

*Local Court Rules  
of the 46<sup>th</sup> Judicial Circuit  
State of Missouri*

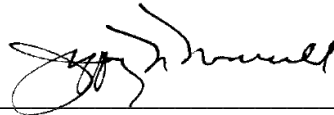
*Taney County Circuit Court  
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**COURT RULES OF THE 46TH JUDICIAL CIRCUIT**  
**TANEY COUNTY**

The following Circuit Court Rules are adopted for use in the 46th Judicial Circuit consisting of Taney 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 Court of this Circuit and to the Divisions of the Circuit Court of this Circuit presided over by an Associate Circuit Judge.

All prior Rules of the 46th Judicial Circuit are herewith rescinded and declared void. These rules shall become effective January 4, 2019.



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JEFFREY MERRELL  
PRESIDING JUDGE  
46<sup>th</sup> JUDICIAL CIRCUIT



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ERIC EIGHMY  
ASSOCIATE CIRCUIT JUDGE  
ASSOCIATE DIVISION II



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TIFFANY YARNELL  
ASSOCIATE CIRCUIT JUDGE  
ASSOCIATE DIVISION I

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

There shall be divisions of court as follows:

Circuit

Associate

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

The Associate Division shall consist of two divisions and shall be designated Associate Division I and Associate Division II.

Municipal



## **RULE 2 HOURS AND TERMS OF COURT**

### **2.1 HOURS OF COURT**

#### **REGULAR TERM AND LAW DAYS**

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

### **2.2 TERMS OF COURT**

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

- a) The first Thursday in the months of February, June, and October.

### **2.3 LAW DAYS**

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

On the first, second, third, and fourth Thursday of every month. Criminal law days being the first and third Thursday starting at 9:00 am, also on the fourth Thursday starting at 1 pm. Civil law days are the second Thursday starting at 9:00 am, and on the fourth Thursday from 9:00 am until 12:00 a.m.

### **2.4 PARTICULAR MATTERS ON PARTICULAR DAYS**

#### **REGULAR TERM DAY**

#### **REGULAR LAW DAY**

Attorneys desiring to bring a case before the court on law day shall give opposing attorneys, if any, proper notice and shall notify the circuit clerk. The Clerk shall prepare a Law Day Docket and post a copy outside of the courtroom(s) and provide the sheriff with a copy of such docket.

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

All Civil matters on the second Thursday of each month beginning at 9:00 am, and on the fourth Thursday of each month beginning at 9 am and commencing at 12 pm.

All Criminal matters on the first and third Thursdays of each month beginning at 9 am, and on the fourth Thursday of each month beginning at 1 pm.

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

JUVENILE

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

The second Friday of each month.

**RULE 3 PLEADINGS**

3.1 CAPTION

The following caption is required:

In the Circuit Court of Taney County, Forsyth, Missouri

\_\_\_\_\_ Division

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

)

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

)

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

Plaintiff, )

)

vs. )

)

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

)

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

)

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

Defendant. )

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

## CAUSE

Signed (Attorney of Record, or Party)

(Address)

(Telephone Number)

(Missouri Bar Number)

### 3.2 STYLE

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

## **RULE 4 FILING OF CASES**

### 4.1 CRIMINAL CASES

(See 14.3)

### 4.2 CIVIL CASES

(See 14.4)

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

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

### 4.3 PROBATE CASES

(No local rule.)

### 4.4 JUVENILE CASES

(No local rule.)

4.5 SMALL CLAIMS CASES

(No local rule.)

4.6 MUNICIPAL CASES

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

4.7 ADULT ABUSE CASES

(No local rule.)

**RULE 5 FEES AND COSTS**

5.1 FILING FEE AND COST DEPOSIT

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

Circuit Division

All Civil Cases	\$ 90.00
Adoption Cases	\$175.00
Each addition child	\$ 25.00

Associate Division II

All original civil cases	\$38.00
Small Claims by certified mail	\$37.00

5.2 COSTS

(No local rule.)

5.3 WITNESS FEE  
(No local rule.)

5.4 WAIVER OF FEES  
(No local rule.)

5.5 MOTION FOR SECURITY  
(No local rule.)

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

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1 ASSOCIATE DIVISION I

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

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

6.1.2 ASSOCIATE DIVISION II

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

- (a) All actions for support brought pursuant to Chapters 207 and 208, V.A.M.S., and pursuant to the Uniform Reciprocal Enforcement of Support Law as set forth in Chapter 454, V.A.M.S.;
- (b) All actions brought pursuant to the Adult Abuse Act, Sections 455.010 to 455.085, RSMo.;
- (c) All actions brought pursuant to the Protective Services for Adults Act, Sections 660.250 to 660.295, RSMo.;
- (d) All actions brought pursuant to the Child Protection Orders Act, Sections 455.500 to 455.538, RSMo.;
- (e) All actions filed on behalf of the State of Missouri by the Prosecuting Attorney pursuant to Chapters 210, 452 and 454 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) All actions seeking a declaration of paternity;
- (i) All Family Access motions brought pursuant to the provision of Section 452.400 RSMo.;
- (j) All proceedings in Habeas Corpus in child custody cases;
- (k) All civil actions and proceedings for the recovery of money when the sum demanded, exclusive of interest and costs, does not exceed \$25,000.00; (Section 517.011.1(1) RSMo);
- (l) Small claims cases as provided in Sections 482.300 through 482.365, V.A.M.S.;
- (m) All actions for replevin, attachment and mechanics' lien in which the recovery sought is less than \$25,000.00;
- (n) Actions for unlawful detainer, actions for rent and possession;
- (o) All actions against any railroad company in this state for damages for killing or injuring any animal;

