Forms 1, 2 or 3 and update other disclosure.

#### 68.13 DISMISSAL BY COURT

**See Rule 37.1(2) for Dismissal of Family Law Cases.** Rule 37.1(2) provides as follows:

**(2) Family Law Cases.** The Court may dismiss all family law cases, dissolution, legal separation, modification, adult abuse, child protection, family access motions, paternity, and other family law cases pending but not tried or set for trial after the expiration of four months from the filing date.

**RULE 69 MUNICIPAL DIVISION**  
(No local rule.)

**RULE 70 PARTITION**  
(No local rule.)

**RULE 71 ADMINISTRATIVE REVIEWS**

(No local rule.)

**RULE 72 PROBATE**

(No local rule.)

**RULE 73 SMALL CLAIMS**

(No local rule.)

**RULE 74 TRUST ESTATES**

74.1 INVENTORY  
(No local rule.)

74.2 REPORTS  
(No local rule.)

74.3 RECORD  
(No local rule.)

74.4 AUDIT  
(No local rule.)

**POST TRIAL**

**RULE 81 EXECUTION**

(No local rule.)

**RULE 82 GARNISHMENT**

(No local rule.)

**RULE 83 JUDICIAL SALES**

(No local rule.)

**INTERNAL ORGANIZATION**

**RULE 100**

100.1 PRESIDING JUDGE

100.1.1 ELECTION  
(No local rule.)

100.1.2 DUTIES OF PRESIDING JUDGE  
(No local rule.)

100.1.3 DISPUTE RESOLUTION - PROCEDURE  
(No local rule.)

100.2 LOCAL COURT RULES

100.2.1 FORMULATION  
(No local rule.)

100.2.2 PUBLICATION  
(No local rule.)

100.3 LIBRARY FUND

The clerk shall use \$5.00 of the filing fee of each civil case to defray costs of a county law library. The clerk shall establish a County Library Fund. The clerk is hereby designated as treasurer of the Fund and the custodian of the library. Funds may be disbursed only upon written order of this court.

**RECORDS AND FILES**

100.4 STORAGE OF RECORDS

100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES (AND THEIR CONTENTS)  
(No local rule.)

100.4.2 REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES (AND THEIR CONTENTS)  
(No local rule.)

100.4.3 RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTER NOTES  
(No local rule.)

100.4.4 IDENTIFICATION OF REPORTER'S NOTES  
(No local rule.)

- 100.4.5 INDEX  
(No local rule.)
- 100.4.6 STORAGE OF NOTES  
(No local rule.)
- 100.4.7 NOTES OF SUBSTITUTE REPORTERS  
(No local rule.)
- 100.4.8 STORAGE OF NOTES UPON RETIREMENT, TERMINATION  
OR DEATH OF COURT REPORTER  
(No local rule.)
- 100.4.9 BOXING AND STORING OF OLD NOTES  
(No local rule.)
- 100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS AND  
SPACE FOR STORAGE OF COURT REPORTER NOTES  
(No local rule.)
- 100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS  
(No local rule.)
- 100.4.12 PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL  
RECORDS  
(No local rule.)
- 100.5 CLERK'S DUTIES
  - 100.5.1 MONIES PAID INTO COURT  
(No local rule.)
- 100.6 SELECTION OF VENIREMEN  
(No local rule.)

### **MISCELLANEOUS RULES**

**RULE 101 PRESENCE OF SHERIFF AND CLERK REQUIRED**

The sheriff or deputy sheriff and the circuit clerk or a deputy circuit clerk shall be in the circuit courtroom at all times when court is in session unless excused by the judge then presiding. The sheriff or deputy sheriff shall perform the duties of bailiff and shall maintain order in the courtroom. The circuit clerk or a deputy circuit clerk shall administer such oaths as are required to bailiff, jurors, and witnesses.

