

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

**CHRISTIAN COUNTY**

The following Circuit Court Rules are adopted for use in the 38th Judicial Circuit consisting of Christian County, 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All prior Rules of the 38th Judicial Circuit are herewith rescinded and declared void.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 January 1, 2017.

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LAURA JOHNSON  
PRESIDING CIRCUIT JUDGE  
38TH JUDICIAL CIRCUIT

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Larry Luna  
ASSOCIATE CIRCUIT JUDGE  
DIVISION III

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Doug Bacon  
ASSOCIATE CIRCUIT JUDGE  
DIVISION IV

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## ADMINISTRATION

### **RULE 1 DIVISIONS OF COURT**

- A. The Circuit Court of the Thirty-Eighth Judicial Circuit shall consist of a presiding judge and such other judges as may be assigned to hear civil, criminal, family law, juvenile, probate, small claims and traffic matters. The assignment of dockets to the various divisions of the court shall be subject to change from time to time, as directed by the presiding judge.
  
- B. Divisions I and II shall be presided over by circuit judges; Divisions III and IV shall be presided over by associate circuit judges.
  
- C. There shall be municipal divisions of the court. If any municipality elects to retain a municipal judge, the municipal judge shall hear and determine municipal ordinance violations in a municipal division of the circuit court located in the municipality so-electing to retain its municipal judge. Any such retention shall be at the sole cost of the municipality. If a municipality does not elect to retain its municipal judge, municipal ordinance violations shall be heard and determined by an associate circuit judge. The situs of any such municipal court shall be set and modified by the Court en Banc considering the availability of judges, costs and related matters.
  
- D. The treatment courts of the Thirty-Eighth Judicial Circuit shall provide enhanced supervision to offenders who meet eligibility criteria of the various treatment courts. The treatment courts shall be continually monitored and evaluated for modification as necessary to provide the most current evidence-based programs available. The mission of the treatment courts is to provide supervision and treatment which will allow offenders to change their behavior and avoid further involvement in the criminal justice system. The treatment courts are assigned to Division I.

**RULE 2 HOURS AND TERMS OF COURT**

2.1 HOURS OF COURT

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

The circuit court 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 "term" of court shall be considered as commencing on the first Tuesday in the months of February, June, and October.

2.3 LAW DAYS - DIVISIONS I and II

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

- A. Division I, on the first and third Thursday of each month;
- B. Division II, on the second and fourth Thursday of each month.

Attorneys desiring to bring a case before the court on law day shall give opposing attorneys, if any, five (5) business days written 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 as follows:

All Civil Matters.....9:00 A.M.  
Criminal Matters.....10:00 A.M.

No matters requiring testimony, other than default civil matters or approval of minor or wrongful death settlements or



transfer of settlement proceeds, will be heard on law days. Matters anticipated to require more than a total of ten minutes of argument may require a special setting.

#### 2.4 ASSOCIATE CIRCUIT COURT - DIVISIONS III and IV

2.4.1 Division III will hear the following cases on the following days, subject to change by the court:

- A. Juvenile law day on the second Thursday of each month;
- B. Civil cases (non-domestic) every Tuesday at 9:00 a.m.;
- C. Domestic law day every Wednesday at 10:00 a.m; and
- D. Small claims cases on the first Thursday of each month at 9:00 a.m.

2.4.2 Division IV will hear the following cases on the following days, subject to change by the court:

- A. Probate docket on the second and fourth Monday of each month at 9:00 a.m.;
- B. Criminal docket on Tuesdays and Wednesdays of each week at 9:00 a.m; and
- C. Criminal non-support cases on the first and third Monday at 9:00 a.m.

#### 2.5 MEETING OF THE COURT EN BANC

The meeting of the court en banc shall be held at least twice a year, but may be specially called by the presiding judge or by any two judges by giving written notice to the presiding judge. Written notice shall be given for all meetings and shall include the proposed agenda. All meetings of the court en banc shall be on the record. If the court is unable to agree to a procedure, "Robert's Rules of Order" shall apply. Every judge, including the presiding judge, shall be entitled to one vote. A quorum shall be a majority of all of the voting members of the

court en banc. Unless otherwise specifically provided, a majority of a quorum present at any meeting shall decide any matter before the court en banc.

**RULE 3 PLEADINGS**

3.1 CAPTION  
(See Form 16)

3.2 STYLE  
(See Form 16)

**RULE 4 FILING OF CASES**

All documents and papers filed by attorneys must be filed electronically. See Supreme Court Operating Rule 27 and Supreme Court Rule 103. Pro se litigants are permitted to file papers in the office of the appropriate clerk based on case type. Those documents filed by pro se litigants will be scanned into the electronic file and maintained electronically.

4.1 CRIMINAL CASES  
(No local rule)

4.2 CIVIL CASES  
(No local rule)

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 REDACTION OF IDENTIFYING INFORMATION OF SEXUAL ASSAULT VICTIMS

In accordance with §566.226, RSMo, regarding the redaction of identifying information of victims of certain sexual assault crimes, a party filing any pleading or document which includes information identifying a member of the protected class of victims described in §566.226, RSMo, shall file, in addition to the original document, a redacted copy of said pleading or document, so-marked, eliminating any such identifying information. The original document shall be filed at a JIS Security Level only accessible by the court and the attorneys of record and the redacted copy at a JIS Security Level open to the public.

#### 4.8 E-FILING

Except for documents filed by pro se litigants, documents originally filed in the Municipal Division, documents prepared or accepted in the courtroom during trials and hearings, and as otherwise provided in these rules or by law, all filings in all types of cases shall comply with Supreme Court Rule 103.09 and Court Operating Rule 27 as further delineated as the Electronic Filing System found on the "Your Missouri Courts" homepage (<http://www.courts.mo.gov/page.jsp?id=23>) and as described at <http://www.courts.mo.gov/page.jsp?id=46542>. Any attempted filing that does not meet the requirements of the system or any other rules promulgated by this court shall be summarily rejected and shall be deemed as **not** filed.

Notwithstanding Rule 4.8, the following shall apply:

- A. With regard to documents filed by pro se litigants, documents originally filed in the Municipal Division, documents prepared or accepted in the courtroom during trials and hearings, and as otherwise provided in these rules, the clerk shall be responsible for determining the procedures for the proper filing of and preservation of the same.

#### **RULE 5 FEES AND COSTS**

## 5.1 FILING FEES AND COST DEPOSITS

Efiling fees and costs shall be paid by approved electronic checks, credit cards, and debit accounts. All other fees and accounts shall be paid by cash, certified check, business check, money order or the equivalent, or by credit card or debit card approved by the circuit clerk. Personal checks shall not be accepted.

The circuit clerk shall be responsible for the collection of all costs after the initial filing fee except fees in a case pending in a Municipal Division having its own staff.

The circuit court en banc shall set forth by administrative order the filing fees, service fees, and cost deposits for actions filed in divisions of circuit court.

## 5.2 COSTS

The circuit court en banc shall set forth by administrative order the costs and fees for actions filed in divisions of circuit court.

## 5.3 WITNESS FEE

(No local rule)

## 5.4 WAIVER OF FEES, PROCEEDING IN FORMA PAUPERIS

Persons requesting permission to proceed in forma pauperis shall complete and submit to the clerk an Affidavit in support of request to proceed as a poor person. A form affidavit is available from the clerk or may be found at [www.courts.mo.gov](http://www.courts.mo.gov).

## 5.5 MOTION FOR SECURITY

(No local rule)

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

## 6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT DIVISIONS

### 6.1.1 DIVISION III

Absent other order from the presiding circuit judge, the

following classes of cases are hereby assigned to Division III:

- A. Actions for support brought pursuant to Chapters 207 and 208, RSMo., and pursuant to the Uniform Reciprocal Enforcement of Support Law as set forth in Chapter 454, RSMo.;
- B. Actions brought pursuant to the Adult Abuse Act, Sections 455.010 to 455.085, RSMo.;
- C. Actions brought pursuant to the Protective Services for Adults Act, Sections 660.250 to 660.295, RSMo.;
- D. Actions brought pursuant to the Child Protection Orders Act, Sections 455.500 to 455.538, RSMo.;
- E. Actions filed on behalf of the State of Missouri by the Prosecuting Attorney pursuant to Chapters 210, 452 and 454, RSMo.;
- 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. Actions seeking a declaration of paternity;
- I. Family Access motions brought pursuant to the provision of Section 452.400, RSMo.;
- J. 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, RSMo.;

- 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;
- P. All Juvenile cases, including adoptions;
- Q. Circuit civil actions from which Division I and Division II are disqualified.