(p) All Juvenile cases, including adoptions;

### 6.1.3 CERTIFICATION FOR TRIAL BY JURY

Criminal cases which originate in associate division which are transferred to the circuit division because of a request for jury trial, are assigned to the associate circuit judge of the circuit in which the case was originally filed.

### 6.1.4 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; and

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

### 6.1.5 SPECIAL ASSIGNMENT

(No local rule)

## 6.2 ASSIGNMENT TO CIRCUIT JUDGES

6.2.1 The various Treatment Courts shall be assigned by administrative order.

## 6.3 CERTIFICATION TO CIRCUIT DIVISION

(No local rule)

## 6.4 TRIAL de NOVO

All trial de novo from associate and small claims, are hereby assigned to the associate circuit judge of the other associate division.

## 6.5 DISQUALIFICATION OF JUDGE

6.5.1 If one associate circuit judge is unable to act due to the judge's recusal or the granting 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

6.5.2 If all associate circuit judges are unable to act, the circuit clerk shall assign the case to the presiding judge without the necessity of further order of the presiding judge.

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

## 6.6 ABSENCE OF JUDGE

In the event that an associate circuit judge is absent or unavailable to act, any associate judge of the 46th Judicial Circuit, who is present, may act in any case assigned by these Rules to the absent or unavailable associate circuit judge.

## 6.7 ABSENCE OF PRESIDING JUDGE

In the event that the presiding judge is from time to time absent from the circuit or is disabled; then, prior to such period of absence or disability, the presiding circuit judge shall assign an associate circuit judge in the county who shall exercise the responsibilities prescribed by law for presiding circuit judges, (as set out in Rule 100.1.2), during such period of absence or disability.

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

### 7.1 WHEN ALLOWED

No official files of the circuit court 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  
(No local rule.)

8.2 DISMISSAL DOCKET

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

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

9.1 ASSIGNMENT OF COURTROOM

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

9.2 PLACE OF HEARING  
(No local rule.)

9.3 USE OF COUNSEL TABLE

9.3.1 – While examining witnesses, counsel shall stand or sit at the counsel table, and when addressing the Court they shall stand at the counsel table.

9.3.2 – Objections shall ordinarily be made by standing at the counsel table. Attorneys shall not come to the bench to make objections without permission of the Court.

9.4 COURTROOM DECORUM AND DRESS

Counsel shall be expected to dress appropriately and shall inform the parties and any prospective witness that appropriate dress shall be required.

9.5 WHO IS PERMITTED WITHIN BAR

During the trial of any case, or the presentation of any matter to the Court, no person, including members of litigants families, shall be permitted within the bar of the courtroom proper, other than attorneys, court personnel, litigants and witnesses called to the stand. Persons without the bar shall not disturb the order of the Court.

9.6 USE OF ELECTRONIC DEVICES

9.6.1 No person other than those listed herein shall be permitted to bring into the Taney County Courthouse any cell phone, smart phone, laptop, tablet, or other similar electronic device, capable of recording, photographing, accessing the internet, or electronically communicating.

9.6.2 The Taney County Sheriff's Department is ordered to instruct all persons who fall under this Rule to return their device as described above to their vehicle or some other place other than the Taney County Courthouse.

9.6.3 The Taney County Sheriff is authorized to refuse entry to the Taney County Courthouse to anyone not in compliance with this rule.

9.6.4. The following are not subject to this rule; lawyers in good standing with the Missouri Bar, staff assisting lawyers, children's division employee and/or contractors with proper identification, Probation and Parole staff, law enforcement officers, courthouse staff, Judges, Grand Jurors, persons reporting for jury service, jurors, wedding parties, adoption parties.

9.6.5 A juror in deliberation is not allowed to have any such electronic device while in a state of deliberation. The Sheriff will safeguard a juror's device during deliberations.

9.6.6 Any exceptions to this rule may be made by any Judge presiding over a matter in which the use of the device is necessary.

#### 9.7 EXAMINATION OF WITNESS

Only one attorney per party shall examine a witness in chief and/or cross examine a witness for the other side unless the defendants answer separately and plead separate and distinct defenses; and this rule shall also apply where cases are consolidated for trial, but shall not apply in criminal cases where there are several defendants represented by different counsel.

