



## FAMILY COURT OF ST. LOUIS COUNTY INFORMATION ON DISSOLUTION OF MARRIAGE FOR SELF-REPRESENTING (PRO SE) PARTIES

This pamphlet contains information on the policies, procedures and means of processing a Dissolution of Marriage (commonly referred to as **divorce**) action through the St. Louis County Family Court. If so requested you will be provided forms, which you will need to complete and file in order to initiate a dissolution action. Requirements for dissolution of marriage are statutory and as such are contained primarily in Chapter 452 of the Revised Statutes of Missouri (R.S.Mo.).

- A. Representation by Attorney.** Dissolution of Marriage actions can be extremely complex and require a thorough understanding of a highly specialized area of law. Further, the dissolution of a marriage could have profound and long-term financial ramifications, and, if children are involved, long-term custody, visitation, and support implications for both parties. For this reason it is strongly recommended that parties to a Dissolution of Marriage action seek the assistance of an attorney in completing these important matters.
- B. Litigation Awareness Program Requirement.** Pursuant to Missouri Supreme Court Rule 88.09, both self-representing parties must complete a litigant awareness program. This is available online at [www.selfrepresent.mo.gov](http://www.selfrepresent.mo.gov). The parties must each bring a certificate of completion of this program to the court date. It is suggested that you take time to complete this program before you complete any forms to get the maximum intended benefits of the class.
- C. Jurisdiction.** A Missouri Court has Jurisdiction (that is, the power to dissolve the marriage) when a verified Petition for Dissolution of Marriage is filed and the following are proven:
- (1) **Marriage.** The parties seeking the dissolution must be validly married;
  - (2) **Residence.** Either the husband or wife must have been a resident of Missouri, **or**, a member of the armed forces residing in Missouri for the 90 days immediately preceding the filing of the Petition;
  - (3) **Thirty (30) day period.** The Petition must have been properly filed at least 30 days prior to the court entering an order dissolving the marriage.
  - (4) **Marriage Irretrievably Broken.** The Petition must contain a statement to the effect of, and the court must find, that there remains no reasonable likelihood that the marriage can be preserved and that therefore the marriage is irretrievably broken.

**NOTE:** The above-indicated requirements only give a court jurisdiction to dissolve the marriage. Other requirements may need to be satisfied to give a court the power to order child custody, visitation, child support, maintenance (i.e. alimony), or divide property.

**D. Terms.**

- (1) **Petition.** A formal written document presented to a court, containing a caption indicating the parties to the action (i.e. Petitioner and Respondent), stating certain specific facts (i.e. allegations or assertions) that justify a court becoming involved, and, which asks that the court take some action (i.e. dissolve the marriage, award child custody, etc).
- (2) **Verified Petition.** The Petition for Dissolution must be verified, that is, the Petition must contain a signed statement that swears or affirms that the contents of the Petition are true to the best of the Petitioner's knowledge and belief. The signature verifying the contents of the Petition must be notarized.
- (3) **Petitioner.** The Petitioner is the person who files a Petition with the court and pays the filing fee. The Petitioner is the person who initiates the cause of action and as such has certain responsibilities. For example, the Petitioner has the responsibility of notifying the other party by legal process (i.e. obtain service of summons) that a court action has been initiated and that the action involves the other named party. Also, the Petitioner has the responsibility of proving the allegations contained in the Petition, and ensuring that the action continues to proceed through the court system in a timely manner.
- (4) **Respondent.** The Respondent is the person whom the cause of action is brought against. For example, in a Dissolution of Marriage action, the Respondent is the spouse of the Petitioner.
- (5) **Answer.** The Answer is filed by the Respondent in response to the Petition. The Answer must be verified in the same manner as the Petition (i.e. contain an affidavit stating that the facts alleged in the Answer are true according to the best knowledge and belief of the Respondent), and the Respondent must respond to or "answer" each allegation contained in the numbered paragraphs of the Petition.
- (6) **Service of Process.** Also sometimes referred to as "obtaining service" or simply as "service". This is the delivery to the other party a copy of the Petition, summons and other court documents filed in a particular court action. A purpose of obtaining Service of Process is to formally notify the other party that a cause of action has been initiated in court against that person, and thereby give that person a reasonable opportunity to respond. Supreme Court Rules and Missouri law guide the manner in which Service of Process must be accomplished (see Chapter 506 Revised Statutes of Missouri (R.S.Mo.) and Rule 54 Missouri Court Rules). Normally, Service of Process is accomplished by a sheriff or court-appointed special process server personally delivering the summons and other papers. Under certain special situations Service of Process may be obtained by mail or by publication of a notice in a newspaper.  
The Petitioner has the obligation to request Service of Process and to provide instructions for obtaining service on the Respondent (i.e. where the Respondent can be found and the best time to serve him/her at that location).