#### 6.1.2 DIVISION IV

Absent other order from the presiding circuit judge, the following classes of cases are hereby assigned to Division IV:

- 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;

- H. Criminal actions from which Division I and Division II are disqualified.

### 6.1.3 BY LOCAL COURT RULES OR ORDER

Associate circuit judges may hear and determine the cases or the types or classes of cases as hereafter stated:

- 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;
- E. Uncontested actions involving the title to real estate;
- F. Felony guilty pleas when a sentencing assessment report is waived and the State and the defendant have an agreed disposition (when the defendant has waived the right to a preliminary hearing).

### 6.1.4 SPECIAL ASSIGNMENT

The presiding judge shall always retain the authority to specially assign judges as provided by law. An associate circuit judge may be assigned other cases, including felony criminal or circuit civil cases, by order of the presiding judge.

## 6.2 ASSIGNMENT TO CIRCUIT DIVISIONS

### 6.2.1 DOMESTIC CASES

The following cases shall be assigned on a random 50/50 basis to Division II and Division III:

- A. Actions for support brought pursuant to Chapters 207 and 208, RSMo., and pursuant to the Uniform Reciprocal Enforcement of Support Law as set forth in Chapter 454, RSMo.;
- B. Actions brought pursuant to the Adult Abuse Act, Sections 455.010 to 455.085, RSMo.;
- C. Actions brought pursuant to the Protective Services for Adults Act, Sections 660.250 to 660.295, RSMo.;
- D. Actions brought pursuant to the Child Protection Orders Act, Sections 455.500 to 455.538, RSMo.;
- E. Actions filed on behalf of the State of Missouri by the Prosecuting Attorney pursuant to Chapters 210, 452 and 454, RSMo.;
- 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. Actions seeking a declaration of paternity;
- I. Family Access motions brought pursuant to the provision of Section 452.400, RSMo.; and
- J. Proceedings in Habeas Corpus in child custody cases. All related applications for ex parte orders will be assigned to the division where the first application was filed.

#### 6.2.2 CIRCUIT CIVIL CASES

Except as provided in 6.2.1, circuit civil cases shall be randomly assigned seventy percent to Division I and thirty percent to Division II.



### 6.2.3 CIRCUIT CRIMINAL CASES

Circuit criminal cases shall be assigned as follows:

- A. Division I: All murder cases and any case wherein count I is a drug or alcohol charge and any subsequent criminal cases filed against the same defendant while the defendant has a criminal case pending in Division I. Any misdemeanor case(s) pending against a defendant who also has a pending felony criminal case(s) in Division I shall be reassigned to Division I.
- B. Division II: All felony cases not otherwise assigned to Division I and any subsequent cases filed against the same defendant while the defendant has a criminal case pending in Division II. Any misdemeanor case(s) pending against a defendant who also has a pending felony case(s) in Division II shall be assigned to Division II.

In the event there are criminal cases pending in Division I and Division II against defendants who are subsequently charged by information or indictment as co-defendants, then the newly filed criminal case shall be assigned to a division based on case type.

### 6.2.4 CRIMINAL CASES WITH MULTIPLE DEFENDANTS

Whenever a Complaint, Information or Indictment is filed charging multiple defendants in the same charging document, the following rules shall apply:

- A. Each defendant will be assigned a separate case number pursuant to Missouri Supreme Court Operating Rule 4.05.
- B. The cases shall be related for scheduling purposes pursuant to Missouri Supreme Court Operative Rule 4.05.

- c. Irrespective of the separate case numbers, the defendants shall be tried together subject to a defendant's rights for a severance as set forth in Supreme Court Rule 24.06 and section 545.140, RSMo.

6.3 CERTIFICATION TO CIRCUIT DIVISION

(No local rule)

6.4 TRIAL de NOVO

(No local rule)

6.5 DISQUALIFICATION OF JUDGE

If one associate circuit judge is unable to act due to the judge's recusal or the grant of a timely filed Motion for Change of Judge, the circuit clerk shall assign the case to the other associate circuit judge without the necessity of further order of the presiding judge, with the exception that domestic cases as defined in 6.2.1, shall be assigned automatically to Division II.

If all associate circuit judges are unable to act, the circuit clerk shall assign the case to Division I or Division II pursuant to Rule 6.2 without the necessity of further order of the presiding judge.

If one circuit judge is unable to act, the circuit clerk shall assign the case to the other circuit judge without the necessity of further order of the presiding judge, with the exception that domestic cases shall be assigned automatically to Division III.

If all circuit judges are unable to act, the circuit clerk shall assign the case to Division III or Division IV pursuant to Rule 6.1 without the necessity of further order of the presiding judge.

If all circuit judges and associate circuit judges are unable to act, the case will be referred to the presiding judge to request reassignment consistent with Supreme Court Rules and 478.255 RSMo.

6.6 ABSENCE OF JUDGE

In the absence of a circuit judge or associate circuit judge, any other judge may temporarily sit as the judge of the division in which the judge is absent and perform all duties of the absent judge. Upon the order of the presiding judge, any temporarily sitting judge may be permanently assigned to hear any particular matter or any particular class of cases.

6.7 ABSENCE OF PRESIDING JUDGE  
(See Local Rule 100.1.4)

6.8 REQUEST FOR CHANGE OF JUDGE  
(See Local Rule 6.5)

6.9 CONSOLIDATION OF CIVIL ACTIONS

A party desiring to consolidate civil actions into one cause of action shall file a motion to consolidate in each of the cases sought to be consolidated. Motions to consolidate cases pending in the same division shall be heard and decided by the judge in that division. Motions to consolidate cases that are pending in different divisions shall be decided by agreement of the judges involved. Following consolidation, all documents pertaining to the consolidated civil actions shall be filed in the first-filed case.

6.10 TRANSFER OF CRIMINAL CASES INTO THE SAME CIRCUIT DIVISION

- A. All separate felony cases involving the same defendant will be assigned to the same circuit division based on the first-filed case.
- B. When a felony case is transferred from associate circuit court to circuit court, all pending misdemeanors involving the same defendant will be transferred to the same division.

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

7.1 WHEN ALLOWED

No official files of the circuit court or 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  
(See Local Rule 36)

- 8.2 DISMISSAL DOCKET  
(See Local Rule 37)

**RULE 9 COURTROOMS**

(See Local 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  
(See Local Rule 9.7(F))

- 9.4 COURTROOM DECORUM AND DRESS  
(See Local Rule 9.7)

- 9.5 WHO IS PERMITTED WITHIN BAR  
(See Local Rule 9.7)

- 9.6 ELECTRONIC DEVICES

No one shall, in any manner, at any time, broadcast, televise, record, electronically or otherwise, or photograph anything occurring in a courtroom or in the courthouse, except as authorized under Supreme Court Operating Rule 16 and then,

only by prior order of the court.

- A. All electronic devices shall be turned off upon entering a courtroom; however, attorneys, probation and parole officers and law enforcement shall be permitted to use electronic devices as long as the use of the same (1) shall not make a sound (spoken word or otherwise) or in any other manner disturb the proceedings; and (2) the same shall not be used to capture a photograph, a video and/or audio recording. Attorneys may record preliminary hearings with permission of the court. An electronic device is any device which is capable of taking a photograph, capturing a video image, recording sound, or transmitting or receiving information or electronic signals.
- B. All persons are prohibited from any broadcasting, televising, recording, or taking photographs in the courtrooms, corridors or stairways adjacent to the courtrooms of the courthouse. Members of the media and educational television may request permission to bring electronic devices into the courthouse to cover court proceedings pursuant to Supreme Court Operating Rule 16 from the judge presiding over the proceeding.
- C. Failure to observe these rules shall result in the electronic device being confiscated by the Bailiff, the same being returned at the court's discretion. Violators may be held in contempt of court.
- D. This rule does not apply to the Sheriff's office, Prosecuting Attorney's office, the Circuit Clerk's office, or any other area exempted from this rule by the presiding judge.

#### 9.7 COURTROOM USE AND DECORUM

Subject to a judge's discretion as to the administration of their courtroom, the following rules shall apply:

- A. Counsel, parties and witnesses shall dress respectfully.
- B. Counsel shall advise their clients and witnesses as to the formalities of the court.
- C. When more than one party represents a party, only one attorney shall examine or cross-examine each witness.
- D. Counsel shall not block the viewing of a testifying witness.
- E. Unless otherwise specifically permitted by the court, only counsel, parties and court personnel may appear within the bar.
- F. Choice of counsel table for the duration of a matter shall be determined on a first come, first serve basis.

#### 9.8 EXCLUSION OF WITNESSES

When the rule as to the exclusion of witnesses is invoked, each attorney is charged with the duty of seeing that their witnesses comply with the 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.