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

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

### **RULE 11 RECORDING OF JUDICIAL PROCEEDINGS**

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

## **RULE 12 MONIES PAID INTO COURT**

### **12.1 BOND IN CIVIL CASES** (No Local Rule)

## **RULE 13 COMMUNICATIONS WITH COURT**

### **13.1 ORAL COMMUNICATIONS WITH THE COURT**

Except in such cases where provisions are made by law for ex parte communications, oral communications with the Court about pending or contemplated cases are not permitted unless all parties are represented during such communications. Any such attempt will be summarily terminated by the Court.

### **13.2 WRITTEN COMMUNICATIONS WITH THE COURT**

An attorney or party sending written communications to the Court is responsible for sending a copy of the communications to all other parties, and verifying same on the copy of the communications sent to the Court. Ex parte communications to a judge will not be considered confidential, and same will be placed in the court file, open to public inspection.

## **RULE 14 FILING**

### **14.1 ELECTRONIC FILING**

The Supreme Court Rule 103 and Court Operating Rule 27 governs all matters subject to electronic filing.

14.1.1 Electronic Filing in PDF Format Required. In all cases attorneys are required to electronically file all written documents in PDF format. Unrepresented parties or litigants may be permitted to file hard copies of any documents which shall then be scanned by the Circuit Clerk. Unrepresented parties or litigants may also be permitted to file documents and pleading by facsimile.

### **14.2 FAX FILING**

14.2.1 Only unrepresented and pro se parties or litigants will be permitted to file pleadings and documents by facsimile.

14.2.2 No filing by fax shall be processed by the Circuit Clerk's office until the appropriate filing fees have been received.

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

14.2.4 Any person utilizing this method shall keep the original in his or her possession and shall provide same upon order of the Court for inspection.

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

### 14.3 CRIMINAL CASES

14.3.1 All felony complaints, misdemeanor informations, infractions and grand jury indictments will be permitted to be filed as written documents in the office of the Circuit Clerk. All subsequent filings in a criminal case shall be filed electronically in PDF format in the Office of the Circuit Clerk. The Prosecuting Attorney shall provide the appropriate Missouri Charge Code Number (as defined in RSMO 43.500(7) which includes the required NCIC modifier) for each count and alternate count alleged in the charging document.

14.3.2 All traffic cases shall be filed with the appropriate Missouri Charge Code Number (as defined in RSMO 43.500(7) which includes the required NCIC modifier) for all cases filed by a Uniform Citation. Traffic cases are not required to be filed electronically in PDF format, at the discretion of the Circuit Clerk and Court.

14.3.3 All felony complaints, misdemeanor informations, infractions, and grand jury indictments will be permitted to be filed containing only one defendant per complaint, information, infraction and indictment to assure each defendant is assigned his/her own case number.

### 14.4 CIVIL CASES

14.4.1 Civil cases filed by attorneys shall be filed electronically in PDF format in the Office of the Circuit Clerk. Civil cases filed electronically are not required to include a Filing Information sheet.

14.4.2 For each civil case filed by a pro se litigant, including domestic relations, the filing party shall provide a Filing Information Sheet as required in Missouri Supreme Court Operation Rule 4.07, and it shall accompany the initial filing, pleading or motion. The Filing Information Sheet, as found on the web site: [www. Courts.mo.gov](http://www.Courts.mo.gov) under Court Forms shall reflect the appropriate case type

and contain the following information for each party occupying the position of or on the side as the plaintiff or defendant in the case: 1. Party type; 2. Party name; 3. Date of Birth, if the party is a person; and 4. Social Security Number if the party is a person.

14.4.3 The Filing Information Sheets are confidential records. The clerk shall file the form in case number sequence and store it separately from the case file or shall destroy the form upon entry of the information.

#### 14.5 SERVICE

All pleadings, motions and other documents subsequent to the original petition shall be served as provided by Supreme Court Rules 43.01 and 103.08 on the day of filing, or as soon thereafter as service can be made. All such pleadings subsequent to the original petition, motions, notices, orders and other documents, not required by statute, rules or order to be served by an officer, shall be served on registered users through the electronic filing system and to all other individuals as provided in Supreme Court Rules 43.01(c).

### **GENERAL RULES**

#### **RULE 21 ATTORNEYS**

##### 21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

(No local rule.)

##### 21.2 ENTRIES OF APPEARANCE

Any attorneys retained in a case shall file an entry of appearance for the party or parties the attorney represents promptly after their employment. Employment of counsel after trial setting shall not be grounds for delay of trial. All attorneys practicing before the Court shall be qualified and in compliance with Missouri Supreme Court Rules.

##### 21.3 CONDUCT OF ATTORNEYS

21.3.1 – A motion to exclude witnesses must be made before any evidence is heard.

21.3.2 – Counsel shall maintain the dignity and decorum of proceedings in Court by proper demeanor towards opposing counsel, parties, witnesses, and the Court. They shall refrain from unfair or derogatory personal references to opposing

counsel, from haranguing, vexatious, or offensive interrogation of witnesses, and from making objections in a loud or discourteous fashion.

#### 21.4 WITHDRAWAL OF ATTORNEYS

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

- (a) The attorney shall file a written motion requesting leave of court to withdraw. If the case is then set for trial the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the Court for hearing.
- (b) A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01.