If the Respondent resides in St. Louis County, the Circuit Clerk's Office, after opening a file and creating a summons, will transfer a copy of the summons and other papers to the Sheriff for service. The St. Louis County Sheriff Fee for this is \$36.00 and is to be paid with the initial filing of the Dissolution of Marriage.

**If the Respondent resides outside St. Louis County, the Circuit Clerk's office will mail the summons back to the Petitioner and the Petitioner must make arrangements with the sheriff of the county where the Respondent resides for obtaining service (normally determining what the fees are for providing service and determining the address of where to forward the papers to be served and the check for cost of service to) on the Respondent.** Once the Sheriff or Special Process Server has served the Respondent with the necessary papers, a *Return of Service* will be completed and filed with the court thereby verifying that the Respondent had been officially notified of the court action. ***Until Service of Process has been accomplished or the Respondent has waived Service of Process and Entered his/her Appearance the court will not have jurisdiction over the matter and will not be able to grant a divorce.***

- (7) **Summons.** Is an official court notification, issued and signed by the Circuit Clerk, to a named person that a court action has commenced against him/her and that he/she is required to appear in court on a particular day and answer the Petition.
- (8) **Entry of Appearance.** The formal procedure by which a respondent submits himself/herself to the jurisdiction of the court. This is done automatically when one files an Answer, but also can be done by filing a court memorandum for the exclusive purpose of entering an appearance. In Dissolution of Marriage actions filing a memorandum is sometimes done as a means of bypassing the necessity of Service of Process. When the Entry is done for the purpose of bypassing Service of Process the Entry should also formally waive Service of Process and the Entry **must be verified** in the same manner as the Petition is verified as described above. **Note: It is important to understand that a person who files an Entry of Appearance without filing an Answer will not get further notice of court dates.**
- (9) **Pro se.** In the context used here, the term means that a person is litigating a Dissolution of Marriage action without representation by an attorney.
- (10) **Emancipation.** Section 452.340 Paragraph 3 describes Emancipation as occurring when the child becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent. Missouri court cases also describe emancipation as occurring by a change of the child's status in the eyes of society, for example when the child enters military service, or marries, or when the child reaches his/her eighteenth (18<sup>th</sup>) birthday and is physically and mentally able to care for himself/herself, and is not attending a secondary school program of instruction. See statute for further information regarding Emancipation.

(11)**Marital Property.** Section 452.330 paragraph 2 defines **Marital Property as all property acquired by either spouse after the date of the marriage except:**

- (1) Property acquired by gift, bequest, devise, or descent;
- (2) Property acquired in 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 excluded by valid written agreement of the parties; and
- (5) The increase in the value of property acquired prior to the marriage or pursuant to subdivisions (1) to (4) of this subsection, unless marital assets, including labor, have contributed to such increases and then only to the extent of such contributions.

**E. Representation by Attorney. It is important to reiterate that Dissolution of Marriage actions can be extremely complex and require a thorough understanding of a highly specialized area of law. Further, the dissolution of a marriage could have profound and long-term financial ramifications, and, if children are involved, long-term custody, visitation, and support implications for both parties. For this reason it is strongly recommended that parties to a Dissolution of Marriage action seek the assistance of an attorney in completing these important matters.**

**1. Filing.** Dissolution of Marriage actions are initiated by filing certain documents with the St. Louis County Circuit Clerk, Courts Building, Resource Center, 1st floor - Room 172, 105 South Central Avenue, Clayton, MO 63105. Petitioner is responsible for ensuring that all required information is filed by the specified deadlines. When the papers are filed the Petitioner should make 1 extra copy of the documents for service on the Respondent when service is required, and 1 extra copy that can be file-stamped and retained by the Petitioner.