**RULE 68 - INDEX TO FORMS**

<u>Number</u>	<u>Description</u>	<u>References in Rules</u>
Form No. 1	Statement of Income & Expenses	68.4(1), 68.4(2, 3 & 4), & 68.4(3)
Form No. 2	Statement of Marital & Non-Marital Assets	68.4(1), 68.4(2, 3 & 4), & 68.4(3)

Form No. 3 Modified Statement of Marital & Non-Marital Assets	68.4(2), 68.4(2, 3 & 4), & 68.4(3)
Form No. 4 Certificate of Service of Required Documents Pursuant to Rule	68.4.1(4)
Form No. 5 First Interrogatories Dissolution of Marriage/Legal Separation	68.4.1(1)
Form No. 6 First Interrogatories Motion to Modify	68.4.1(2)
Form No. 7 Authorization to Release Employee Benefits Information	68.4.1(3)(a)
Form No. 8 Authorization to Disclose Financial Records	68.4.1(3)(b)
Form No. 9 Consolidated Statement of Marital and Non-marital Assets & Debts of Petitioner and Respondent	68.4(5) & 68.12(3)(c)
Form No. 10 Parenting Plan Checklist	68.12(3)(c)
Form No. 11 Affidavit for Judgment	68.8(2)
Form No. 12 Interim Family Law Order	68.2(1)

**FORM 1**

**INCOME AND EXPENSE STATEMENT OF**

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**Social Security Number**

1. **INCOME**

A. Name and address of employer

Gross Wages, Salary and Commission per Pay Period

\$ \_\_\_\_\_

PAY PERIOD: \_\_\_\_\_ Weekly \_\_\_\_\_ Bi-Weekly \_\_\_\_\_ Semi-Monthly \_\_\_\_\_ Monthly

B. Additional Gross Income from Rentals, Dividends and Business Enterprises, Social Security, AFDC, VA Benefits, Pensions, Annuities, Bonuses, Commissions and all other sources (give monthly average and list sources of income):

\$ \_\_\_\_\_

**Average Monthly Gross Total** (Wages, Salary, Commission, & Additional Income)

\$ \_\_\_\_\_

C. Your share of the gross income on last year's Federal Income Tax Return: \$ \_\_\_\_\_

2. Actual or estimated expenses required to maintain previous standard of living stated on a MONTHLY average: (If estimated, designate by adding AE@ behind the amount)

A. Rent or mortgage payments \$ \_\_\_\_\_

B. Utilities

1. Gas \$ \_\_\_\_\_

2. Water \$ \_\_\_\_\_

3. Electricity \$ \_\_\_\_\_

4. Telephone \$ \_\_\_\_\_

5. Trash Service \$ \_\_\_\_\_

\$ \_\_\_\_\_

C. Automobiles

1. Gas and Oil \$ \_\_\_\_\_

2. Maintenance (routine) \$ \_\_\_\_\_

3. Taxes and Licenses \$ \_\_\_\_\_

4. Payment on Auto Loan \$ \_\_\_\_\_

\$ \_\_\_\_\_

D. Insurance

1. Life \$ \_\_\_\_\_

2. Health and Accident \$ \_\_\_\_\_

3. Disability \$ \_\_\_\_\_  
 4. Homeowners \$ \_\_\_\_\_  
 5. Automobile \$ \_\_\_\_\_

\$ \_\_\_\_\_

E. Total payment on Installment Contracts \$ \_\_\_\_\_

F. Child Support Paid to Others for Children not in your Custody \$ \_\_\_\_\_

G. Maintenance or Alimony \$ \_\_\_\_\_

H. Church and Charitable Contributions \$ \_\_\_\_\_

I. Other Living Expenses

	For You	For Children	
1. Food	\$ _____	\$ _____	
2. Clothing	\$ _____	\$ _____	
3. Medical Care	\$ _____	\$ _____	
4. Prescription Drugs	\$ _____	\$ _____	
5. Dental Care	\$ _____	\$ _____	
6. Recreation	\$ _____	\$ _____	
7. Laundry and Cleaning	\$ _____		\$ _____
8. Barber Shop	\$ _____	\$ _____	
9. Beauty Shop	\$ _____	\$ _____	
10. School and Books	\$ _____	\$ _____	
11. Extra curricular activities	\$ _____	\$ _____	
	=====	=====	
	\$ _____	\$ _____	\$ _____

J. Day Care or Babysitter (Name and address of day care provider or babysitter and amount)

\$ \_\_\_\_\_

K. All other expenses not presently identified  
 (give as a Monthly average.)

1. Sundries \$ \_\_\_\_\_  
 2. Reading material & TV \$ \_\_\_\_\_  
 3. Gifts \$ \_\_\_\_\_  
 4. Home Maintenance \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL AVERAGE MONTHLY EXPENSES \$ \_\_\_\_\_



**IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI**

**In Re The Marriage Of:** )  
 )  
 )  
**Petitioner,** )  
 )  
**vs.** ) **Case No.**  
 )  
 )  
**Respondent.** )

**STATEMENT OF MARITAL AND NON-MARITAL ASSETS  
 AND DEBTS OF PETITIONER/RESPONDENT  
 SOCIAL SECURITY NUMBER:**

Instructions: This form must be completed in full. If additional space is required, add a page indicating the section number and supply all information requested. Show only dollar amounts, rounding to the nearest dollar. STATEMENT IS TO BE CURRENT WITHIN 15 DAYS OF HEARING. Failure to submit this form may result in the prohibition of the presentation of affirmative evidence of the information recited herein.

This Statement requests that you list all Marital and Non-Marital Property owned by you and/or your spouse, whether in your possession, the possession of your spouse or in the possession of a third party.

Definition - Marital and Non-Marital Property

As used in this document, Marital Property means all property acquired by either spouse after the date of the marriage regardless of how it is titled, except:

1. Property acquired by gift, bequest, devise or descent;
2. Property acquired by exchange for property acquired prior to the marriage or in exchange for property acquired by gift, bequest, devise or descent;
3. Property acquired by a spouse after a decree of legal separation;
4. Property acquired by valid agreement of the parties; and
5. The increase in value of property acquired prior to the marriage. (Section 452.330.2 RSMo 1981).

The excepted property is Non-Marital Property. All other property is Marital Property.

**MARITAL PROPERTY OF PETITIONER/RESPONDENT**

A. Real Estate - List interest in real estate	Present	Amount Owed	Requested	Who
---	---------	-------------	-----------	-----

owned by you, including leaseholds. Include street address.	Fair Market Value		Award to H or W	Presently Possesses H or W

B. Motor Vehicles. Include all automobiles, boats, trailers, aircraft, recreational vehicles and campers in which you have an interest. List year, make, model, and vehicle identification number.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

C. Bank Accounts. List all checking and savings accounts, time deposits, money market certificates, etc., held in your name, alone or with another person. Give the name of the institution, the names on the account and the account number.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

D. Cash on Hand held by you or under your control, directly or indirectly.	

E. Securities. List all stocks, including both public and closely held corporations, bonds, promissory notes, mortgages,	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses

money market funds and all other such property in which you have an interest. Give the names in which the securities are held and identification number, if any.				H or W

F. Life Insurance. List the type of policy, name of issuing company, insured, beneficiaries, face value and cash value of any policy in which you have an interest.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

G. Retirement Pension and/or Profit Sharing. List name of the company, the name and the address of the plan administrator, and the present total value of any plan in which you hold an interest.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

H. Interest in trust. List any interest which you hold in a trust.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

I. Interest in contracts made and not performed held by you. List the parties to the contract, your interest to the contract and the expected date of performance, if	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

any.				

J. Interest in pending litigation or suit not yet filed held by you.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

K. Interest in farm equipment, crops, animals. List the nature of the property and location held by you.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

L. Debts owed to you by others. List the name of the debtor, any security, date of loan and due date, if any, of any debts owed to you.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

M. Interests in sole proprietorships, partnerships or joint ventures held by you. List the names of all other persons who	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses

share an interest in this business with you and the percent interest you hold				H or W





any interest.	Value		or W	Possesses H or W







**IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI**

**In Re:** )  
 )  
 )  
**Petitioner,** )  
 )  
**vs.** ) **Case No.**  
 )  
 )  
**Respondent.** )

**STATEMENT OF PROPERTY OF PETITIONER/RESPONDENT**  
**(MODIFICATION/PATERNITY)**  
**SOCIAL SECURITY NUMBER:**

Instructions: This form must be completed in full. If additional space is required, add a page indicating the section number and supply all information requested. Show only dollar amounts, rounding to the nearest dollar. STATEMENT IS TO BE CURRENT WITHIN 15 DAYS OF HEARING. Failure to submit this form may result in the prohibition of the presentation of affirmative evidence of the information recited herein.