21.4.1 - Subject to the other requirements of this Rule 21.4, an attorney may withdraw from a civil or criminal case without leave of Court:

- (a) By filing a pleading entitled "Memorandum of Withdrawal" accompanied by the entry of appearance of another attorney, or otherwise demonstrating that the attorney's client continues to be represented by other counsel of record;
- (b) When the case is completed, upon filing a pleading entitled "Memorandum of Withdrawal" demonstrating that there are no pending claims or issues in the matter; or
- (c) In a civil or domestic case, upon the filing of a pleading entitled "Termination of Limited Appearance" by an attorney who has previously filed an entry of limited appearance. The "Termination of Limited Appearance" shall demonstrate that the attorney has completed the duties set out in the entry of limited appearance. Any "Memorandum of Withdrawal" and "Termination of Limited Appearance" shall include the full address of the client and shall be served on the client in addition to all other required to be served.

In all other instances, such withdrawal may only be allowed with leave of Court, and upon a showing of compliance with Supreme Court Rule 4-1.16 and this Rule 21.4.

21.4.2 – Any attorney seeking leave to withdraw shall file a written motion for leave to withdraw, containing the full address of the client. Such motion shall set forth the specific grounds for the relief sought. If the motion does not contain the written consent of the client, it must be served on the client along with a notice that there will be a hearing on the motion, and the date, time and place of such hearing. Service on clients shall be by personal service, or by first class mail, or by third party carrier at the party’s last known address. No attorney will be permitted to withdraw unless the client has been given written notification of the motion to withdraw and has been granted reasonable time to retain or have another attorney appointed.

21.4.3 – Withdrawal of an attorney of record in a criminal case will not be permitted on the sole ground that fees have not been collected.

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

21.8.1 The attorney is to advise his or her client and witnesses as to the formality of the court, including proper dress, and see their cooperation therewith, thereby avoiding embarrassment and maintaining respect and decorum to the Court.

21.8.2 The attorney shall advise his or her client, witnesses, and their friends and family, if present, not to discuss any phase of the case with the Court or any prospective jurors.

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

## **RULE 22 APPOINTMENT OF GUARDIAN AD LITEM**

## **RULE 23 TRANSCRIPTS**

Copies of Transcripts and other Court Proceedings. Transcripts and copies of all recorded hearings and other Court proceedings will be prepared only by the Office of State Courts Administrator Transcribing Services or by an official court reporter at the expense of the requesting party, whether the commemoration of the event be made by the reporter him/herself or by electronic recording device, unless directed by statute or Supreme Court Rule. Audio recordings are not available per this local court rule.

## **RULE 24 EXHIBITS**

Each attorney shall mark his exhibits for identification prior to trial and shall present the court with a list of the same on an "Exhibit List". At the conclusion of the proceedings, unless otherwise ordered by the Court, each party shall collect and be responsible for his or her exhibits. Parties' attorneys are ordered to withdraw all trial exhibits within ten (10) days of entry of Court's Judgment and to maintain exhibits pending appeal. The Circuit Clerk may dispose of any unclaimed trial exhibits upon thirty (30) days written notice to the attorneys of record.

## **PRE-TRIAL MATTERS**

### **RULE 32 DISCOVERY**

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

#### **32.2 INTERROGATORIES**

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

Answers to interrogatories may be in the following format:

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

ANSWER. John Doe.

32.3 **DEPOSITION**  
(No local rule.)

32.4 **MOTION FOR SANCTIONS**  
(No local rule.)



32.5 CRIMINAL DISCOVERY  
(No local rule.)

**RULE 33 PRE-TRIAL MOTIONS**

33.1 HEARING DATES  
(No local rule.)

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

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

33.4 MOTIONS IN LIMINE  
(No local rule.)

**RULE 34 CONTINUANCES**

34.1 CIVIL CASES  
(No local rule.)

34.2 CRIMINAL CASES  
(No local rule.)

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

**RULE 36 SETTING CASES FOR TRIAL**  
(No local rule.)

36.1 REQUEST FOR TRIAL  
(No local rule.)

36.2 DATE OF CALENDAR CALL  
(No local rule.)

36.3 PREPARATION OF CALENDAR  
(No local rule.)

36.4 CALENDAR CALL

(No local rule.)

36.5 INACTIVE CALENDAR

(See Rules 8.2 and 37.1) (No local rule.)

36.6 REVISION OR REMOVAL FROM PREPARED CALENDAR

(No local rule.)

36.7 SPECIAL ASSIGNMENTS

(No local rule.)

**RULE 37 DISMISSALS BY COURT**

37.1 CIRCUIT COURT CIVIL CASES.

**(1) Circuit Civil Case.** All cases remaining inactive and on file for a period of 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.

**(2) 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.

**(3) If There is No Service.** If there is no service of process in a case within thirty (30) days of filing, it may be dismissed.

37.2 CIRCUIT COURT CRIMINAL CASES.

**(1) Circuit Criminal Cases.** All cases remaining inactive and on file for a period of 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.

**(1) The Court May Dismiss Any Civil Case.** Except as otherwise provided herein, the Court may dismiss any case still pending that is more than one hundred twenty (120) days old from the date of filing which is not set for trial.

