

**RULE 68 DISSOLUTION OF MARRIAGE**

**68.1 FILING REQUIREMENTS**

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

(2) An initial pleading filed in the family court division of the circuit court shall have attached thereto a certificate stating whether any other case involving any party to the action or any child of such party has been filed in the family court division and, if so, the certificate shall identify to the extent known by style and case number every other case in the family court division, whether pending or previously adjudicated, involving any such party or child.

(3) All original petitions and motions to modify prior decrees in domestic relations cases shall be filed with the Circuit Clerk cashier and processed as new cases for assignment purposes. All subsequent pleadings, motions and matters, including entries of appearance shall be filed with the domestic relations docket clerk.

(4) Domestic relations matters shall be set by the judge to whom the case is assigned.

**68.2 SEPARATION AGREEMENT**

In all cases where written separation agreements are made under the provisions of §452.325, RSMo. a copy of such executed agreements shall be submitted to the court prior to the hearing.

**68.3 FORMS OF DECREE**

[No local rule]

**68.4 FILING OF INCOME AND EXPENSE,  
PROPERTY STATEMENT AND FORM 14**

(1) WHEN APPLICABLE. These practices and procedures shall apply to all petitions for dissolution of marriage or separate maintenance, decree of legal separation, petitions for declaration of paternity or involving the support of children including uniform support, and all motions to modify any of the previously listed categories.

(2) FINANCIAL STATEMENTS. Income & Expense and Property Statements shall be completed, under oath on the form approved by the court and available from the Office of the Circuit Clerk or typed in substantially the same format, and shall be filed with the court and served on the other parties as provided herein.

(A) Petitioner/Movant shall file financial statements with their first pleading and shall serve them on the other parties at the same time as the first pleading. The Clerk shall not accept the pleading for filing unless the financial statements are filed.

(B) Respondent shall file financial statements within 60 days of service or entry of appearance whichever is earlier, but in no event later than 7 days prior to the Settlement conference. A copy of the financial statements shall be mailed to the attorney for each opposing party or to any unrepresented party.

(C) No less than 7 days prior to any settlement conference the financial statements shall be updated, if applicable; and the legal descriptions of each parcel of real estate in which the parties, or either of them have an interest, typewritten on a separate sheet of paper, shall be filed, if the division of the property is at issue.

(3) PRESUMED CHILD SUPPORT CALCULATIONS. A proposed Form 14, on the form approved by the Supreme Court and

November 13, 1996

available from the Office of the Circuit Clerk or typed in substantially the same format, shall be filed with the court and served on the other parties as provided herein.

(A) Respondent shall file Form 14 with their initial financial statements as set forth above.

(B) Petitioner shall file Form 14 not later than 30 days after receipt of respondent's financial statements.

(C) Whenever a party files an amended/updated financial statement that changes any figures included in their previously filed Form 14, an amended Form 14 shall be filed with the amended financial statements.

**68.5 MODIFICATION OF DECREE**  
[No local rule]

**68.6 SCHEDULES OF PROPERTY**

(1) Real Estate

In all cases involving disposition of real estate, the legal description of each parcel of real estate shall be typewritten upon a separate sheet of paper, marked as an exhibit and offered in evidence with all rights of cross-examination or explanation covering such exhibits being reserved by the parties.

(2) Non-contested cases

In all non-contested cases separate typewritten schedules of marital and separate property, including the value of each item of property of a value of \$100.00 or more to be awarded to each party shall be marked as an exhibit and offered in evidence with all rights of cross-examination or explanation concerning such exhibits being reserved by the parties.

(3) Contested cases

In all contested cases each party shall have marked as an exhibit and offer in evidence, with all rights of cross-examination and impeachment being reserved to the other party, the following typewritten schedules of personal property together with the value claimed for each item of property of a value of \$100.00 or more listed:

- (a) What is claimed to be marital:
- (b) What is claimed to be the separate property of each party; and
- (c) The marital property which each party desires to have awarded to him or her.

**68.7 PATTERN INTERROGATORIES**

[No local rule]

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

(1) Final Orders Entered - When. Final orders in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:

(a) There are no minor children of the mother and father and the mother is not pregnant, or one of the parties is represented by counsel and the parties have entered into a written agreement determining custody and child support; and

(b) The adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and

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

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

(2) Affidavit - Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed decree or order, a copy of any written agreement proposed for adoption by the court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a decree of dissolution or decree of legal separation.

(3) Hearing Required - When. The court shall not be bound to enter a decree or order upon the affidavit of either or both parties, but the court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

[Authority: Supreme Court Order dated February 14, 1994 pursuant to Administrative Rule 6.04.]

## **68.9 RETROACTIVE PAYMENT OF CHILD SUPPORT**

(1) In all proceedings to modify any provision for support of a minor child or children in a decree of dissolution or order of paternity, there shall exist a presumption that any modification (increase or decrease) of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever shall occur later.

November 13, 1996

(2) Any amounts paid by a party in excess of the then existing support obligation under the decree of dissolution or order of paternity after the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award. When the court reduces the child support retroactively, any amount shall be credited toward any arrearage and the balance, if any, applied to future support.

[Authority: Supreme Court dated February 14, 1994 pursuant to Administrative Rule 6.04.]

November 13, 1996