

RULES OF THE CIRCUIT COURT OF THE
THIRTY-SIXTH JUDICIAL CIRCUIT
[Butler and Ripley Counties]

Administration

RULE 1. DIVISIONS OF COURT

Rule 1.1 Butler County

The Circuit Court of Butler County, Missouri consists of the Criminal Division, the Civil Division and the Probate Division.

Rule 1.2 Ripley County

There are no divisions of the Circuit Court of Ripley County, Missouri.

Rule 1.3 Both Counties

The cases filed in the Circuit Court of the Thirty-Sixth Judicial Circuit in both Butler and Ripley County shall be assigned by the Presiding Circuit Judge from time to time to such judge or judges as the ends of justice and the efficient administration of the court may require. Such assignments may be made by assigning classes of cases or individual cases to available judges. All assignments of cases will be made by written order, and a copy of the order shall be filed in the office of the Circuit Clerk. The Presiding Circuit Judge will hear all cases not assigned to another judge. All cases will be heard at a time and place fixed by the judge assigned to the case.

RULE 2. HOURS OF COURT

Rule 2.1 Hours of Court

All docket calls and trials shall commence at 9:00 a.m., except as otherwise scheduled by the judge assigned to the case. Attorneys and parties shall appear not later than 8:15 a.m. on cases set for trial by jury for pretrial conference.

Rule 2.2

Ripley County: Ripley County Term begins on the third Monday of May and November of each year.

RULE 3. PLEADINGS

Rule 3.1 Caption

All pleadings, petitions, answers, motions, judgments, notices, complaints, and orders shall be captioned in substantially the following form:

IN THE CIRCUIT COURT OF _____COUNTY, MISSOURI

Name	Plaintiff*	)	
		)	
v,		)	Case Number: _____
		)	
Name	Defendant*	)	

*or “petitioner,” “respondent,” etc., as is applicable

Rule 3.2 Filing Information Form (Civil Cases, Including Probate)

(a) Accompanying the initial filing, pleading or motion shall be a Party Information Form. The form will list party type, name, address, social security number and birthdate of initiating party, responding party and any additional parties, if available. The form will be furnished by the Circuit Clerk.

(b) The Circuit Clerk shall not receive for filing any pleadings, motions or papers unless there has been a complete compliance with this rule.

Rule 3.3 Criminal Cases — Information Required

(a) All complaints, informations or indictments shall contain a notation showing the Missouri Approved Charges-Criminal (MACH-CR) number, as well as the Missouri Charge Code Number. If an approved MACH-CR does not exist, the complaint, information or indictment shall cite the authority that supports the charge.

(b) All Complaints, Informations or Indictments shall contain the Offense Cycle Number (OCN) if available, and if not immediately available, it shall be supplied as soon as possible thereafter.

RULE 4. FILING OF CASES

Rule 4.1 Where Filed

All cases filed in either Butler or Ripley County shall be filed in the office of the Circuit Clerk of the Court of the respective county. The Circuit Clerk shall then place the matter on the docket of the judge assigned to the case by the Presiding Circuit Judge.

Rule 4.2 Separate Filings Required in Certain Cases

For each person for whom a conservator or guardian is sought to be appointed, and for each person who is the subject of adoption, a separate case shall be filed. A separate case shall also be filed for each child who is the subject of a proceeding under Chapter 211, RSMo., and for each child for whom an order of child protection is sought, and a separate case against each respondent in a petition for an order of protection under the provisions of Chapter 455 RSMo.

Rule 4.3 Identity of Parties

The identity of parties as designated in the original pleading shall be maintained in all subsequent pleadings; i.e., if a party is originally designated as “respondent,” and that party files any motions or other pleadings, the party shall continue to be designated as “respondent,” and not as “movant,” or “petitioner,” or by any other designation.

The party filing the initial pleading seeking relief shall be designated as “plaintiff,” or “petitioner.” The party from whom the plaintiff or petitioner seeks relief shall be designated as “defendant,” or “respondent.” Parties who seek to intervene in a case shall be designated as “Intervenor.”

RULE 4.7 FACSIMILE AND DIGITAL FILING AND SERVICE

(1) Authority for Rule. This rule is promulgated under the authority conferred in Mo.S.Ct. Rule 43.01(j).

- (A)** Procedures herein described shall only be applicable in the Circuit Court of Ripley County.
- (B)** Fax filings of pleadings in the Circuit Court of Butler County shall only be accepted from pro se litigants.”