**PROPERTY OF PETITIONER/RESPONDENT**

A. Real Estate - List interest in real estate owned by you, including leaseholds. Include street address.	Present Fair Market Value	Amount Owed

B. Motor Vehicles. Include all automobiles, boats, trailers, aircraft, recreational vehicles and campers in which you have an interest. List year, make, model, and vehicle identification number.	Present Fair Market Value	Amount Owed

C. Bank Accounts. List all checking and savings accounts, time deposits, money market certificates, etc., held in your name, alone or with another person. Give the name of the institution, the names on the account and the account number.	Present Fair Market Value	Amount Owed

D. Cash on Hand held by you or under your control, directly or indirectly.	
--	--

E. Securities. List all stocks, including both public and closely held corporations, bonds, promissory notes, mortgages, money market funds and all other such property in which you have an interest. Give the names in which the securities are held.	Present Fair Market Value	Amount Owed

F. Life Insurance. List the type of policy, name of issuing company, insured, beneficiaries, face value and cash value of any policy in which you have an interest.	Present Fair Market Value	Amount Owed

G. Retirement Pension and/or Profit Sharing. List name of the company, and the present total value of any plan in which you hold an interest.	Present Fair Market Value	Amount Owed

H. Interest in trust. List any interest which you hold in a trust.	Present Fair Market Value	Amount Owed

I. Interest in contracts made and not performed held by you. List the parties to the contract, your interest to the contract and the expected date of performance, if any.	Present Fair Market Value	Amount Owed

J. Interest in pending litigation or suit not yet filed held by you.	Present Fair Market Value	Amount Owed


K. Interest in farm equipment, crops, animals. List the nature of the property held by you.	Present Fair Market Value	Amount Owed

L. Debts owed to you by others. List the name of the debtor, any security, date of loan and due date, if any, of any debts owed to you.	Present Fair Market Value	Amount Owed

M. Interests in sole proprietorships, partnerships or joint ventures held by you. List the names of all other persons who share an interest in this business with you and the percent interest you hold	Present Fair Market Value	Amount Owed

O. Other Assets. List all assets below not already listed herein in which you hold any interest.	Present Fair Market Value	Amount Owed




IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI

<b>In Re The Marriage Of:</b>	)	
	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.</b>
	)	
	)	
<b>Respondent.</b>	)	

**CERTIFICATE OF SERVICE OF  
REQUIRED DOCUMENTS PURSUANT TO RULE 68.4.1(4)**

The undersigned (Attorney for) Petitioner (Respondent) certifies by his/her signature that complete copies of the following document(s) have been delivered to the Opposing (Counsel/Party) on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. Where documents exist but are retained by another person or no such documents exist, the appropriate annotation have been included below:

- 9 Tax Returns for the years \_\_\_\_, \_\_\_\_, \_\_\_\_.
- 9 Last 6 paycheck stubs.
- 9 Pension benefit statements as of \_\_\_\_\_.
- 9 Pension Plan documents.
- 9 Titles to Real Estate, Motor Vehicles, Leases, etc.
- 9 Life Insurance Policies.
- 9 Statements of Cash Value of Life Insurance as of \_\_\_\_\_.
- 9 Financial Statements.
- 9 Appraisals of all property.

- 9 Trust documents
- 9 Partnership Agreements/Stock Certificates/Financial Statements.

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(Attorney for) Petitioner/Respondent

**IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI**

<b>In Re The Marriage Of:</b>	)	
	)	
	)	<b>Case No.</b>
	)	
<b>Petitioner,</b>	)	
S.S.#	)	
	)	
<b>vs.</b>	)	
	)	
	)	
	)	
<b>Respondent.</b>	)	
S.S.#	)	

**FIRST INTERROGATORIES TO**

COMES NOW the \_\_\_\_\_ and propounds the following interrogatories to be answered by \_\_\_\_\_ in the manner provided by Supreme Court Rule 57.01 & Local Rule 68.4(b).

These interrogatories and request for production of documents are of a *continuing nature, requiring you to serve timely supplemental answers* setting forth any information, within the scope of these interrogatories, which may be acquired by you, your attorneys, investigators, agents, or others employed by or acting in your behalf, following the original answers.