**(2) If There is No Service.** If there is no service of process in a case within thirty (30) days of filing, it may be dismissed.

#### 37.4 ASSOCIATE COURT CRIMINAL CASES.

**(1) The Court May Dismiss Any Criminal Case.** Except as otherwise provided herein, the Court may, at any Docket Call, dismiss any case still pending that is more than one hundred twenty (120) days old from the date of filing which is not set for trial.

#### 37.5 DISMISSAL WITHOUT PREJUDICE.

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

#### 37.7 REINSTATEMENT OF CAUSE.

**(1) A Motion to Reinstate May be Filed.** 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.

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

### **SETTLEMENT AND DEFAULT**

#### **RULE 41 SETTLEMENT**

##### **41.1 NOTICE OF SETTLEMENT**

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

#### **RULE 42 DEFAULT**

(See Rules 2.4 and 5.)

### **TRIALS**

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

51.1 DEFAULT AND UNCONTESTED MATTERS

(See Rule 2.4) (No local rule.)

51.2 CONTESTED MATTERS

(No local rule.)

51.3 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

**RULE 52 SELECTION OF JURY**

52.1 JURY QUESTIONNAIRES

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

(No local rule.)

53. CLOSING ARGUMENTS

(No local rule.)

**RULE 54 JUDGMENT ENTRY**

54.1 CONTESTED CASES

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

54.2 DEFAULT OR UNCONTESTED CASES

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

**RULES RELATING TO PARTICULAR ACTIONS**

**RULE 61 ADOPTION**

61.1 FILING REQUIREMENTS

(No local rule.)

61.2 HOME STUDY

In cases where the adoption or custody involves a minor child under 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**

(No local rule.)

**RULE 64 CASES ARISING UNDER CHAPTERS 207 AND 208, RSMo. 1978  
(COMMONLY KNOWN AS TITLE IV-D AND H. B. 601 ACTIONS)**

(No local rule.)

**RULE 65 CIVIL COMMITMENT**

(No local rule.)

**RULE 66 CONDEMNATION**

(No local rule.)

**RULE 67 CRIMINAL CASES**

67.1 PRE-TRIAL RELEASE

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION

67.1.1.1 Bail or other conditions of release shall be set and fixed by the Judge having jurisdiction over the case.

67.1.1.2 All sureties for bonds in criminal proceedings shall conform their practices to the applicable statutes and Supreme Court Rules.

67.1.1.3 Whenever a person is admitted to bail, the conditions of his or her bond must conform in every respect to Supreme Court Rules, and as such, the terms, conditions, and obligations assumed thereby shall in all cases be continuing in nature when the case moved from one division of the court to another.

67.1.1.4 No person shall be accepted as an individual surety upon any bail bond unless such person possesses all those qualifications required by Supreme Court Rules and applicable statutes. Individuals who desire to act as a surety without compensation should file in the case file of the defendant for whom they wish to make a bail bond two affidavits: one, demonstrating they are qualified under Supreme Court Rules 33.17, and a second in substantial accord with Missouri Criminal Procedure Form No. 23, GENERAL AFFIDAVIT OF QUALIFICATIONS OF BONDSMEN.

67.1.1.5 Any General Bail Bond Agent, properly licensed by the State of Missouri, with current approval by the Presiding Judge shall be eligible to act as surety before any Circuit Judge or Associate Circuit Judge in this county.

67.1.1.6 An unsatisfied judgment against a surety, entered upon any bail bond in any court of this state or of the United States, shall disqualify such surety for bonds in any cases wherein the defendant is charged with the commission of a crime. Such disqualification shall continue for so long as judgment remains unsatisfied.

67.1.1.7 Every surety who intends to charge and receive compensation for serving as surety must be license by the State of Missouri as a General Bail Bond Agent.

Every license General Bail Bond Agent who desires to sign bail bonds in Taney County shall qualify before the Presiding Judge by appropriate monthly affidavit. Such affidavit must be presented to the circuit clerk no later than that first business day (courthouse open) of each month and may be presented as early as five business days before the first business day of the month. Affidavits shall be in substantial accord with the forms and procedures prescribed by the Presiding Judge. Information on required forms and procedures shall be available from the circuit clerk. The judge of Division One shall approve those General Bail Bond Agents who shall be entitled to act as surety for persons charged with crimes until the 10<sup>th</sup> of the next month, subject to disqualification under 67.1.1.6.

67.1.1.8 Nothing contained in this rule shall abridge the right of any person to give bail and execute a bond for his or her own appearance upon complying with the provisions of Supreme Court Rules and applicable statutes.

67.1.1.9 Nothing contained in this rule shall be construed as abridging or otherwise limiting the power of any Judge having jurisdiction over any criminal case to release any person accused on his or her own recognizance or upon any other proper condition of release.

67.1.1.10 No Associate Circuit Judge shall approve any surety bond in a criminal case pending before him or her unless:

- a. The terms, conditions, and obligations assumed therein are continuing in nature from the Associate Circuit Judge to the Circuit Judge as prescribed by Supreme Court Rules and applicable statutes; and
- b. The surety shall have been qualified and approved by the Presiding Judge as set forth in these rules.