#### 9.9 VIDEO DOCKET

Each judge may preside over one or more video dockets for criminal defendants in the custody of the Department of Corrections or the county jail. In order to effectuate these dockets, the judge presiding over a given video docket shall,

subject to the objection of counsel, have the authority, without further order, to hear any matters set on the docket notwithstanding the then-current judge assignment.

**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**

(See Local Rule 9.6)

**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

Oral communications with the court concerning matters in a pending case are permitted only as consistent with the rules on ethics and rules prohibiting ex-parte communications.

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

Written communications with the court concerning matters in a pending case, including e-mail communications, are permitted only as consistent with the rules on ethics and rules prohibiting ex-parte communications. Any written or e-mail communication addressed to the Court must also be addressed to

the attorney for the other parties or the other party if no attorney is of record.

## 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  
(See Local Rule 9.7)

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 Supreme Court Rule 4-1.16, Rules of Professional Conduct. 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. Leave to withdraw may not be granted if the case is set for trial. 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  
(See Local Rules 9.7 and 9.8)

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

**RULE 23** TRANSCRIPTS  
(See Local Rule 10)

**RULE 24** EXHIBITS

Exhibits should be marked for identification prior to any trial or hearing. A list of exhibits each party intends to offer should be prepared and provided to the judge and the court reporter at the beginning of the trial. The attorneys are responsible for the exhibits before, during, and after the trial or hearing. At the conclusion of the case, the attorneys are responsible to withdraw the exhibits, whether or not admitted as evidence, and preserve the exhibits for safekeeping and must be prepared to make those exhibits available as necessary for post-trial proceedings.

In some cases, the judge may need to maintain some or all of the exhibits for further review following a hearing or trial. At the conclusion of the court's need for the exhibits, they must be retrieved by the attorneys within 60 days or they will be destroyed. The attorneys are responsible to preserve the exhibits for safekeeping and be prepared to make those exhibits available as necessary for post-trial proceedings.

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

**RULE 32** DISCOVERY

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT  
DIVISION

(No local rule)

32.2 INTERROGATORIES

- A. Unless otherwise agreed by the parties, the interrogatories shall be served upon adverse counsel in writing and shall be accompanied by an editable electronic version of the interrogatories. The interrogatories are not to be filed with the court, except as provided by paragraph C herein. The interrogating party shall show on the interrogatories the "Certificate of Service" and shall file with the court at the time they are mailed a "Certificate of Service" of the interrogatories.
- B. The interrogated party shall reproduce the interrogatory before each answer using the same interrogatory number as in the interrogatories propounded by the opponent, or respond in the space provided on the interrogatories from the interrogating party.
- C. If a motion placing the interrogatory in issue is filed, the movant shall contemporaneously file each interrogatory and answer that is the subject of the motion.
- D. Where a party files an objection to any interrogatory, the interrogatory objected to shall be set out in full before the stated objection.

32.3 PRODUCTION OF DOCUMENTS AND THINGS

- A. Unless otherwise agreed by the parties, requests for production shall be served upon adverse counsel in writing and shall be accompanied by an editable electronic version of the requests. The requests are not to be filed with the court, except as provided by paragraph C herein. The requesting party shall show on the requests the "Certificate of Service" and shall

file with the court at the time they are mailed a  
"Certificate of Service" of the requests.

- B. The requested party shall reproduce the request before each response using the same request number as in the requests propounded by the opponent, or respond in the space provided on the requests from the requesting party.
- C. If a motion placing the request in issue is filed, the movant shall contemporaneously file each request and response that is the subject of the motion.
- D. Where a party files an objection to any request, the request objected to shall be set out in full before the stated objection.

32.4 DEPOSITIONS  
(No local rule)

32.5 MOTION FOR SANCTIONS  
(No local rule)

32.6 CRIMINAL DISCOVERY  
(No local rule)

32.7 GOLDEN RULE

Notice of hearing on a discovery dispute shall not be given unless the parties have met in person or by telephone in a good faith attempt at an informal resolution of the dispute. Any motion to compel discovery must contain the Movant's affirmative statement that this good faith attempt has been made.

32.8 MOTIONS TO COMPEL

Motions to compel requiring argument exceeding a total of ten minutes may require a special setting. (See also Local Rule 32.7)

**RULE 33 PRE-TRIAL MOTIONS**

33.1 HEARING DATES

(See Local Rules 2.3 and 2.4)

33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED

(No local rule)

33.3 ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED

Circuit court matters requiring over ten minutes of oral argument must be specially set through the appropriate division.

33.4 MOTIONS IN LIMINE

(No local rule)

**RULE 34 CONTINUANCES**

34.1 CIVIL CASES

An Application for Continuance must be made in writing and shall state the reason for the requested continuance and whether opposing counsel consents to or opposes the application. Compliance with the Supreme Court Rule 65 is required, including the affirmative statement that the party seeking the continuance is personally aware of the application and the party's position with respect to the proposed continuance.

The court may, for good cause shown, consider a party's oral Application for Continuance based on special circumstances then existing.

34.2 CRIMINAL CASES

An Application for Continuance must be made in writing and shall state the reason for the requested continuance and whether opposing counsel consents to or opposes the application. If the application is made on behalf of a defendant, the application must contain the affirmative statement that counsel has personally discussed the application with the defendant and the defendant's position with respect to the proposed continuance. The defendant shall be present in the courtroom when any

application for continuance is heard, unless otherwise excused by the court.

The court may, for good cause shown, consider a party's oral Application for Continuance based on special circumstances then existing.

**RULE 35 PRE-TRIAL CONFERENCE**

Pretrial conferences will be scheduled upon request of any party or as the court deems necessary.

**RULE 36 SETTING CASES FOR TRIAL**

36.1 REQUEST FOR TRIAL

A. Circuit Civil Jury Trials (Non-Domestic)

Each circuit division has certain weeks scheduled for civil jury trials. Parties shall contact each division to determine the dates of the civil jury docket before requesting a trial setting. Parties shall make requests for trial in writing to the division in which the case is pending. The request must include available dates for trial, consistent with the civil jury docket, and anticipated length of trial.

B. Circuit Civil Bench Trials (Non-Domestic)

Requests for bench trial settings should be made in writing to the appropriate division. The requests must include available dates for trial and anticipated length of trial.

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 Local Rule 37.1)

36.6 REVISION OR REMOVAL FROM PREPARED CALENDAR  
(No local rule)

36.7 SPECIAL ASSIGNMENTS  
(See Local Rule 6.1.4)

**RULE 37 DISMISSALS BY COURT**

37.1 CIRCUIT COURT CIVIL CASES

- A. Circuit Civil Cases. All cases remaining inactive and on file for a period of six (6) months shall, upon thirty (30) days written notice to the parties or their attorneys, be dismissed without prejudice for failure to prosecute, except for good cause shown.
- B. Family Law Cases. All cases remaining inactive and on file for a period of six (6) months shall, upon thirty (30) days written notice to the parties or their attorneys, be dismissed without prejudice for failure to prosecute, except for good cause shown.

37.2 CIRCUIT COURT CRIMINAL CASES

All cases remaining inactive and on file for a period of six (6) months shall, upon thirty (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

Except as otherwise provided herein, the court may dismiss any case still pending that is more than one hundred twenty (120) days old from the date of filing which is not set for trial.

#### 37.4 ASSOCIATE COURT CRIMINAL CASES

Except as otherwise provided herein, the court may, at any Docket Call, dismiss any case still pending that is more than one hundred twenty (120) days old from the date of filing which is not set for trial.

#### 37.5 VOLUNTARY DISMISSAL

A notice of dismissal with or without prejudice must state whether the case is set for trial and must be accompanied by a proposed order.

#### 37.6 REINSTATEMENT OF CAUSE

- A. Within thirty (30) 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.
- B. 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 Local Rules 2.4 and 4.8(A))

## TRIALS

### **RULE 51 COURT-TRIED CASES**

#### 51.1 DEFAULT AND UNCONTESTED MATTERS

(See Local Rule 4.8(A))

#### 51.2 CONTESTED MATTERS

(See Local Rule 36.1(B))

#### 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.

#### 51.4 TRIAL SETTINGS

(See Local Rule 36.1(B))

### **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 ten (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

Prior to the commencement of civil and criminal jury



trials, the parties shall submit to the court an annotated and unannotated set of the instructions they anticipate will be offered at the close of all evidence.

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  
(See Local Rule 4.8 (A))

54.3 TRIAL EXHIBITS  
(See Local Rule 24)

**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 eighteen (18) years of age who is the natural child of one of the petitioners the home study required by Chapter 453 is hereby waived, except the criminal history report required by RSMo., 453.070 is still required.