(2) Facsimile and Digital Filing Authorized

(a) Any pleading or other document excluding an original filing, may be filed in any division of this Court having, maintaining or designating a facsimile machine or computer for the receipt of such transmissions, by transmission of the same to such facsimile machine or computer or a facsimile machine or computer designated or maintained by the Circuit or Associate Circuit Judge

with jurisdiction over the division.

(b) Any pleading or document filed by facsimile or digital transmission shall have the same effect as the filing of the original document, even though it may be required to be verified, acknowledged or sworn to by some other method.

(c) The pleading or document shall be deemed filed on the date and at the time actually received at the place of filing.

(d) Risk of loss in transmission, receipt or illegibility is upon the person or party transmitting and filing by electronic means.

(e) If the document is not received, or if it is illegible, it is deemed not filed, except that in the case of partial illegibility, that part which is legible is deemed filed.

(f) The person filing a pleading or other document by facsimile or digital transmission shall retain the original, and make it available upon order of the Court.

(3) Court Orders Transmitted by Facsimile of Digital Transmission

(a) Court orders, judgments or decrees, including warrants and search warrants, may be transmitted to the Clerks of the various divisions or others by electronic transmission, and until receipt of the originally signed document as herein provided, they shall have the same effect and be acted upon by all persons as it they were the original executed by the Court.

(b) The next business day following entry of an order which has been filed under this rule, the Court shall cause the original of the same to be transmitted to the Clerk of the division so as to be received by the fifth business day following the filing of the same by electronic transmission.

(4) Service by Facsimile and Digital Transmission

(a) Where service by ordinary mail or personal delivery is provided by Mo.S.Ct. Rule 43.01 or otherwise by law, such service may be made by electronic transmission of a copy to any attorney or party to be served who maintains a device for receipt of facsimile or digital transmission.

(b) Publishing a facsimile phone line number or e-mail address by pleading, letterhead or listing in a telephone directory or otherwise, constitutes prima facie maintenance of a device for receipt of electronic transmission.

(c) Risk of loss in transmission, receipt or illegibility of the document transmitted electronically is upon the sender.

(d) The document faxed or e-mailed is presumed delivered and served, unless otherwise indicated by the readout of the sender's device, to the phone number or e-mail address indicated by

the sender's readout, and at the date and time of the end of transmission. The sender shall maintain a printout of such readout or e-mail, and file the same if ordered by the Court.

(e) Except in the case of court orders, judgments or decrees, if a document is transmitted after 4:00 p.m. in the same time zone in which it is to be received, service shall not be deemed to have occurred until the next business day.

(5) Service – How Shown

Service by facsimile or electronic transmission shall be shown as provided in Mo.S.Ct. Rule 43.01(d).

(6) Costs for Receipt or Transmission by Facsimile

(a) The maintenance of a facsimile or computer devices by the Clerk's office, and rules allowing filing by facsimile transmission benefit primarily the person desiring to file by this method of transmission.

It causes the Clerks or the court system additional expense to acquire and maintain a device and phone line to receive these transmissions, and often to transfer the transmission to archival quality paper.

(b) A reasonable fee will be collected on a per page basis to provide this service.

(7) Business Day Defined

A business day is any day, not a Saturday, Sunday, or holiday recognized as such by the Missouri Supreme Court through the Office of the State Courts Administrator.

(8) Effect of Facsimile or Digital Signature

A facsimile or digital signature shall have the same effect as an original signature.

RULE 5. FEES AND COSTS

Revised Rule 5.1

There shall be deposited with the Circuit Clerk at the time of filing of any initial pleading a deposit for costs in an amount set out herein by order of the 36th Circuit Court en banc. The Court en banc shall annually, or more often if required, determine the amount of cost deposits required after consulting with the Circuit Clerks of both Butler and Ripley Counties.

Butler County fees are as follows:

Judicial Review (Administrative Hearing Decision)	\$100.00
Trial de Novo (Suspended for B.A.C.)	\$100.00
Circuit Civil Filings (over \$25,000)	\$100.00
Paternity	\$102.00
Motion to Modify	\$102.00
Family Access Motion	\$102.00
Dissolution of Marriage	\$102.00
Change of Name	\$100.00
Notice of Appeal to Appellate Court (includes deposit)	\$ 80.00
Civil Actions (under \$25,000)	\$ 48.00
Rent and Possession	\$ 48.00
Petition for Review (SATOP Assessment)	\$ 48.00
Stay or Revocation for Breathalyzer Refusal	\$ 48.00
Small Claims	\$ 35.00
Small Claims Trial de Novo	\$ 45.00
Hardship License	\$ 48.00
Adoptions/Juvenile Custody	\$150.00
Municipal Trial de Novo	\$ 30.00
Probate fees:	
Letters Testamentary	\$188.00
Letters of Administration	\$153.00
Small Estate without Will	\$ 73.00
Small Estate with Will	\$108.00
Determination of Heirship	\$ 73.00
Refusal of Letters (Creditor or Spouse)	\$ 73.00
Guardian and/or Conservatorship-Adult	\$263.00
Guardian and/or Conservatorship-Minor	\$248.00

Service fees are charged separately. Contact the Sheriff's Office or process server for fee amounts. G.A.L. fees are not deposited with the original filing fee. For any other cases, call the Clerk's Office at 573-686-8082 for correct fee.