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

67.2 PRELIMINARY HEARING  
(No local rule.)

67.3 GRAND JURY  
(No local rule.)

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

67.5 ARRAIGNMENTS  
(No local rule.)

67.5.1 IN GENERAL  
(No local rule.)

67.5.2 DATES  
(No local rule.)

67.6 DISCOVERY  
(No local rule.)

67.7 MOTIONS  
(No local rule.)

67.8 PLEA BARGAINING

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

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

67.9 GUILTY PLEA

67.9.1 WHERE ENTERED  
(No local rule.)

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

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

67.10 CALENDAR  
(No local rule.)

67.11 PROBATION AND PAROLE  
(No local rule.)

## **RULE 68 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 Income & Property Required.** In all actions for Dissolution of Marriage or Legal Separation, each party shall complete a Statement of Income and Expenses (Form 1) and a Statement of Marital and Non-marital Assets and Debts (Form 2), executed under oath, and served, along with a Certificate of Service verifying delivery of the same, on the opposing party within sixty (60) days from the date the Answer is filed. Only the Form 1 and the Certificate of Service shall be filed with the Court.

**(2) Motion to Modify/Paternity/Custody - Statements of Income & Property 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) and a Modified Statement of Property (Form 3) executed under oath and served, along with a Certificate of Service verifying delivery of the same, on the opposing party

within ninety (90) days from the date of service. Only the Form 1 and the Certificate of Service shall be filed with the Court.

**(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 only a Certificate of Service of same to be filed with 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 that the case is not contested.

(a) Within thirty (30) days from the filing of the Answer to the Petition, each party shall serve a copy of their answers to the Form 5 Interrogatories and a Certificate of Service to the other party 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 answering the same. Only the Certificate of Service verifying delivery of said Interrogatory Answers to the other party shall be filed with the Court.

**(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 their answers to the Form 6 Interrogatories and a Certificate of Service to the other party 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 answering the same. Only the Certificate of Service

verifying delivery of said Interrogatory Answers to the other party shall be filed with the Court.

**(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 thirty (30) days from the filing of the Answer to the Petition, each party shall serve a copy of their answers to the Form 15 Interrogatories and a Certificate of Service to the other party 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 answering the same. Only the Certificate of Service verifying delivery of said Interrogatory Answers to the other party shall be filed with the Court.

**(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.

- (d) 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.
- (e) Copies of all life insurance policies insuring the life of either party or a minor child involved in the proceedings.
- (f) Copy of most recent statement of value for any life insurance policy of either party or child, which has a cash value.
- (g) Complete copies of any financial statements provided to a lender or prospective lender within the preceding three (3) calendar years.
- (h) Complete copies of any appraisals relating to any marital or separate property done within one (1) calendar year.
- (i) Complete copies of any trusts where a party is either the grantor or current income beneficiary of the trust.
- (j) 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.
- (k) Copies of all daycare receipts for the last twelve (12) months.
- (l) A statement of costs for health insurance for any employer or other provider which explains the cost of said insurance for the individual party only, the individual party plus the party's family, and the individual party plus the children only.

**(6) Certificate of Service Required.** When the documents specified in Paragraphs 4 and 5 above are exchanged, the respective party shall file with the Court:

- (a) A Form 4 identifying the documents from Paragraph 4 above which were 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.
- (b) A Certificate of Service verifying delivery of said Form 4, Form 7, and Form 8 to the other party.

**(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.

**(10) No Additional Discovery Without Leave of Court.** No additional or alternative discovery may be propounded unless permission has first been obtained from the Court. No objections shall be required to be filed if the same is propounded without leave of the Court having first been granted.

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 Taney 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 Tolloed.** The time frames specified in this rule shall not be stayed or tolloed 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 INQUIRY AS TO GUARDIAN AD LITEM PRIOR TO TRIAL SETTING

When any party requests a trial setting, said party must certify to the Court that a reasonable inquiry has been made as to whether a Guardian ad Litem should be appointed prior to the Court setting the case for trial.

#### 68.10 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.

68.11 JUDGMENTS TO CONTAIN LEGAL DESCRIPTION OF ALL REAL ESTATE

All judgments shall contain legal descriptions of all real estate, both marital and non-marital.

68.12 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**

(No local rule.)

**RULE 70 PARTITION**

(No local rule.)

**RULE 71 ADMINISTRATIVE REVIEWS**

(No local rule.)

**RULE 72 PROBATE**

(No local rule.)

**RULE 73 SMALL CLAIMS**

(No local rule.)

**RULE 74 TRUST ESTATES**

74.1 INVENTORY

(No local rule.)

74.2 REPORTS

(No local rule.)

74.3 RECORD

(No local rule.)