**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**  
(See Local Rule 6.1)

**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

Motions to set bond or for bond reduction, or modifications of conditions of release, shall be made in writing and filed with the circuit clerk five business days before hearing unless a shorter time is agreed by parties. In those cases where victim notification is required, the prosecutor must advise the court of the status of that notification at the beginning of any hearing on bond motions.

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

67.1.3 QUALIFICATIONS OF BONDING AGENTS

- A. The presiding judge, or presiding judge's designee, shall approve the authorized Bonding Agents for persons charged with crimes in the 38<sup>th</sup> Judicial Circuit.
- B. Any person, firm, corporation or other business entity ("Bonding Agent" or "Bonding Agents") desiring to write bail bonds in the 38<sup>th</sup> Judicial Circuit shall annually file in completed form a

General Affidavit Of Qualifications and a General Affidavit of Qualifications - Questionnaire. The information provided in the Questionnaire shall be legible and shall be presented in such a fashion so that qualifying assets (as hereinafter described) may be quickly identified.

The qualifying assets as disclosed in said affidavit shall be used to determine the bonding authority of the Bonding Agent, which bonding authority shall not be exceeded. The bonding authority of the Bonding Agent shall be an amount equal to 15 times the qualifying assets of the Bonding Agent. The bonding authority of the Bonding Agent on any single bond shall be no more than 50% of the qualifying assets of the Bonding Agent.

C. Qualifying assets shall consist of the following:

- (1) The reasonable equity value of real estate located in Missouri. The reasonable equity value of real estate shall be based upon current appraisals by certified Missouri appraisers and/or current tax assessments after reduction by all liens and encumbrances, as verified by the appraiser, current title policy or certified bank letter;
- (2) Certificates of deposit issued by an FDIC-insured or NCUA-insured financial institution located in the state of Missouri or cash held on deposit by such institutions;
- (3) Monies deposited with the state of Missouri Department of Insurance, Financial Institutions & Professional Registration pursuant to Chapter 374 of the Revised Statutes of Missouri; and
- (4) Any asset that has been specifically approved by the presiding judge or the presiding judge's designee; however, the Court

generally will not accept such assets as jewelry, antiques, etc.

- D. Prior to 9 a.m. on the last working day of each month, each Bonding Agent shall certify on the Monthly Affidavit of Qualifications form provided by the court that there have been no changes in the qualifications or qualifying assets of the Bonding Agent, as they appeared on the last filed Annual General Affidavit of Qualifications and General Affidavit of Qualifications - Questionnaire. Further, each agent shall file a list of all outstanding Missouri bonds reflecting the amount of each bond and total of all bonds. If there are changes, a new Annual General Affidavit of Qualifications and General Affidavit of Qualifications - Questionnaire shall be filed. If the clerk determines that the bonding authority of the Bonding Agent has dropped below \$10,000, the clerk shall endeavor to notify the Bonding Agent, Sheriff and all other interested parties of such fact and, thereafter, the Bonding Agent shall have no authority to write additional bonds until such time as the clerk shall ascertain that the Bonding Agent has bonding authority greater than \$10,000. If the Bonding Agent requests to demonstrate to the clerk that its bonding authority has increased over \$10,000, the clerk shall endeavor to recertify the Bonding Authority on a time available basis.
- E. Any unsatisfied judgment against a Bonding Agent, entered upon any bail bond in any court of this state or of the United States, shall forthwith disqualify such bonding agent from writing bonds in the 38<sup>th</sup> Judicial Circuit. Such disqualification shall continue for so long as a judgment remains unsatisfied and until the disqualified agent is re-qualified pursuant to state law and this rule.

F. Notwithstanding the foregoing, all unresolved issues regarding the interpretation and application of this rule shall be resolved by the presiding judge or the presiding judge's designee.

67.2 PRELIMINARY HEARING  
(No local rule)

67.3 GRAND JURY  
(No local rule)

67.4 ATTORNEYS  
(See Local Rules 9.7 and 21)

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  
(No local rule)

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.

67.10 CALENDAR  
(No local rule)

67.11 PROBATION AND PAROLE  
(No local rule)

**RULE 68 DOMESTIC RELATIONS CASES**

68.1 FILING REQUIREMENTS

**(1) Vital Statistics Report.** At the time of filing a petition for dissolution of marriage, the attorney for the petitioner shall file a record of dissolution of Marriage on a form prescribed and furnished by the state registrar, as required by Section 193.205, RSMo. In cases where there are minor children, the information required by Section 452.780, 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 CAFC501A & B (Rev. 02/17/11); or

(b) Submit a parenting plan which is in compliance with RSMo. 452.310(8), with a fully completed parenting plan checklist (Form 10).

**(3) Information Statement to the Circuit Court for the Processing of Maintenance and Child Support Payments.** In any case requiring child support payments from one party to another, FORM 13 entitled "Information Statement to the Circuit Court for the Processing of Maintenance and Child Support Payments (Confidential Record)" shall be filed with the clerk of the Circuit Court before final judgment will be accepted for filing.

68.2 Interim Family Law Order

**(1) Interim Family Law Order.** In all proceedings for Dissolution of Marriage, Legal Separation, Declaration of Paternity or Non-Paternity, and Child Custody, 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.

68.3 Forms of Decrees  
(No local rule)

68.4 FILING OF FINANCIAL STATEMENTS

**(1) Dissolution Actions - Statements of Property & Income Required.** In all actions for Dissolution of Marriage or Legal Separation, each party shall complete a Statement of Marital and Non-marital Assets and Debts (Form 2) and a Statement of Income and Expenses (Form 1), 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/Custody - Statement of Income Required.** In all Motions to Modify Child Support, Maintenance, or Custody and actions to establish Paternity, Custody, and Child Support, each party shall complete a Statement of Income and Expenses (Form 1), executed under oath, filed with the Court and served on the opposing party within ninety (90) days from the date of service.

**(3) Supplemented Discovery Required.** If any changes occur prior to the trial date, the information provided in accordance with these rules shall be updated no less than twenty (20) 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 discovery in accordance with these rules, counsel shall direct written correspondence to the opposing party or their counsel, if represented, requesting compliance with this Rule within fifteen (15) days. Continued noncompliance may result in the noncomplying party 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, Maintenance, or Custody 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 sixty (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) Paternity/Custody - Standard Interrogatories Required.** In all actions to establish Paternity and/or Custody, the court en banc approved standard sets of opening Interrogatories (Form 15) 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 15 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.

**(4) 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/or Custody and Child Support, each party shall (unless both parties stipulate in writing that the case is not contested) within thirty (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 twenty (24) months or at which the party has an outstanding loan balance.

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

(a) Complete copies of any federal and state income tax returns (including all schedules, W-2 and 1099 forms) for the preceding three (3) calendar years.

(b) Complete copies of the last six (6) pay periods "paycheck" stubs or other evidence of wages, salaries or tips if no "paycheck" stub is issued.

(c) Complete copies of any benefit statements wherein a party claims an interest in any form of pension 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 three (3) calendar years.

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

**(6) 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.

**(7) 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 Paragraph 4 above or may waive the exchange of documents entirely but only for good cause shown.

**(8) Requested Information Shall be Updated Prior to Trial.** All information requested in the above interrogatories and document requests shall be updated within twenty (20) 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.

**(9) Sanctions May Be Imposed for Failure to Comply.** If a party fails to timely comply with this rule, counsel shall direct written correspondence to the opposing party or their

counsel, if represented, requesting compliance with this Rule within fifteen (15) days. Continued noncompliance may 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.

68.5 MODIFICATION OF DECREE  
(No local Rule)

68.6 PARENT EDUCATION PROGRAMS

All litigants in a dissolution, separation, or action to establish Paternity and/or Custody, 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) The Circuit Clerk of Christian County, Missouri has a list of court-approved parent education programs which parents shall attend in order to be educated as to the detrimental effects of divorce and parental conflict on children and how to avoid those negative effects.

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

The petitioner/plaintiff shall attend said sessions within sixty (60) days of filing the petition. The respondent/defendant shall attend said program within sixty (60) days of the date of service of process. Each party shall file a certificate of completion with the Circuit Clerk within fifteen (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 unless waived in cases filed in forma pauperis or for parties who have qualified for legal aid.

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

**(1) Final Judgments Entered. When.** Final Judgments in proceedings for Dissolution of Marriage, Legal Separation, Motions to Modify, Declaration of Paternity or Non-Paternity, Child Custody, and Change of Name may be entered upon the affidavit of Petitioner/Plaintiff, Counter-Petitioner/Plaintiff, or both parties when:

(a) One of the parties is represented by counsel; and

(b) The adverse party has waived service or 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 or Respondent/Defendant is in default.

