

IN THE FAMILY COURT OF ST. LOUIS COUNTY, MISSOURI

MANDATORY EXCHANGE OF DOCUMENTS RULE 68.5

(1) This rule shall apply to all petitions for dissolution of marriage or separate maintenance, legal separation, annulment, petitions for declaration of paternity or petitions for custody and support, and all motions to modify any judgment of the preceding causes of action.

(2) Purpose: The purpose of this rule is to make sure that all parties have equal access to information relevant to the case at the earliest opportunity so as to encourage the settlement of disputes. It is not intended to preclude a party from serving formal discovery requests upon the other party pursuant to the Missouri Rules of Civil Procedure.

Prior to the initial settlement conference the parties may submit for approval a consent motion to waive the document exchange for good cause shown. Approval of said motion does not prohibit the entry of an order at a later date requiring the exchange of documents as provided in this rule.

(3) Notice of the requirement: Upon the filing of petition or motion the Office of the Circuit Clerk shall provide to the filing party a copy of this rule. A copy of the rule shall be attached to the summons and petition and served on the opposing party along with the petition and summons.

(4) Delivery of Documents: Within 60 days of service of summons each party shall deliver to the other party a complete and readable copy of each of the documents specified on the mandatory exchange of documents form. Each party must deliver to the opposing party copies of any documents that are in their possession or control, including documents which they may obtain electronically. Counsel for the parties or the party themselves, if unrepresented, shall coordinate a simultaneous exchange of such documents. So as to avoid the duplicate production of documents which are available to both parties, the parties may agree in writing as to which documents each party shall produce. This provision does not supercede any temporary or final order of protection which may prohibit communication between the parties. Disagreements regarding the production of certain documents shall be resolved at the initial conference with the court.

(5) Documents to be exchanged:

(A) The following documents must be exchanged in all cases:

1. Federal and state income tax returns including all schedules, W-2, K-1 and 1009 forms for the preceding three years;
2. Wage stubs (or other evidence of wages, tips or salaries if wage stubs are not issued) for the three months preceding the filing of the case;
3. Any statements or other documents evidencing expenses incurred in the last 12 months preceding the filing of the case pertaining to work related child care costs, premium payments for health insurance for the children of

the parties and dental and orthodontic costs attributable to the children of the parties.

(B) In addition, the following documents must be exchanged in cases involving an award of maintenance, an award of property or a division of debt or a request for the payment of attorney fees:

1. The three most recent statements for all bank accounts and all other accounts held jointly or individually by the parties in any brokerage firm or other financial institution;
2. The most recent benefit statement for any retirement plan, whether vested or not vested, in which a party has an interest;
3. Any appraisals of any marital or separate property conducted in the 12 month period preceding the filing of the case;
4. Credit card statements and store charges for purchases occurring during the three months preceding the filing of the case;
5. The most recent mortgage statement for any real property owned jointly or separately by the parties and copy of the deed for any such property;
6. The most recent balance statement for any existing debt owed jointly or separately by the parties.

(6) Documents not provided: If a document that is required to be provided pursuant to this local rule is not produced for exchange, the party shall advise the other party in writing of the name and current address of the person who is in possession or control of the required document or, if applicable, that no such documents continues to exist or ever existed.

(7) Waiver: The parties may agree in writing to waive any portion of this rule to the extent that they agree that certain documents are not relevant to any issue to be presented in the case. All of the requirements of this mandatory document exchange rule shall be waived if within 60 days of service, the case has been scheduled for a default or noncontested hearing.

(8) Documentation of completion of the exchange: The mandatory document exchange compliance form is available in the print shop or on the court website. Upon completion of the exchange of documents, each party shall file with the court a compliance form approved by the court, certifying the date upon which the documents were exchanged, the documents that were exchanged or the reasons why certain documents were not exchanged. Copies of the documents exchanged need not be filed in the court file.

(9) Failure to comply: Any documents required to be produced under this Rule that are not timely exchanged with the other party shall not be admissible into evidence at any hearing or trial of the case unless the court finds good cause for the failure to exchange.