74.4 AUDIT  
(No local rule.)

**POST TRIAL**

**RULE 81 EXECUTION**  
(No local rule.)

**RULE 82 GARNISHMENT**  
(No local rule.)

**RULE 83 JUDICIAL SALES**  
(No local rule.)

**RULE 100 INTERNAL ORGANIZATION**

100.1 PRESIDING JUDGE

100.1.1 ELECTION  
(No local rule.)

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 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 presiding judge shall appoint another judge in the circuit to be the acting presiding judge and to exercise the responsibilities prescribed by law for presiding judges.

100.2 LOCAL COURT RULES

100.2.1 FORMULATION  
(No local rule.)

100.2.2 PUBLICATION  
(No local rule.)

100.3 LIBRARY FUND

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

**RECORDS AND FILES**

100.4 STORAGE OF RECORDS

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

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

100.4.3 RESPONSIBILITY FOR INDEXING AND PRESERVING

COURT REPORTER NOTES

(No local rule.)

100.4.4 IDENTIFICATION OF REPORTER'S NOTES

(No local rule.)

100.4.5 INDEX

(No local rule.)

100.4.6 STORAGE OF NOTES

(No local rule.)

100.4.7 NOTES OF SUBSTITUTE REPORTERS

(No local rule.)

100.4.8 STORAGE OF NOTES UPON RETIREMENT, TERMINATION  
OR DEATH OF COURT REPORTER

(No local rule.)

100.4.9 BOXING AND STORING OF OLD NOTES

(No local rule.)

100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS AND  
SPACE FOR STORAGE OF COURT REPORTER NOTES

(No local rule.)

100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS

(No local rule.)

100.4.12 PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL  
RECORDS

(No local rule.)

100.5 CLERK'S DUTIES

100.5.1 MONIES PAID INTO COURT

(No local rule.)

100.6 SELECTION OF VENIREMEN

(No local rule.)

## MISCELLANEOUS RULES

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

The sheriff or deputy sheriff and the circuit clerk or a deputy circuit clerk shall be in the circuit courtroom at all times when court is in session unless excused by the judge then presiding. The sheriff or deputy sheriff shall perform the duties of court security and shall maintain order in the courtroom. The circuit clerk or a deputy circuit clerk shall administer such oaths as are required to court security, 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)	
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 – STATEMENT OF INCOME AND EXPENSE OF**

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**MONTHLY INCOME**

Gross Income Each Pay Period \$ \_\_\_\_\_  
Paid Weekly/Bi-Weekly/Semi-Monthly/Monthly  
**Monthly Gross Income** \$ \_\_\_\_\_

**Payroll Deductions**

FICA \$ \_\_\_\_\_  
Federal Withholding Tax \$ \_\_\_\_\_  
State Withholding Tax \$ \_\_\_\_\_  
City Earnings Tax \$ \_\_\_\_\_  
Union Dues \$ \_\_\_\_\_  
Other (Specify) \_\_\_\_\_ \$ \_\_\_\_\_  
Other (Specify) \_\_\_\_\_ \$ \_\_\_\_\_  
Total Deductions each Pay Period \$ \_\_\_\_\_  
Total Monthly Deductions \$ \_\_\_\_\_  
Net Take Home Pay each Pay Period \$ \_\_\_\_\_

**Monthly Take Home Pay** \$ \_\_\_\_\_

**Additional Income – (Rental, Business, Etc.) (Monthly)**

Source \_\_\_\_\_ \$ \_\_\_\_\_  
Source \_\_\_\_\_ \$ \_\_\_\_\_

Average Monthly Total \$ \_\_\_\_\_

**Additional Income – (Social Security, AFDC, Pensions, Annuities, Bonuses, Commissions, Etc.) (Monthly)**

Source \_\_\_\_\_ \$ \_\_\_\_\_  
Source \_\_\_\_\_ \$ \_\_\_\_\_

Average Monthly Total \$ \_\_\_\_\_

**TOTAL AVERAGE MONTHLY INCOME** \$ \_\_\_\_\_

Your Share of Gross Income on Last Year's Federal Income Tax Return \$ \_\_\_\_\_

**ACTUAL OR ESTIMATED EXPENSES**  
(Monthly Average, Previous Standard of Living)

Rent or Mortgage Payments \$ \_\_\_\_\_

Utilities

Gas \$ \_\_\_\_\_

Water \$ \_\_\_\_\_

Electricity \$ \_\_\_\_\_

Cell Phone \$ \_\_\_\_\_

Telephone (Land Line) \$ \_\_\_\_\_

Trash Service \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Automobiles

Gas and Oil \$ \_\_\_\_\_

Routine Maintenance \$ \_\_\_\_\_

Taxes and Licenses \$ \_\_\_\_\_

Loan Payment \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Insurance

Life \$ \_\_\_\_\_

Health and Accident \$ \_\_\_\_\_

Disability \$ \_\_\_\_\_

Homeowners' \$ \_\_\_\_\_

Automobile \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Total Monthly Payments on Installment Contracts \$ \_\_\_\_\_

Child Support Paid to Others for Children Not in Your Custody \$ \_\_\_\_\_

Maintenance or Alimony \$ \_\_\_\_\_

Church and Charitable Contributions \$ \_\_\_\_\_

Other Monthly Living Expenses

<u>You</u>		<u>Children</u>
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Medical Care	\$ _____	\$ _____