**(2) Affidavit. Filing.** If a party desires to submit the matter for entry of Final Judgment upon an affidavit, the submitting party shall file an affidavit (Form 11). Upon review, if the Court determines additional evidence is required, it may set the matter for hearing.

#### 68.8 TEMPORARY CHILD SUPPORT

**(1) Either Parent May Move for Temporary Child Support.** In an original proceeding for Dissolution of Marriage, Legal Separation, or Custody when paternity has been established, when there are minor children of the parties 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 accompanied by an affidavit, setting forth clearly and concisely the grounds for such motion. The motion shall include a *fully completed* Civil Procedure Form No. 14, with explanation.

**(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 file a certificate of service.

**(4) Time to Respond - Include Form 14.** The other parent shall have ten (10) days from the date of such service to respond to the motion. Any response shall be verified and shall include a *fully completed* Civil Procedure Form No. 14, with explanation.

**(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 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.

## 68.9 PRE-TRIAL CONFERENCE

**(1) Pre-Trial Conference.** A pre-trial conference may be held in all contested cases to which this Rule 68 applies, upon motion of the Court or either party.

**(2) Time for Conference.** A trial conference may be held between twenty (20) and fourteen (14) days prior to the date set for trial.

**(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 and 2 and update other disclosure.

## 68.10 DISMISSAL BY COURT

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

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

**RULE 69 MUNICIPAL DIVISION**

69.01 DETERMINING INDIGENT STATUS

A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court a ``Statement of Financial Condition'' which may be obtained from the municipal court clerk.

69.02 ASSIGNMENT OF MUNICIPAL JUDGES

If a municipal court judge is disqualified for any reason, he or she may assign the case to another municipal judge within the county without the permission of the presiding judge.

**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**    **INTERNAL ORGANIZATION**

100.1    **PRESIDING JUDGE**

100.1.1    **ELECTION**

The circuit shall elect a presiding judge. The presiding judge shall be elected in January of each odd numbered year beginning in 2019 to serve a two-year term effective January 31. The presiding judge shall be elected from among the judges within the circuit by a majority of the circuit and associate circuit judges. The voting shall be by secret written ballot. A special election shall be held at any time upon resignation or death of the presiding judge, at which time a presiding judge shall be elected to fill the unexpired term. The incumbent presiding judge may succeed him/herself, if he/she so desires, if he/she is confirmed by a majority vote of all the circuit and associate circuit judges under the procedures set forth above. Proxies in writing shall be allowed in voting for presiding judge. In case of any temporary inability to serve, the other circuit judge shall serve as acting presiding judge and will act until the presiding judge is available or until the term expires. In case the presiding and acting presiding judges are unavailable, the associate circuit judges are appointed to act in order of seniority on the bench. Where no other judge is available to serve as presiding judge, the chief justice of the Supreme Court will appoint a judge to serve.



### 100.1.2 DUTIES OF PRESIDING JUDGE

The presiding judge shall be the general administrative authority of the court. The presiding judge shall have all of the following powers and such other powers as shall be reasonably required to carry out the business of the court and the presiding judge:

- A. Preside at all court en banc meetings and permit such matters to come before the meeting as the presiding judge deems appropriate;
- B. Supervise and appoint any needed committees;
- C. Coordinate personnel duties;
- D. Supervise preparation of the budget;
- E. Handle media and governmental contacts;
- F. Establish procedures, schedules and make docket assignments among the divisions;
- G. Subject to settings ordered by a given judge, schedule for trial all cases;
- H. Assign courtrooms;
- I. With the advice of the court en banc, set by administrative order, the filing fees and costs required for actions filed in court. The schedule may be amended from time to time;
- J. Represent the court en banc in the call and supervision of petit and grand jury functions; and
- K. Have the authority to appoint a secretary and such other personnel as provided by law.

### 100.1.3 DISPUTE RESOLUTION - PROCEDURE (No local rule)

100.1.4 ABSENCE OF PRESIDING JUDGE

In the event that the presiding judge is, from time- to time, absent from the circuit or is disabled or disqualified from acting in the capacity of presiding judge in any case or matter whatsoever, then, during any such period of absence or disability or as a result of such disqualification, the other circuit judge shall be the acting presiding judge and may exercise the responsibilities prescribed by law for presiding judges. Anything herein to the contrary notwithstanding, this rule shall not be interpreted as intending to apply to the type of disqualification referred to in 478.240 RSMo., and in Article 5, Section 24, Missouri Constitution.

100.1.5 REMOVAL OF PRESIDING JUDGE

A presiding judge may be removed from office by the vote of the remaining circuit and associate circuit judges at a meeting called by at least two judges, after first giving at least five days written notice to the presiding judge and all other judges of the meeting and the cause or causes for removal. A vote for removal requires unanimous vote of the judges in the circuit, not including the presiding judge. No provision is made for a judge voting on removal in absentia or by proxy. The presiding judge may not be removed unless an opportunity for a hearing on the causes is first afforded.

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. The clerk shall provide quarterly reports on the Library Fund to the presiding judge on the last business day of March, June, September and December.

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)

100.7 OPEN MEETINGS

- A. Consistent with Supreme Court Operating Rule 20, all meetings and deliberations of the circuit court when operating in an administrative capacity and not in a judicial capacity shall be open to the public, unless closed by order of the circuit court for reasons consistent with those stated in 610.021 RSMo. Meetings and deliberations in an 'administrative capacity' shall include those on property and budget. All meetings and deliberations of the circuit court when operating in a judicial capacity are closed to the public, unless opened by order of the circuit court.
- B. The court en banc may hold regularly scheduled meetings. If the meeting is scheduled to include consideration of matters within the administrative capacity of the court, an agenda will be prepared and posted in compliance with Supreme Court Operating Rule 20. Otherwise, if time permits, the public and persons having business before the court may appear and provide information to the court. Persons may request

a matter be included on the court's agenda for the public portion of the meeting by contacting the presiding judge's secretary. At the conclusion of any public portion of the meeting, the Court will convene its meeting in a judicial capacity that is closed to the public.

#### **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.

## INDEX TO FORMS

<u>Number</u>	<u>Description</u>	<u>References in Rules</u>
Form No. 1	Income & Expense Statement	68.4(1), 68.4(2), 68.9(3)(e)
Form No. 2	Statement of Marital & Non-Marital Assets	68.4(1), 68.9(3)(e)
Form No. 3	(No local Form 3)	
Form No. 4	Certificate of Service of Required Documents Pursuant to Rule 68.4.1(6)	68.4.1(6)
Form No. 5	First Interrogatories Dissolution of Marriage/Legal Separation	68.4.1(1) & 68.4.1(1)(a)
Form No. 6	First Interrogatories Motion to Modify	68.4.1(2) & 68.4.1(2)(a)
Form No. 7	Authorization to Release Employee Benefits Information	68.4.1(4)(a)
Form No. 8	Authorization to Disclose Financial Records	68.4.1(4)(b)
Form No. 9	Consolidated Statement of Marital and Non-marital Assets & Debts of Petitioner and Respondent	68.9(3)(c)
Form No. 10	Parenting Plan Checklist	68.9(3)(c)
Form No. 11	Affidavit for Judgment	68.7(2)
Form No. 12	Interim Family Law Order	68.2(1)
Form No. 13	Information Statement for Processing of Child Support/Maintenance	68.1(3)
Form No. 14	(No local Form 14)	68.8(2), (4)
Form No. 15	First Interrogatories in Paternity or Custody Actions	68.4.1(3) & 68.4.1(3)(a)
Form No. 16	Caption and Style of Pleadings	3.1, 3.2

**FORM 1**

**INCOME AND EXPENSE STATEMENT OF**

\_\_\_\_\_  
**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 "E" 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 \$ \_\_\_\_\_

STATE OF MISSOURI )

)ss.

County of \_\_\_\_\_ )



Comes now \_\_\_\_\_, ("Affiant") being duly sworn on oath states that Affiant has read the foregoing Statement of Income and Expenses, and the answers given therein are true to the best of Affiant's knowledge and belief.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me on this \_\_\_\_\_.  
(Date)

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

My Commission Expires:

FORM 2

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 owned by you, including leaseholds. Include street address.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who 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, 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.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses 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 any.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

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 share an interest in this business with you and the percent interest you hold	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W


N. Household Goods and Personal Goods - Continuation Sheet. Use additional sheets if necessary.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

O. Other Assets. List all assets below not already listed herein in which you hold any interest.	Present Fair Market Value	Amount Owed	Requested Award to H or W	Who Presently Possesses H or W

**NON-MARITAL PROPERTY OF PETITIONER/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 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 Non-Marital Property owned by you, whether in your possession, the possession of your spouse or in the possession of a third party.