- A. The following documents **must be filed** in order to initiate a dissolution of marriage action:
- (1) Petition.
  - (2) Statement of Income and Expenses
  - (3) Statement of Property and Debt and Proposed Distribution of Property and Debt
  - (4) Confidential Case Filing Information Sheet- for Domestic Cases
  - (5) Certificate of Dissolution of Marriage
  - (6) Filing Fees (\$145.00) (and if applicable \$36.00 St. Louis County Sheriff Fee)

**For cases involving minor unemancipated children born to the parties, the following additional items must be filed:**

(8) Parenting Plan. (If there are minor unemancipated children born to the parties, a Parenting Plan must be filed within 30 days of date of service or the filing of an entry of appearance.)

(9) Form 14. This is a form used to calculate the presumed child support amount that each parent provides in support of unemancipated children.

(10) Certificate of Completion of Parent Education Class/Mediation Services.

- B. **Petition.** Section 452.310 R.S.Mo. outlines the requirements of what must be included in the Petition for Dissolution of Marriage. As a minimum, the Petition must allege that the marriage is irretrievably broken, the Petition must be verified, and the Petition must address and include the information sought in the eight (8) items enumerated in Section 452.310 R.S.Mo. Paragraph 2. The Petition **must** be verified (see verified petition under TERMS above) and the verification must be signed and the **signature notarized**.
- C. **Statement of Income and Expenses.** This form details the amount and sources of income and various expenses of the person filing the form. This form must be filed by the Petitioner with the Petition and a copy served on the Respondent. The Respondent must file this form within 60 days of service or entry of appearance, whichever is earlier. These forms must also be updated as necessary to accurately reflect the current status prior to the hearing date. **This form must also be verified and notarized.**
- D. **Statement of Property and Debt and Proposed Distribution of Property and Debt.** Missouri law requires that all marital property and debt be divided. In order to divide the marital property the court must identify which property in the possession of either party is marital and which property is nonmarital or separate. Therefore, **all property with a value of \$200 or more in the possession of either party must be listed and categorized as either marital or nonmarital.** The Court will then set aside the nonmarital property of the parties as the sole and separate property of each, and divide the marital property. This form explains what marital and nonmarital property is, and details the types of property which must be included. The form contains 6 different tables for listing the property and debt by type and by proposed distribution. The form must be signed in front of a notary public by the Petitioner. If the Respondent agrees with the Proposed Distribution and signs the Agreement portion of the form in front of a notary public the form becomes an Agreement and the Court may adopt that Agreement, and incorporate it into the Dissolution Judgment and Decree, unless it finds the Agreement to be unconscionable.

- E. Confidential Case Filing Information Sheet- for Domestic Relations Cases.** This form must be submitted when filing the Petition. It will be kept in a confidential section of the file to protect certain confidential information of the parties'.
- F. Certificate of Dissolution of Marriage.** This form is filed with the Missouri Department of Health to record the dissolution of your marriage with the state Bureau of Vital Statistics.
- G. Filing Fees.** Filing fees must be paid when the petition is filed. The fee for Dissolution of Marriage is \$140.00. The filing fee is a deposit against the actual costs of your case. When the case is completed, all fees and costs are calculated according to law. After the fees are calculated you might receive a refund, or, in some circumstances you may have to pay additional amounts.
- H. Parenting Plan.** Section 452.310 R.S.Mo. Paragraph 7 requires that both Petitioner and Respondent, either individually or jointly, file a Parenting Plan within 30 days after Service of Process or the Entry of Appearance by the Respondent, whichever occurs first. The Parenting Plan enclosed in this packet includes provisions for all of the information required by law to be included.
- I. Notice of Mandatory Parent Education Class.** The Family Court of St. Louis County requires that all parents seeking a Dissolution of Marriage action with at least one (1) child in common under age nineteen (19) are required to attend the Mandatory Parent Education Class offered by Domestic Relations Services of the Family Court of St. Louis County. This is a one-session class lasting approximately 2 hours and 15 minutes and is conducted in Domestic Relations Services on the 1<sup>st</sup> floor of the Courts building at 7900 Carondelet in Clayton. Upon completion of the class you will receive a certificate signifying successful attendance, which must be filed with the court. To schedule a class date call (314) 863-3310.
- J. Presumed Child Support Calculations (Form 14).** The Missouri Supreme Court has developed guidelines to assist a court in determining the appropriate amount of support that each parent should contribute to child rearing expenses. These guidelines are contained in Rule 88.01 Missouri Court Rules, with reference to Civil Procedure Form 14 Presumed Child Support Amount. This form must be filed with the court by each party and a copy provided to the other spouse prior to the scheduled court hearing date. (attached)