**INSTRUCTIONS**

Type your answers to the following interrogatories in the space provided on this form where possible. If the space provided is not sufficient to completely answer each interrogatory, type your answer on a separate sheet of paper and attach same as an appendix hereto noting on this form which appendix contains your answer to said interrogatory and noting on the appendix reference to the interrogatory being answered.

1. State your full name, date of your birth, the address of your *present place of residence* and your social security number.

ANSWER:

2. State the name and relationship to you of each person residing with you at your present address.

ANSWER:

3. State the address of all previous residences where you have resided for the last year, and the dates you resided at each such address, and the name and

relationship to you of each person residing with you at each of your previous addresses.

ANSWER:

4. State the name and address of every person, firm, or corporation by whom you were employed for the past three (3) years and the total gross income per year received from each employer.

ANSWER:

5. If you receive any economic (fringe) benefits from your present employment other than wages (i.e. company car, health, or life insurance, expense accounts, club membership, etc.), describe each benefit you receive and the amount you receive from said benefit or the value of said benefit.

ANSWER:

6. If you were self-employed or a member of a partnership during any of the three (3) preceding years, state the nature of the business and your share of the gross income (after business expenses) received in *each* said year.

ANSWER:

7. If you or a member of your household receive *any* pension, dividend, interest, note, insurance, annuity payment, or social security payments on a regular basis, state the type of payment, amount, and the date you normally receive such payment.

ANSWER:

8. If you have any interest in any pension, profit sharing, retirement, Keogh Plan, I.R.A. account, thrift plan, or any other form of employment-related asset with any past or present employer, state:
  - (a) The date first acquired;
  - (b) The type of asset (e.g. pension plan);
  - (c) The present vested or cash value to you of such asset;

- (d) The name of the company that administers the plan or program and the name, address and phone number of the person who administers the plan;

ANSWER:

9. If you have any claim or cause of action against anyone else, set out in detail the reason for such claim or cause of action and sufficient information to identify any court proceedings pending regarding said claim.

ANSWER:

10. If you have transferred any real or personal property within the last twenty-four (24) months, for each such item, state:

- (a) Legal description of the property;
- (b) The value of your equity interest in the property;
- (c) The date your transferred the property;
- (d) The name and address of the person to whom you transferred said property;
- (e) Net proceeds received for said property.

ANSWER:

11. If you believe that you are entitled to receive maintenance payments from your spouse, state in detail why you believe you are entitled to maintenance.

ANSWER:

12. Do you claim marital misconduct on the part of your spouse? Yes ( ) No ( )

13. If your answer to Interrogatory No. 12 is yes, state in detail what marital misconduct you claim.

ANSWER:

14. If you have any illness or chronic disability at this time, describe said chronic illness or disability in detail.

ANSWER:

15. If you are not presently employed full-time and have attempted to obtain full-time employment in the past six (6) months, state the names of all employers with whom you have consulted and the dates of all interviews or employment applications.

ANSWER:

16. If you are not presently employed full-time and have not attempted to obtain full-time employment in the last six (6) months, state the reason for not looking for full-time employment.

ANSWER:

17. State the name, address, occupation, place of employment and qualifications to give an opinion of each person you expect to call as an expert witness at trial. (If such information is available on the expert's curriculum vitae, such curriculum vitae may be attached to these interrogatory answers as a response to this question). Also, state the general nature of the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

\_\_\_\_\_  
Name of Attorney - Bar Number

\_\_\_\_\_  
Address

Attorney for Petitioner/Respondent

The original and two copies of the foregoing interrogatories were mailed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, Attorney for Petitioner/Respondent.

STATE OF MISSOURI )

) ss.

COUNTY OF )

The below-named person, being duly sworn upon his/her oath states that he/she has read the foregoing interrogatories and the answers given are true to the best of affiant's knowledge and belief.

---

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My Commission Expires:

---

Notary Public

---

Original copy of the completed Interrogatories mailed to \_\_\_\_\_, Attorney for  
Petitioner/Respondent, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Petitioner/Respondent

**FORM 6**  
**FIRST INTERROGATORIES (MODIFICATION)**

IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI

In Re The Marriage Of:	)	
	)	
	)	Case No.
Petitioner,	)	
S.S.#	)	
	)	
vs.	)	
	)	
	)	
Respondent.	)	
S.S.#	)	

**> S FIRST INTERROGATORIES**  
**(Motion to Modify Child Support/Maintenance or Paternity Action)**

COMES NOW the \_\_\_\_\_ and propounds the following interrogatories, pursuant to Local Court Rule 68.4(b) to be answered fully and in writing and under oath, within thirty (30) days, as required by law.