Prescription Drugs	\$ _____	\$ _____	
Dental Care	\$ _____	\$ _____	
Recreation	\$ _____	\$ _____	
Laundry and Cleaning	\$ _____	\$ _____	
Barber Shop	\$ _____	\$ _____	
Beauty Shop	\$ _____	\$ _____	
School and Books	\$ _____	\$ _____	
Children's Extracurricular	\$ _____	\$ _____	
Total	\$ _____	\$ _____	\$ _____

Day Care/Babysitter – Name/Address \_\_\_\_\_ \$ \_\_\_\_\_

All Other Expenses Not Presently Identified

Sundries	\$ _____	
Reading Material	\$ _____	
Cable/TV	\$ _____	
Gifts	\$ _____	
Home Maintenance	\$ _____	
Lawn/Snow Service	\$ _____	
Association Fees	\$ _____	
Pet Care	\$ _____	
Total		\$ _____

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

**TOTAL MONTHLY INCOME less TOTAL MONTHLY EXPENSES** \$ \_\_\_\_\_

STATE OF MISSOURI     )  
   )ss  
 COUNTY OF TANEY     )

*Comes now* Petitioner/Respondent, \_\_\_\_\_, of lawful age and sworn upon his/her oath, and states that he/she has read the foregoing *Statement of Income and Expense* and that the facts therein are true and correct according to the best of his/her knowledge and belief.

\_\_\_\_\_  
 Petitioner/Respondent

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

Notary Public

My Seal:

Proof of Service

The undersigned certifies that a true copy of this document was served upon the attorney(s) of record of all Parties to the above cause on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---



**IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI**

In Re the Marriage of: \_\_\_\_\_ )  
\_\_\_\_\_ and \_\_\_\_\_ )  
\_\_\_\_\_, \_\_\_\_\_ )  
\_\_\_\_\_, \_\_\_\_\_ )  
Petitioner, \_\_\_\_\_ )  
\_\_\_\_\_ )  
vs. \_\_\_\_\_ ) Case No. \_\_\_\_\_ )  
\_\_\_\_\_ )  
Respondent. \_\_\_\_\_ )

**FORM 2 – STATEMENT OF PROPERTY & DEBTS OF**

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.



D. Cash on Hand.									
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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	W	Ct.	H	W	Ct.	H	W	Ct.
--	---	---	-----	---	---	-----	---	---	-----















**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.
12. Copies of all daycare receipts for the last twelve (12) months.
13. A statement of costs for health insurance for any employer or other provider which explains the cost of said insurance for the individual party only, the individual party plus the party's family, and the individual party plus the children only.

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(Attorney for) Petitioner/Respondent

**FORM 5**

**FIRST INTERROGATORIES (DISSOLUTION OR SEPARATION)**

**IN THE CIRCUIT COURT OF TANEY COUNTY, FORSYTH, 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:

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) received in each said year.

ANSWER:

6. 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:

7. 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:

8. 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:

9. 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 you 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:

10. 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:

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

12. 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 TANEY COUNTY, FORSYTH, 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. 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:

(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:

\_\_\_\_\_  
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 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 10**

**IN THE CIRCUIT COURT OF TANEY COUNTY, FORSYTH, MISSOURI**

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

**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:

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

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

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

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

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

\_\_\_\_\_

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

(GAL)\*

CERTIFICATE OF SERVICE

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

**FORM 11**

**IN THE CIRCUIT COURT OF TANEY COUNTY, FORSYTH, 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 TANEY COUNTY, FORSYTH, MISSOURI**

**A. INTERIM FAMILY LAW ORDER**

This case is now before the Taney 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 Taney County 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. All pro se litigants (parties who are not represented by an attorney) MUST register with the Clerk of the Court to receive electronic notices. If a party fails to register with the Court, said party may not be excused for not receiving notice of documents filed, hearings scheduled, or other notifications that would otherwise have been received by said party had said party registered for such notices.
12. If a child sees a counselor, both parents must be notified of the same immediately and apprised of any appointments scheduled for the same immediately upon their being scheduled.
13. The Order shall continue in effect, except as modified by written agreement of the parties or as modified by further Order of this Court.
14. 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.”**



FORM 13

**IN THE CIRCUIT COURT OF**

**COUNTY, MISSOURI**

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

(Date File Stamp)

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

<b>Payor: (Person Making Payments)</b>	Name: _____ Last First M.I.
	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? _____	

<b>Payee: (Person Receiving Payments)</b>	Name: _____ <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> <span>Last</span> <span>First</span> <span>M.I.</span> </div>
	SSN: _____ DOB: _____
	Optional: MACSS Member Number (to be completed by the court): _____
	Address: _____ _____
	Home Phone: _____
	Related case number: _____

**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 TANEY COUNTY, FORSYTH, 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:

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

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Name of Attorney-Bar Number  
Address

**FORM 16**

IN THE CIRCUIT COURT OF TANEY COUNTY, FORSYTH, MISSOURI,  
46<sup>TH</sup> JUDICIAL CIRCUIT

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) \_\_\_\_\_