**2. Scheduling the Hearing Date.** If no party retains legal representation and the matter is uncontested, the matter will be typically set on the Division 40 Pro Se Docket in the St. Louis County Circuit Court Building at 7900 Carondelet Avenue, St. Louis, Missouri 63105. After the Petition is filed, the pleadings will be reviewed to ensure that all required items are presented and completed properly. If required items are missing or incorrectly completed the forms will be returned to the Petitioner or a notice will be sent. If all required items are presented, the case will be assigned a cause number and scheduled for a specific hearing date. Most cases will be scheduled for hearing the first available hearing date at least 30 days after acceptance of the Petition. The date that the case is scheduled for hearing is important as the case will be heard on that date. **Absent exceptional circumstances beyond Petitioner's control, if the case is not heard on the scheduled date the case will be dismissed without prejudice at Petitioner's expense.**

***Some Helpful Facts:***

- ✓ All forms must be printed one form per page. The Circuit Clerk's Office **will not** accept forms that are printed on both sides of the page.
- ✓ If your dissolution of marriage is granted on your hearing date, you will typically receive a certified copy about forty to sixty days after that final hearing date.
- ✓ A person cannot obtain a marriage license in St. Louis County for at least 30 days past the date of your most recent dissolution of marriage being granted. It is important to know there can be complications in a legal proceeding that can add time (sometimes months) to the process.
- ✓ Sometimes the judge may order that the parties post additional monies to appoint a Guardian ad litem in cases with minor children. A Guardian ad litem is an attorney who represents the best interest of the children for a specific matter. Note: A Guardian ad litem does not represent the parties and is not the attorney for the children. The judge may also order that the parties go to Domestic Relations Services to have the Parenting Plan or Form 14 reviewed on behalf of the court.
- ✓ Carefully read all of your notices from the court. If the court tells you to complete a specific task in a notice, it is mandatory to proceed in order to proceed in your case. Failure to comply can result in the dismissal of your case and the loss of any money that you have deposited.



## **HELPFUL CONTACT NUMBERS AND ONLINE INFORMATION**

St. Louis County Circuit Court Resource Center (314) 615-4742

St. Louis County Circuit Court Forms Are Available Online At [www.stlouisco.com/circuitcourt/forms.html](http://www.stlouisco.com/circuitcourt/forms.html)

State of Missouri Self Representation Website [www.selfrepresent.mo.gov](http://www.selfrepresent.mo.gov)  
(Pro Se Litigation Awareness is available on this site.)

Domestic Relations Services (314) 615-8093

BAMSL Lawyer Referral Service (314) 621-6681

St. Louis County Circuit Court Domestic Relations Information (314) 615-8021

St. Louis County Circuit Court Adult Abuse/Child Abuse Information  
(314) 615-8086

Missouri Department of Health and Senior Services (Birth Record Corrections) (573) 751-6378

Parent Education (314) 863-3310

Missouri Division of Professional Registration [www.pr.mo.gov](http://www.pr.mo.gov)  
(You can look up lists of licensed marital therapists, psychologists, etc. by location in Missouri.)

Child Support Enforcement Customer Service (800) 859-7999

Child Support Voice Response (800) 225-0530

Child Support Enforcement Unit (City of St. Louis) (314) 340-7400

Child Support Enforcement Unit (St. Louis County)  
A-GN (314) 877-2741 and GO-Z (314) 877-3050

Family Support Payment Center (888) 761-3665

Missouri Office of the Chief Disciplinary Counsel (573) 635-7400

St. Louis County Circuit Court Certified Copies (314) 615-8015

Attorney General Consumer Complaint Hotline (800) 392-8222

## **NON PROFIT LEGAL SERVICES**

Legal Services of Eastern Missouri (314) 534-4200

Catholic Legal Assistance (314) 977-3993

Legal Advocates for Abused Women (314) 423-1117 or [www.laawstl.org](http://www.laawstl.org)  
Crisis Line (314) 535-5229 or (800) 527-1460