See definition of Marital and Non-Marital Property on Page 1.

List all property which you claim is your Non-Marital Property. Use additional sheets if necessary.	Present Fair Market Value	Amount Owed	How and When Acquired




Liabilities:

List all loans from any bank, credit union, savings and loan association or other lending institution for which you have any liability. Indicate who signed the loan, the date of the loan, purpose of the loan, actual disposition of the proceeds and state the name and address of the lender. Also, list all credit card balances and store charges. State whose name is on the credit card. Also, list all other indebtedness and give the name and address of the creditor.

Name of Creditor	Current Balance	Secured? By What?	Required Monthly Payment	Liability Incurred by H/W/Joint

**FORM 4**

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

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

**CERTIFICATE OF SERVICE OF  
REQUIRED DOCUMENTS PURSUANT TO LOCAL RULE 68.4.1(6)**

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:

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

10. Trust documents
11. Partnership Agreements/Stock Certificates/Financial Statements.

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(Attorney for) Petitioner/Respondent

**FORM 5**

**FIRST INTERROGATORIES (DISSOLUTION OR SEPARATION)**

**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, AT OZARK, MISSOURI**

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

**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 and Local Rule 68.

These interrogatories are continuing in 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 you or acting in your behalf, following the original answers. Such supplemental answers shall be filed and served upon the opposing party within fifteen days after the receipt of such information but no later than two weeks preceding the date of trial.

**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 (a) complete residence address, (b) social security number, (c) your date of birth, (d) driver's license number, (e) any and all names you have used or have been known as, and (f) each address where you have resided for the past five (5) years.

**ANSWER:**

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

ANSWER:

3. If you have been employed during the past three (3) years, please state the following with respect to each and every employment:

- (a) The complete name and address of each employer and the dates on which your employment commenced and terminated.
- (b) Describe the work performed by you, and state your job title.

ANSWER:

4. For each employment listed above, state the following:

- (a) Your rate of pay or salary;
- (b) The gross amount of wages or salary received for each year;
- (c) The gross amount of all commissions received for each year;
- (d) The gross amount of all bonuses received for each year;
- (e) The nature and gross amount of all other remuneration received by you during each year.

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, states the reason for not looking for full-time employment.

ANSWER:

17. Do you have a child(ren) with a person other than the opposing party to whom you are currently ordered to pay child/children support to through an administrative or judicial order?

ANSWER:

18. If your answer to the preceding interrogatory is affirmative, with respect to said child/children please state the following:

- (a) The name and date of birth of each child to whom you owe an obligation of support;
- (b) The date when said order(s) of support was issued;
- (c) The present amount(s) ordered;
- (d) The amount of any arrearages owed on said order (s).
- (e) Attached a copy of said order (s);
- (f) Whether or not said child currently lives with you.

ANSWER:

19. State the monthly cost of any reasonably work-related child care costs for the child(ren) subject to this proceeding.

ANSWER:



20. Please state the monthly cost of any other recurring expenses for the child(ren) subject to this proceeding, including, but not limited to, tuition, medical, dental, or orthodontic expenses.

ANSWER:

21. Do you intend to ask for sole legal or sole physical custody of the child(ren) or that their residence for mailing and educational purposes be placed with you in this action? If yes, then state:

- (a) All facts in support of your position it is in the best interests of the child(ren) to be in your sole legal or sole physical custody.
- (b) All facts in support of your position it is not in the best interests of the child(ren) that the opposing party have joint legal or joint physical custody or for the child(ren)'s residential address not be that of the opposing party.
- (c) List the address where you and the child(ren) would reside if you were awarded sole physical custody of the child(ren) or designation of the child(ren)'s residence and the names of all persons who would reside there.
- (d) Please state the name, address and telephone number of each and every person you believe to have personal knowledge that it is in the best interest of the minor child(ren) that sole legal or sole physical custody be placed with you (or that your residence be designated as that of the child(ren) for mailing and educational purpose) and identify the subject matter of which each named person may have personal knowledge.

ANSWER:

22. What type of contact do you want the child(ren) to have with the other parent, and how often do you want the child(ren) to visit with the other parent?

ANSWER:

23. Have you ever pleaded guilty to or been convicted of a misdemeanor or felony? Yes ( )  
No ( ). If yes, for each such plea or conviction, state:

- (a) The date, city, county, and state of the plea or conviction;
- (b) The offense charged;
- (c) The offense pleaded guilty to or convicted of;
- (d) The penalty or probationary term imposed as a result of such plea or conviction

ANSWER:

**VERIFICATION OF ANSWERS TO INTERROGATORIES**

STATE OF MISSOURI     )  
  ) ss  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, being first duly sworn according to law, deposes and states that he/she has read the foregoing interrogatories and Answers to those Interrogatories and that the Answers to those Interrogatories and the facts stated therein are true to the best of his/her knowledge and belief.

\_\_\_\_\_  
Affiant Name

On the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the above individual personally appeared before me a Notary Public in and for said County and State and signed the above Answers to Interrogatories as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the date and year first above written.

My Commission Expires: \_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Interrogatories and Answers thereto was served by ( ) U.S. Mail, first class, postage prepaid ( ) by diskette ( ) CD-ROM ( ) as an email attachment in ( ) Word for Windows or ( ) \_\_\_\_\_ format to \_\_\_\_\_, Attorney for \_\_\_\_\_

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

**FORM 6**

**FIRST INTERROGATORIES (MODIFICATION OF CHILD SUPPORT,  
MAINTENANCE, OR CUSTODY)**

**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, AT OZARK, MISSOURI**

	)	
	)	
<b>Petitioner/Plaintiff,</b>	)	<b>Case No.</b>
<b>vs.</b>	)	
	)	
	)	
<b>Respondent/Defendant .</b>	)	

**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 and Local Rule 68.

These interrogatories are continuing in 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 you or acting in your behalf, following the original answers. Such supplemental answers shall be filed and served upon the opposing party within fifteen days after the receipt of such information but no later than two weeks preceding the date of trial.

**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 (a) complete residence address, (b) social security number, (c) your date of birth, (d) driver's license number, (e) any and all names you have used or have been known as, and (f) each address where you have resided for the past five (5) years.

ANSWER:

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

ANSWER:

3. With regard to your income, please state:

- (a) The annual gross salary, wages or income you received as of the date of the last child support/maintenance order;
- (b) The annual gross salary, wages or income you received for each year since the date of the last child support/maintenance order;
- (c) The name, address and telephone number of each corporation, business or individual from whom you have received a gross salary, wages or income in each year since the date of the last child support/maintenance order.

ANSWER:

4. Does either parent or your spouse have any health, hospitalization, medical, dental and/or orthodontic and or vision insurance or other coverage (including coverage through the State of Missouri) on the children now in existence? If so,

- (a) Identify each Plan by name, Plan number, address and telephone number ;
- (b) Whether said plan is individual or group or state administered;
- (c) The name of the individual through whom such coverage exists;
- (d) A summary of the coverage available to the child(e.g. Comprehensive, health, medical and hospitalization, dental, orthodontic or vision
- (e) The cost of deductibles, co-insurance office visits and emergency room for said coverage;
- (f) The amount of insurance premiums or deductions for the adult(s) covered by said insurance;
- (g) The amount of insurance premiums or deductions for the child(ren) covered by said insurance including how frequently it is paid (e.g. weekly, bimonthly or monthly) and by whom it is paid.
- (h) If the child(ren) that are the subject of this action have insurance coverage available under two separate plans, explain in detail which plan you believe is the “best” plan in terms of coverage and cost.

ANSWER:

5. 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) in each year.

ANSWER:

6. Does anyone other than you assist in paying your current living expenses. If so, state name, relationship to you, and average monthly amount contributed.

ANSWER:

7. 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:

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

ANSWER:

9. State the monthly cost of any reasonably work-related child care costs for the child(ren) subject to this proceeding.

ANSWER:

10. Please state the monthly cost of any other recurring expenses for the child(ren) subject to this proceeding, including, but not limited to, tuition, medical, dental, or orthodontic expenses.

ANSWER:

11. Do you intend to ask for sole legal or sole physical custody of the child(ren) or that their residence for mailing and educational purposes be placed with you in this action? If yes, then state:

- (a) All facts in support of your position it is in the best interests of the child(ren) to be in your sole legal or sole physical custody.

- (b) All facts in support of your position it is not in the best interests of the child(ren) that the opposing party have joint legal or joint physical custody or for the child(ren)'s residential address not be that of the opposing party.
- (c) List the address where you and the child(ren) would reside if you were awarded sole physical custody of the child(ren) or designation of the child(ren)'s residence and the names of all persons who would reside there.
- (d) Please state the name, address and telephone number of each and every person you believe to have personal knowledge that it is in the best interest of the minor child(ren) that sole legal or sole physical custody be placed with you (or that your residence be designated as that of the child(ren) for mailing and educational purpose) and identify the subject matter of which each named person may have personal knowledge.

