

Proposed Changes to CAFC001 – Petition for Dissolution of Marriage

[Current version 431 – New version 441] These changes are of a minor nature. They are as follows:

1. Remove the words “Count I” from the title of the pleading. It will now simply state “Petition for Dissolution of Marriage.” Previously a paternity count would have to be added in appropriate circumstances, but revisions to court operating rules now require a separate paternity case to be filed, so the multiple counts would not seem to be appropriate any longer.
2. Eliminate the words “This person(s) and this child must be joined as parties in this proceeding if Husband is not the father of this child” from 38i, 39i, 40i, and 41i as they no longer are correct. See above.
3. Eliminate the words “Attach a copy of the birth certificate to this petition.” When the statutes were amended in August, 2009, birth dates and social security numbers of the minor children were eliminated from the petition. The current version of the petition would require this information to be attached to the petition in some circumstances.
4. The prayer for relief should be changed. It currently appears as follows:

REQUEST FOR RELIEF

If you are the Wife, do you want to change your name back to the name you had prior to your marriage or back to your original maiden name?

- Yes, I would like to change my name back to my previous married name of _____.
- Yes, I would like to change my name back to my maiden name of _____.
- No, I will keep the name I have.

I WOULD LIKE THE COURT TO GRANT THE FOLLOWING:

A dissolution of my marriage;

Custody of the child(ren) born of the marriage as stated herein (if applicable);

Appropriate orders with respect to the support of the minor child(ren) (if applicable);

A division of the marital property and debts (REQUIRED);

And such further and other orders as the court would deem appropriate.

- Maintenance to be paid to me by my spouse; (Optional)
- Maintenance to be paid to my spouse by me; (Optional)

It is suggested that it be changed to appear as follows:

Request for Relief

I want the court to do the following: *(Check all that apply)*

- Grant a dissolution of my marriage
- Grant custody of the child(ren) of the marriage as stated herein (if applicable)
- Enter appropriate orders with respect to the support of the child(ren) (if applicable)
- Divide the marital property and debts
- Award maintenance to me
- Award maintenance to my spouse
- Change my name to my former name of _____.
- I am without sufficient funds to pay for my attorney and I request that the other party pay my attorney's fees.
- Other (Please state the other requests)

The court would always grant the first four items in every dissolution of marriage. We do not want the petitioner to be able to uncheck this option. We could eliminate the check boxes completely, but on our most recent forms that we approved, we used the permanently checked boxes to emphasize that the court must make these orders.

Additionally, we have eliminated the “If you are the wife . . .” language in connection with the restoration of a former name to make the forms gender neutral. A man could change his name at the time of marriage and seek restoration of his former name at the time of the dissolution. The option of maiden name of former name is eliminated.

Additionally, we have added language requesting attorney’s fees. This has been brought up several times by judges and lawyers since the last revision of the forms, and it would seem appropriate since we have a signature block for attorneys on the form. This language is similar to that approved on more recent forms.

5. All statutory references have been changed from RSMo. §452.xxx to §452.xxx, RSMo. These changes were requested by the court when they approved the last set of forms.

Proposed Changes to CAFC010 – Answer to Petition for Dissolution of Marriage

[Current version 316 – New version 320] There are several minor changes suggested for the answer:

1. The current request for relief currently states:

REQUEST FOR RELIEF

If you are the Wife, do you want to change your name back to the name you had prior to your marriage or back to your original maiden name?

- Yes, I would like to change my name back to my previous married name of _____.
- Yes, I would like to change my name back to my maiden name of _____.
- No, I will keep the name I have.

I WOULD LIKE THE COURT TO GRANT THE FOLLOWING:

A dissolution of my marriage;

Custody of the child(ren) born of the marriage as stated herein (if applicable);

Appropriate orders with respect to the support of the minor child(ren) (if applicable);

A division of the marital property and debts (REQUIRED);

And such further and other orders as the court would deem appropriate.

- Maintenance to be paid to me by my spouse; (Optional)
- Maintenance to be paid to my spouse by me; (Optional)

To make it consistent with the petition, it should state:

Request for Relief

I want the court to do the following: *(Check all that apply)*

- Grant a dissolution of my marriage
- Grant custody of the child(ren) of the marriage as stated herein (if applicable)
- Enter appropriate orders with respect to the support of the child(ren) (if applicable)
- Divide the marital property and debts
- Award maintenance to me
- Award maintenance to my spouse
- Change my name to my former name of _____.
- I am without sufficient funds to pay for my attorney and I request that the other party pay my attorney's fees.
- Other (Please state the other requests)

Proposed Changes to CAFC050 – Income and Expense Statement

[Current version 317 – New version 320] The format of the income and expense statements was changed after the dissolution income and expense statement was approved. The newer version is shorter and more informative and it is consistent with the other income and expense statements that have been more recently approved by the court. The new form is three pages long. The old form is six pages long.

Proposed Change to CAFC070 – Judgment of Dissolution of Marriage

[Current version 339 – New version 340] This change is also minor. It is to make the language concerning the restoration of the former name gender neutral.

It currently states:

Name Change

25. Wife is granted restoration of her _____ name of _____.
(Maiden or Former) (New Full Name)

It is suggested that this language be changed to:

Name Change

25. The name of _____ is changed to _____.
(Current Full Name) (New Full Name)

It is possible that the language *(Current Full Name)* under the first line be changed to *(Petitioner or Respondent)* but this could cause some confusion. Here the judge can see specifically what name is being changed.