These interrogatories are of a *continuing nature, requiring you to serve timely supplemental answers* setting forth any information, within the scope of these interrogatories, which may be acquired by you, your attorneys, investigators, agents, or others employed by or acting in your behalf, following the original answers. Such supplemental responses to be filed and served upon the opposing party within fifteen (15) days after the receipt of such information, but no later than two (2) weeks preceding the date of trial.

**INSTRUCTIONS**

Type your answers to the following interrogatories in the space provided on this form. If the space provided is not sufficient to completely answer each interrogatory, type your answer to said interrogatory and note on the appendix reference to the interrogatory being answered.

18. State your full name, any name by which you have ever been known, your date of birth, social security number and the address of your *present place of residence*.

ANSWER:

19. Please state:

- (a) The annual gross salary or income you received as of the date of the last child support order;
- (b) The annual gross salary or income currently received;
- (c) The approximate dates when you last received either a raise in pay and/or bonus from your employer and the amounts of each;

ANSWER:

20. Does anyone other than you assist in paying your current living expenses. If so,

state name and relationship to you.

ANSWER:

21. If you contribute to the support of anyone other than the child(ren) herein, state the name and relationship to you of each said person, the amount you contribute each month, and the reason why you contribute to said person=s support.

ANSWER:

---

Name of Attorney - Bar Number

---

Address

Attorney for Petitioner/Respondent







**IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI**

**In Re The Marriage Of:** )  
 )  
 )  
 **Petitioner,** )  
 )  
 **vs.** ) **Case No.**  
 )  
 )  
 **Respondent.** )

**CONSOLIDATED STATEMENT OF MARITAL AND NON-MARITAL ASSETS**  
**AND DEBTS OF PETITIONER AND RESPONDENT**

Instructions: This form must be completed in full. If additional space is required, add a page indicating the section number and supply all information requested. Show only dollar amounts, rounding to the nearest dollar. STATEMENT IS TO BE SUBMITTED TO THE COURT ON THE DATE OF THE HEARING. Failure to submit this form may result in sanctions.



**MARITAL PROPERTY**

A. Real Estate - List interest in real estate owned by you, including leaseholds. Include street address.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

B. Motor Vehicles. Include all automobiles, boats, trailers, aircraft, recreational vehicles and campers in which you have an interest. List year, make, model, and vehicle identification number.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

C. Bank Accounts. List all checking and savings accounts, time deposits, money market certificates, etc., held in your name, alone or with another person. Give the name of the institution, the names on the account and the account number.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

--	--	--	--	--	--	--	--	--	--

D. Cash on Hand.									
------------------	--	--	--	--	--	--	--	--	--

E. Securities. List all stocks, including both public and closely held corporations, bonds, promissory notes, mortgages, money market funds and all other such property in which you have an interest. Give the names in which the securities are held and identification number, if any.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

F. Life Insurance. List the type of policy, name of issuing company, insured, beneficiaries, face value and cash value of any policy in which you have an interest.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

G. Retirement Pension and/or Profit Sharing. List name of the company, the name and the address of the plan administrator, and the	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

present total value of any plan in which you hold an interest.									

H. Interest in trust. List any interest which you hold in a trust.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

I. Interest in contracts made and not performed held by you. List the parties to the contract, your interest to the contract and the expected date of performance, if any.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

J. Interest in pending litigation or suit not yet filed held by you.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

K. Interest in farm equipment, crops, animals. List the nature of the property and location held by you.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

L. Debts owed to you by others. List the name of the debtor, any security, date of loan and due date, if any, of any debts owed to you.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

M. Interests in sole proprietorships, partnerships or joint ventures held by you. List the names of all other persons who share	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award











IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI

In Re The Marriage Of:	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No.
	)	
Respondent.	)	

**PARENTING PLAN CHECKLIST**

Form required for all Parenting Plans except when Supreme Court Form CV265 (Rev 12/98) (Parenting Plan) is used.