ANSWER:

12. Do you intend to seek a termination or modification of Court ordered maintenance? If so, then state:
- (a) All facts which would support any allegation that a change in circumstances has occurred requiring a termination or modification of maintenance;
  - (b) The names, addresses and telephone numbers of all persons you believe to have personal knowledge of such change in circumstances and identify the subject matter of which each named person may have personal knowledge.

ANSWER:

13. Do you oppose a termination or modification of Court ordered maintenance? If so, then state:
- (a) All facts which would support any allegation as to why maintenance should not be terminated or modified.
  - (b) The names, addresses and telephone numbers of all persons you believe to have personal knowledge of such change in circumstances and identify the subject matter of which each named person may have personal knowledge.

ANSWER:

14. Have you ever pleaded guilty to or been convicted of a misdemeanor or felony? Yes ( ) No ( ). If yes, for each such plea or conviction, state:



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Interrogatories and Answers thereto was served by ( ) U.S. Mail, first class, postage prepaid ( ) by diskette ( ) CD-ROM ( ) as an email attachment in ( ) Word for Windows or ( ) \_\_\_\_\_ format to \_\_\_\_\_, Attorney for \_\_\_\_\_

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



**FORM 7**

**AUTHORIZATION TO RELEASE  
EMPLOYEE BENEFITS INFORMATION**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Your Employee: \_\_\_\_\_  
Social Security No.

You are hereby authorized and requested to furnish and release to \_\_\_\_\_ and to any employee, agent or representative thereof any and all information in your possession or under your control concerning my employment and fringe and retirement benefits. You are further authorized to allow said persons to read, review, copy and have copied any and all records, notations, memoranda, and all other recorded information regardless of whether it is written, recorded, on computerized disc, etc. with respect to all aspects of my employment from the date I began my employment to the present date. You are further authorized to communicate with said persons orally or in writing concerning the matters addressed herein.

The information you are authorized to release shall include, but not be limited to: my earnings, wages, other forms of compensation, my employee benefits, fringe benefits, profit sharing, retirement and/or pension benefits, health, dental, vision, life insurance and disability benefits, performance records, attendance records, employer/employee investment plans, stock plans, savings plans, thrift plans, employee stock option plans, 401K, deferred compensation, supplemental or excess benefit plans, "golden parachute" or "silver seatbelt" provisions, vested bonus not yet paid, zero balance reimbursement accounts, and employment-related trusts.

\_\_\_\_\_  
STATE OF MISSOURI )  
 ) ss  
COUNTY OF )

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me a Notary Public, personally appeared the above named person who acknowledged signing the above and foregoing instrument as a free act and deed.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**FORM 8**

**AUTHORIZATION TO DISCLOSE  
FINANCIAL RECORDS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: \_\_\_\_\_  
Social Security No.

You are hereby authorized and directed to furnish and release to \_\_\_\_\_ and to any employee, agent or representative thereof any and all or any portion of the records, documents and other writings and information in your possession or under your control concerning all of my accounts with and deposits in your institution, whether open or closed, and whether held solely in my name or jointly with another and further concerning all my loans and lines of credit with your institution on which I am liable individually or jointly with another or as a guarantor.

You are further authorized to allow said persons to read, review, copy and have copied any and all records, notations, memoranda, and all other recorded information regardless of whether it is written, recorded, or on computerized disc. You are also authorized to communicate with said persons orally or in writing and to provide reports concerning the matters addressed herein for the purpose of explaining or disclosing any other information requested relative to such accounts and deposits.

All expense pertaining to the foregoing shall be paid by the party requesting the information pursuant to this authorization and nothing herein shall be construed to make me liable for those costs.

\_\_\_\_\_

STATE OF MISSOURI                    )  
  ) ss  
COUNTY OF                            )

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me a Notary Public, personally appeared the above named person who acknowledged signing the above and foregoing instrument as a free act and deed.

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

My Commission Expires:

**FORM 9**

**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 present total value of any plan in which you hold an interest.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

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
	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.									

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 an interest in this business with you and the percent interest you hold.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award



N. Household goods and personal goods. List all household goods and personal goods, including all appliances, furniture, silver, antiques, televisions, stereos, clothing, jewelry, furs, cameras, coin and stamp collections, tools, etc.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

O. Other Assets. List all assets below not already listed herein in which you hold any interest.	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

Non-Marital Property	H Value	W Value	Ct. Value	H Debt	W Debt	Ct. Debt	H Request	W Request	Ct. Award

Liabilities:

List all loans from any bank, credit union, savings and loan association or other lending institution. Also, list all credit card balances and store charges, and list all other indebtedness and give the name of the creditor.

Liabilities	H Amount	W Amount	Ct. Amount	H Apport.	W Apport.	Ct. Apport.

FORM 10

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.

1. A specific schedule detailing the physical custody and visitation for each child with each parent including:

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

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

- \_\_\_\_\_ a. Educational decisions and methods of communication from school to both parents;
- \_\_\_\_\_ 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;
- \_\_\_\_\_ 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;
- \_\_\_\_\_ d. Child care providers, including how such providers will be selected;
- \_\_\_\_\_ e. Communication procedures including access to telephone numbers as appropriate
- \_\_\_\_\_ f. A dispute resolution procedure;
- \_\_\_\_\_ g. OPTIONAL If sole legal custody, the reasons for no shared decision-making.

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

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

\_\_\_\_\_ 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 \_\_\_\_\_.

FORM 11

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 \_\_\_\_\_.
- 11a. There is no other litigation pending in this or any other state concerning the custody of the minor, unemancipated child(ren) and there are no persons other than my spouse and myself who have physical custody of the minor child(ren) or claims any rights with respect to the minor child(ren), (except) \_\_\_\_\_.
12. It is in the best interest of the minor child(ren) that (I) (my spouse) be awarded custody of the minor child(ren).  
It is in the best interest of the minor child(ren) that my spouse and I be awarded joint legal custody of the minor child(ren) and that (I) (my spouse) be awarded physical custody of the minor child(ren) pursuant to a Parenting Plan attached hereto.  
It is in the best interest of the minor child(ren) that my spouse and I have joint legal and physical custody of the minor child(ren) pursuant to a Parenting Plan attached hereto.
13. Child support has been calculated pursuant to Form 14.  
The child support calculated pursuant to Form 14 is unjust or inappropriate because \_\_\_\_\_.
14. I am able to support myself through appropriate employment or have sufficient assets from which I can support myself so I am not asking for any maintenance. I understand that by not requesting maintenance at this time, I cannot come into this or any other court in the future and receive maintenance. I know of no medical, health or other condition which would prevent me from supporting myself in the future.  
I am unable to support myself through appropriate employment and have insufficient assets from which I can support myself. Therefore I am in need of maintenance in the amount of \$ \_\_\_\_\_ per month.

15. My spouse is able to support (herself)(himself) through appropriate employment or has sufficient assets from which (she)(he) can support (herself)(himself) and therefore (she)(he) is not entitled to receive maintenance. I know of no medical, health or other condition which would prevent my spouse from supporting (herself)(himself) in the future. My spouse is unable to support (herself)(himself) through appropriate employment and has insufficient assets from which (she)(he) can support (herself)(himself). Therefore my spouse is in need of maintenance in the amount of \$\_\_\_\_\_ per month.
16. My spouse and I have entered into a separation agreement which divides all our marital and non-marital property and is signed by both my spouse and myself. The agreement, attached hereto and marked as Exhibit \_\_\_\_\_, is fair and reasonable, and is not unconscionable. I request that the court incorporate the separation agreement into its judgment herein.  
There is no marital or non-marital property for the court to divide.
17. Each party is capable of paying for his or her own attorney's fees, and therefore I request that no attorney's fees be ordered to be paid by either party.  
Based upon my financial situation and the financial situation of my spouse, it is reasonable that (I) (my spouse) pay to \_\_\_\_\_ the sum of \$\_\_\_\_\_ as and for attorney's fees herein.
18. I request that the court restore to (my spouse) (me) the (maiden)(former) name of \_\_\_\_\_. I know of no third parties, such as creditors, who would be adversely affected by the said change of name.

STATE OF MISSOURI            )  
  )ss  
COUNTY OF                    )

\_\_\_\_\_ 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 COUNTY, AT OZARK, MISSOURI

A. INTERIM FAMILY LAW ORDER

This case is now before the Christian County Circuit 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. Paragraphs three and six do not apply to paternity/custody matters.