Ripley County fees are as follows:

Judicial Review (Administrative Hearing Decision)	\$105.00
Trial de Novo (Suspended for B.A.C.)	\$105.00
Circuit Civil Filings (over \$25,000)	\$105.00

Circuit Civil Filings (requiring publication)	\$500.00
Paternity	\$107.00
Motion to Modify	\$107.00
Family Access Motion	\$107.00
Dissolution of Marriage	\$107.00
Change of Name	\$105.00
Notice of Appeal to Appellate Court (includes deposit)	\$ 80.00
Civil Actions (under \$25,000)	\$ 58.00
Rent and Possession	\$ 58.00
Petition for Review (SATOP Assessment)	\$105.00
Stay or Revocation for Breathalyzer Refusal	\$105.00
Small Claims	\$ 35.00
Small Claims Trial de Novo	\$ 45.00
Hardship License	\$105.00
Garnishments plus mileage (Clerk collects sheriff's service fee)	\$ 25.00
Adoptions/Juvenile Custody (Birth Certificates add \$30.00)	\$155.00
Municipal Trial de Novo	\$ 35.00
Probate fees:	
Letters of Testamentary	\$185.00
Letters of Administration	\$150.00
Small Estate without Will	\$ 70.00
Small Estate with Will	\$105.00
Determination of Heirship	\$ 70.00
Refusal of Letters	\$ 70.00
Guardianship of Adult	\$110.00
Guardianship of Minor	\$ 95.00

Any case without the correct filing fee will be returned without the case being filed. Service fees are charged separately. Contact the Sheriff's Office or process server for fee amounts. G.A.L. fees are not deposited with the original filing fee. For any other cases, call the Clerk's Office at 573-996-2818 for correct fees.

Rule 5.2 Surcharges

5.2.1. Law Library Each party filing a civil case in the Circuit Court of Butler or Ripley County shall, at the time of filing the initial pleading, deposit a surcharge in the amount of Fifteen Dollars (\$15.00) in addition to all other deposits for costs required. This surcharge shall not apply to proceedings when costs are waived or are to be paid by the State of Missouri, any county or any

municipality. Monies collected pursuant to this rule shall be paid and disbursed for the county law library in each county in accordance with Section 514.450 RSMo.

5.2.2 Domestic Violence Shelter Surcharge: An additional surcharge of \$10.00 to benefit the County's local domestic violence shelter is to be collected upon the filing of each Petition for Dissolution of Marriage and paid over by the Clerk of Court to the County Treasurer upon the subsequent entry of a formal written Decree of Dissolution. In addition to all other court costs pursuant to §488.607 RSMo the court shall assess an additional surcharge of \$2.00 in all criminal cases. No surcharge shall be collected in any proceeding when the case is dismissed by the Court or when the costs are to be paid by the State, County or municipality. All surcharges collected by the Circuit Court shall be collected and disbursed as provided by §488.010, §488.012, §488.015, §488.018 or §488.020 RSMo.

5.2.3 Payment of fines and costs in traffic and criminal matters. All fines and costs paid to the Division I or Division II Clerk's Office shall be in the form of cash or money order only. Partial payments shall not be accepted except by permission of the Judge of that respective division.

5.2.4 Payment by cash or negotiable instrument only. Payment of court costs by means other than by cash or negotiable instrument shall not be accepted.

Rule 5.3 Time Payment Fees

(a) In addition to any other assessment authorized by law, the court shall assess a fee of Twenty-Five Dollars (\$25.00) to each person who pays a court ordered judgment, penalty, fine, sanction or court costs in a criminal case on a time payment basis, including restitution and juvenile monetary assessments. A time payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid in full within thirty (30) days of the date imposed. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law.

(b) Ten Dollars (\$10.00) of the time payment fee collected pursuant to this rule shall be paid to the Circuit Clerk of the court of the county from which such fee was collected. Such money so paid shall be applied and expended as ordered by the 36th Circuit Court en banc. The funds shall be utilized by the court to improve case processing, enhance the ability to collect and manage monies assessed or received by the courts, enhance court security, preservation of the records of the court or to improve the administration of justice.