Section 452.310.7 RSMo (1998) provides "the proposed parenting plan shall set forth the arrangements that the parties believe to be in the best interest of the minor children and shall include but not be limited to" the items set forth below. Enter the paragraph number of the parenting plan that contains applicable language.

22. A specific schedule detailing the physical custody and visitation for each child with each parent including:
- Q \_\_\_\_\_ a. Major holidays (including which holidays a party has each year);
  - Q \_\_\_\_\_ b. School holidays and winter, spring, summer and other vacations for school age children;
  - Q \_\_\_\_\_ c. The child's birthday, Mother's Day and Father's Day;
  - Q \_\_\_\_\_ d. Weekday and weekend schedules;
  - Q \_\_\_\_\_ e. The time and place of transfer of the child in connection with the residential schedule;
  - Q \_\_\_\_\_ f. A plan for transportation duties associated with the residential schedule.
  - Q \_\_\_\_\_ g. Appropriate times for telephone access;
  - Q \_\_\_\_\_ h. Procedures for notification when a party requests a variation from the residential schedule;
  - Q \_\_\_\_\_ i. OPTIONAL Any suggested restrictions to access and the reasons for such restrictions.

23. A specific plan regarding legal custody detailing how the decision-making will be shared by the parties including:

- Q \_\_\_\_\_ a. Educational decisions and methods of communication from school to both parents;
- Q \_\_\_\_\_ b. Medical, dental and health care decisions including how health care providers will be selected and a method of communication medical conditions and how emergency care will be handled;
- Q \_\_\_\_\_ c. Extracurricular activities, including method of determining which activities the child will participate in when those activities involve time during which each parent is the custodian;
- Q \_\_\_\_\_ d. Child care providers, including how such providers will be selected;
- Q \_\_\_\_\_ e. Communication procedures including access to telephone numbers as appropriate
- Q \_\_\_\_\_ f. A dispute resolution procedure;
- Q \_\_\_\_\_ g. OPTIONAL If sole legal custody, the reasons for no shared decision-making.

24. How the expenses of the child will be paid including:

- Q \_\_\_\_\_ a. Supreme Court Form 14;
- Q \_\_\_\_\_ b. Which party will provide health insurance and how uncovered expenses will be paid;
- Q \_\_\_\_\_ c. The payment of educational expenses, if any;
- Q \_\_\_\_\_ d. The payment of extraordinary expenses of the child, if any;
- Q \_\_\_\_\_ e. Child care expenses if any;
- Q \_\_\_\_\_ f. Transportation expenses, if any.

\_\_\_\_\_  
[Attorney for (Petitioner)(Respondent)] (GAL)\*

**CERTIFICATE OF SERVICE**

The above signature hereby certifies that a true and accurate copy of the above and foregoing was mailed/faxed/hand-delivered on \_\_\_\_\_ to \_\_\_\_\_.

**IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI**

Petitioner, )  
 ) Date:  
 )  
Social Security # ) Case No.:  
and )  
 )  
 )  
Respondent. )  
 )  
 )  
Social Security # )

**AFFIDAVIT FOR JUDGMENT**  
(Pursuant to Local Rule 68.8)

1. My name is \_\_\_\_\_ and I am the (Petitioner) (Respondent) in the above dissolution of marriage case.
2. I currently reside at \_\_\_\_\_, \_\_\_\_\_ County, State of \_\_\_\_\_.
3. I have been a resident of the State of Missouri for at least 90 days and the County of (County name) for at least 60 days immediately prior to the filing of the petition herein.  
My spouse has been a resident of Missouri for at least 90 days and the County of (County name) for at least 60 days immediately prior to the filing of the petition herein.
4. My spouse (currently resides) (and I have resided) during the marriage in the State of Missouri.  
My spouse has subjected (himself) (herself) to the jurisdiction of this court by the following acts.
5. Both my spouse and I are over the age of 18 years.
6. I was married to \_\_\_\_\_, the (Petitioner)(Respondent) herein, on \_\_\_\_\_ and the marriage is registered in \_\_\_\_\_, State of \_\_\_\_\_.
7. My spouse and I separated on or about \_\_\_\_\_.
8. Neither my spouse nor I are on active duty in the armed services at the present time or any time since the filing of the petition.
9. There is no reasonable likelihood that the marriage can be preserved and the marriage is irretrievably broken.
10. (I am)(My Wife is) not pregnant.
11. There are no living minor children born or adopted of the marriage.  
There (are)(is) \_\_\_\_\_ minor, unemancipated child(ren) of the marriage, to wit:  
\_\_\_\_\_ born \_\_\_\_\_, SSN \_\_\_\_\_  
\_\_\_\_\_ born \_\_\_\_\_, SSN \_\_\_\_\_  
A Parenting Plan to include a Form 14 is attached hereto as Exhibit \_\_\_\_\_.