**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.
2. Neither party shall remove, cause to be removed or permit the removal of any 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.**
8. 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.
9. 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 belongings 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.
10. 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.
11. The 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, Legal Separation, or Paternity/Custody 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 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.”**



**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

Judge or Division:	<b>Case Number:</b>
Petitioner:	Date of Decree/Judgment:
	MACSS Case ID:
Respondent:	vs.

(Date File Stamp)

**Information Statement to the Circuit Court  
for the Processing of Maintenance and Child Support Payments  
(Confidential Record)**

<b>Payee: (Person Receiving Payments)</b>	Name: _____ Last First M.I.
	SSN: _____ DOB: _____
	Optional: MACSS Member Number (to be completed by the court): _____
	Address: _____ _____
	Home Phone: _____
	Related case number: _____

<b>Payor: (Person Making Payments)</b>	Name: _____ <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> <span>Last</span> <span>First</span> <span>M.I.</span> </div> SSN: _____      DOB: _____  Optional: MACSS Member Number (to be completed by the court): _____  Payor Address: _____  Employer (Company) Name: _____  Employer Address: _____  Optional: Employer MACSS Number (to be completed by the court): _____  Has Wage Withholding been issued? <input type="checkbox"/> Yes <input type="checkbox"/> No    If no, why not? _____
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**Judgment Information:**

\$ \_\_\_\_\_ per \_\_\_\_\_ for child support; Effective Date (Date 1<sup>st</sup> Payment Due) \_\_\_\_\_

\$ \_\_\_\_\_ per \_\_\_\_\_ for spousal support (maintenance); Effective Date \_\_\_\_\_

\$ \_\_\_\_\_ per \_\_\_\_\_ for periodic arrearage payments toward arrearage judgment of \$ \_\_\_\_\_

\$ \_\_\_\_\_ per \_\_\_\_\_ for state debt judgment of \$ \_\_\_\_\_

Has Medical Insurance been ordered?  Yes  No. If yes, who is ordered to pay? \_\_\_\_\_

If no, why?

- Parties agree no insurance ordered.
- Child covered in another order.
- Per Court no health insurance ordered.
- Order silent, no mention of medical insurance in order.

**Children:**

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_

Optional: MACSS Member Number (to be completed by the court): \_\_\_\_\_

Check if more than ten children and attach additional sheet

I certify the information above is correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Preparer

### **Instructions to Clerk**

**Maintain the closed portion(s) of the record in a sealed manila envelope within the file. The file can be maintained with other open records. If a request is made to review the open portion of the file, the envelope can be removed from the file. Access to the record must be restricted to avoid access to the closed portion of the record.**

**FORM 15**

**FIRST INTERROGATORIES (PATERNITY AND/OR CUSTODY)**

**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, AT OZARK, MISSOURI**

	)	
	)	
<b>Petitioner/Plaintiff,</b>	)	
<b>vs.</b>	)	<b>Case No.</b>
	)	
	)	
<b>Respondent/Defendant .</b>	)	

**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 and Local Rule 68.

These interrogatories are continuing in 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 you or acting in your behalf, following the original answers. Such supplemental answers shall be filed and served upon the opposing party within fifteen days after the receipt of such information but no later than two weeks preceding the date of trial.

**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 (a) complete residence address, (b) social security number, (c) your date of birth, (d) driver’s license number, (e) any and all names you have used or have been known as, and (f) each address where you have resided for the past five (5) years.

ANSWER:

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

ANSWER:

3. If you have been employed during the past three (3) years, please state the following with respect to each and every employment:
  - (a) The complete name and address of each employer and the dates on which your employment commenced and terminated;
  - (b) Describe the work performed by you, and state your job title.

ANSWER:

4. For each employment listed above, state the following:

- (a) Your rate of pay or salary;
- (b) The gross amount of wages or salary received for each year;
- (c) The gross amount of all commissions received for each year;
- (d) The gross amount of all bonuses received for each year;
- (e) The nature and gross amount of all other remuneration received by you during each year.

ANSWER:

5. Does either parent or your spouse have any health, hospitalization, medical, dental and/or orthodontic and or vision insurance or other coverage (including coverage through the State of Missouri) on the children now in existence? If so,

- (a) Identify each Plan by name, Plan number, address and telephone number ;
- (b) Whether said plan is individual or group or state administered;
- (c) The name of the individual through whom such coverage exists;
- (d) A summary of the coverage available to the child(e.g. Comprehensive, health, medical and hospitalization, dental, orthodontic or vision
- (e) The cost of deductibles, co-insurance office visits and emergency room for said coverage;
- (f) The amount of insurance premiums or deductions for the adult(s) covered by said insurance;
- (g) The amount of insurance premiums or deductions for the child(ren) covered by said insurance including how frequently it is paid (e.g. weekly, bimonthly or monthly) and by whom it is paid.
- (h) If the child(ren) that are the subject of this action have insurance coverage available under two separate plans, explain in detail which plan you believe is the “best” plan in terms of coverage and cost.

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) in each year.

ANSWER:

7. Does anyone other than you assist in paying your current living expenses. If so, state name, relationship to you, and average monthly amount contributed.

ANSWER:

8. 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:

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

ANSWER:

10. Do you have a child(ren) with a person other than the opposing party to whom you are currently ordered to pay child/children support to through an administrative or judicial order?

ANSWER:

11. If your answer to the preceding interrogatory is affirmative, with respect to said child/children please state the following:

- (a) The name and date of birth of each child to whom you owe an obligation of support;
- (b) The date when said order(s) of support was issued;
- (c) The present amount(s) ordered;
- (d) The amount of any arrearages owed on said order (s).
- (e) Attached a copy of said order (s);
- (f) Whether or not said child currently lives with you.

ANSWER:

12. State the monthly cost of any reasonably work-related child care costs for the child(ren) subject to this proceeding.

ANSWER:

13. Please state the monthly cost of any other recurring expenses for the child(ren) subject to this proceeding, including, but not limited to, tuition, medical, dental, or orthodontic expenses.

ANSWER:

14. Do you intend to ask for sole legal or sole physical custody of the child(ren) or that their residence for mailing and educational purposes be placed with you in this action? If yes, then state:



- (a) All facts in support of your position it is in the best interests of the child(ren) to be in your sole legal or sole physical custody.
- (b) All facts in support of your position it is not in the best interests of the child(ren) that the opposing party have joint legal or joint physical custody or for the child(ren)'s residential address not be that of the opposing party.
- (c) List the address where you and the child(ren) would reside if you were awarded sole physical custody of the child(ren) or designation of the child(ren)'s residence and the names of all persons who would reside there.
- (d) Please state the name, address and telephone number of each and every person you believe to have personal knowledge that it is in the best interest of the minor child(ren) that sole legal or sole physical custody be placed with you (or that your residence be designated as that of the child(ren) for mailing and educational purpose) and identify the subject matter of which each named person may have personal knowledge.

ANSWER:

15. What type of contact do you want the child(ren) to have with the other parent, and how often do you want the child(ren) to visit with the other parent?

ANSWER:

16. Have you ever pleaded guilty to or been convicted of a misdemeanor or felony? Yes ( ) No ( ). If yes, for each such plea or conviction, state:

- (a)The date, city, county, and state of the plea or conviction;
- (b)The offense charged;
- (c)The offense pleaded guilty to or convicted of;
- (e)The penalty or probationary term imposed as a result of such plea or conviction

ANSWER:

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Name of Attorney-Bar Number

**VERIFICATION OF ANSWERS TO INTERROGATORIES**

STATE OF MISSOURI )  
 ) ss  
 COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, being first duly sworn according to law, deposes and states that he/she has read the foregoing interrogatories and Answers to those Interrogatories and that the Answers to those Interrogatories and the facts stated therein are true to the best of his/her knowledge and belief.

Affiant Name

On the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the above individual personally appeared before me a Notary Public in and for said County and State and signed the above Answers to Interrogatories as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the date and year first above written.

My Commission Expires:

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

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Interrogatories and Answers thereto was served by ( ) U.S. Mail, first class, postage prepaid ( ) by diskette ( ) CD-ROM ( ) as an email attachment in ( ) Word for Windows or ( ) \_\_\_\_\_ format to \_\_\_\_\_, Attorney for \_\_\_\_\_

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

Form 16

38<sup>th</sup> JUDICIAL CIRCUIT, CHRISTIAN COUNTY, MO

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

Associate Circuit Division  
Or  
Circuit Division

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

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

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

Plaintiff/Petitioner, )

VS. )

Cause No. \_\_\_\_\_

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

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

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

Defendant/Respondent, )

CAUSE

Signed

(Attorney of Record, or Party)

(Address)

(Telephone Number)

(Missouri Bar Number)