\_\_\_\_\_ of lawful age, being duly sworn upon his/her oath, states that he/she is the (petitioner)(respondent) named above; and that the facts stated herein are true according to his/her best knowledge and belief.

Subscribed and sworn to before me on

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

FORM 12

IN THE CIRCUIT COURT OF CHRISTIAN/TANEY COUNTIES, MISSOURI

A. INTERIM FAMILY LAW ORDER

This dissolution or legal separation now before the Christian/Taney County Court. The Court finds that in these actions it is in the best interests of the parties and their children, if any, to issue this **ORDER Immediately upon commencement of the case**, subject to future modification upon agreement of the parties or after a Court hearing.

**IT IS THEREFORE ORDERED:**

1. Neither party shall stalk, abuse, threaten to abuse, molest, or disturb the peace of the other. Neither party shall enter upon the premises of the dwelling of the other.
25. Neither party shall remove, cause to be removed or permit the removal of any
26. minor children of the parties from the State of Missouri for a period longer than forty-eight (48) hours without the written consent of the other party, or further Order of this Court.
27. Neither party shall incur unreasonable or unnecessary debts hereafter. Any unreasonable or unnecessary debt incurred after the date of the filing of this action shall presumptively be assessed against the party incurring any such debt. The Court specifically reserves the right to allocate the income and expenses of the parties, and the costs connected with this action.
28. Neither party shall cause the other party or the children of the parties to be removed from any existing insurance coverage, including but not limited to medical, hospital, dental, automobile or disability insurance, and each party shall maintain all such insurance coverage in full force and effect.
29. Neither party shall change the beneficiaries on any existing life insurance policies, and each party shall maintain the existing life insurance policies in full force and effect.
30. Neither party shall conceal or damage any property, real or personal. Neither party shall dissipate, sell, remove, assign, transfer, dispose of, lend, mortgage, or encumber any property, real or personal, except in the ordinary course of business, for the necessities of life. In the case of transactions made in the ordinary course of business, an itemized written accounting shall be made within 14 days to the other party. In the case of disposition made for the necessities of life, an itemized written accounting shall be made to the other party within thirty (30) days.
31. In the event the parties are living in the same residence at the time of the service of this Order, **the parties shall attempt to decide between themselves if one party shall move from the family residence and, if so, which party shall move from the family residence.**

32. If there are minor children and one of the parties has moved from the family residence, the parties shall attempt to work out parent-child contact schedule pending further Order of this Court. Failure to reach agreement on this issue will result in a minimum contact visitation order at the first scheduled status conference.
33. Any party moving from the family residence may return to pick up personal belongings and effects at a reasonable time if the parties agree. Personal belonging and effects do not include furniture unless the parties agree. If the parties cannot agree on the time in this paragraph, the Court will decide these issues at a hearing on temporary relief.
34. Any party receiving personal mail or packages addressed only to the other party shall not open them, but shall forward or arrange to have such mail or packages delivered promptly to the other party. Personal mail addressed to both parties or concerning the children, and mail related to the other parties income, debts or property, may be opened by the person who receives it, but any party receiving such mail shall promptly send a copy to the other party.
35. This Order shall continue in effect, except as modified by written agreement of the parties or as modified by further Order of this Court.

12. This Order is pursuant to Local Rule 68.2(1), which provides:

**In all proceedings for dissolution of Marriage or Legal Separation the Court hereby enters the Interim Family Law Order (Form 12). In any such proceeding the Clerk of the Court shall attach the Interim Family Law Order (Form 12), to the Summons or serve a copy of such the Interim Family Law Order (Form 12) on the parties at the addresses specified in the petition. Proof of mailing by the clerk shall constitute notice as**