(c) Eight Dollars (\$8.00) of the time payment fee shall be deposited in the statewide court automation fund pursuant to Section 476.055, RSMo.

(d) Seven Dollars (\$7.00) of the time payment fee shall be paid to the Director of Revenue, to be deposited in the general revenue fund.

(e) This rule is promulgated pursuant to Section 488.5025, RSMo.

Rule 5.7

FEE FOR PAYMENT OF COURT ORDERED ASSESSMENTS ON TIME PAYMENT BASIS-DISTRIBUTION OF FEE

- (a) In addition to any other assessment authorization by law, the court will assess a fee of twenty-five dollars (\$25.00) on each person who pays a court ordered judgment, penalty, fine, sanction, or court costs in a criminal case on a time payment basis, including restitution and juvenile monetary assessments. A time payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid in full within thirty (30) days of the date the court imposed the judgment, penalty, fine, sanction, or court cost. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law.
- (b) Ten dollars (\$10.00) of the time payment fee collected pursuant to this section shall be payable to the clerk of the court of the county from which such fee was collected. Said funds shall be applied and expended under the direction and order of the court en banc of any such county. Funds shall be utilized by the court to improve case processing, enhance the ability to collect and manage moneys assessed or received by the courts, enhance court security, preservation of the record or to improve the administration of justice. Eight dollars (\$8.00) of the time payment fee shall be deposited in the statewide court automation fund pursuant to §476.055 RSMo. Seven dollars (\$7.00) of the time payment fee shall be paid to the Director of Revenue, to be deposited to the general revenue fund. This rule is pursuant to §488.5025 RSMo.

RULE 6

ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES

Rule 6.1 Felony Pleas to Associate Circuit Judges For the purpose of disposition of a felony by plea or other non-contested basis, associate circuit judges before whom preliminary examinations were waived are hereby assigned to such cases upon the filing of the information, **provided** that the judge and all parties and the attorney for the defendant consent thereto, on the record.

Rule 6.1.1 Disposition by Plea or Other Non-contested Basis. For the purpose of disposition by plea or other non-contested basis, and only with the consent of the judge and all parties on the record, associate circuit judges of the 36th Judicial Circuit before whom preliminary examinations were waived are hereby assigned to said cases upon the filing of the felony information in the same cause in circuit court.

Rule 6.2 Assignment of Cases by Presiding Circuit Judge All cases shall be assigned by the Presiding Circuit Judge, either by class or by individual case, as provided in Rule 1.3

Rule 6.6 Absence of Judge In the absence or other unavailability of any judge of the 36th Judicial Circuit, any other judge may sit as the judge in the court from which the judge is absent and

perform all the duties of the absent or unavailable judge.

RULE 7.
WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

Rule 7.1 When Allowed No files of the court shall be removed from the offices of the clerks of the circuit court except in the custody of the clerks or their deputies, or the judge assigned to the case.

Rule 7.2 Duplicating Policy Requests for copies of court records shall be directed to the circuit clerk. No charge for duplication shall be made to any city, county or state agency or department. All other persons shall be charged a duplicating fee in an amount set by the circuit clerk.

RULE 8.
PUBLICATION OF DOCKETS

Rule 8.2 Dismissal Dockets From time to time any judge may dismiss a case for failure to prosecute, provided that the judge notify the parties not less than 10 days before such dismissal of the intended dismissal, and giving an opportunity for any party to appear and show good cause why the case should not be dismissed.. Such notice may be given in individual cases or by furnishing all parties with a copy of a "dismissal docket."

RULE 11.
RECORDING OF JUDICIAL PROCEEDINGS

All persons except those authorized by the court to preserve the record shall not broadcast, televise, record or take photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in session and during recesses except as provided by Missouri Supreme Court Operating Rule 16.

GENERAL RULES

Rule 21
ATTORNEYS

Rule 21.2 Entries of Appearance In criminal matters, employed or appointed counsel, including public defenders, shall promptly file a formal entry of appearance as soon as employed, appointed, or the public defender accepts the case, except that, if the attorney announces his

representation in open court, such formal entry of appearance may be made within five days after the announcement in open court.

In all civil matters, the filing of the initial pleading or any response thereto shall constitute an entry of appearance by the attorney. If the attorney enters the case and does not file a responsive pleading, a formal entry of appearance shall be filed.

Rule 21.3 Conduct of Attorneys Attorneys shall conduct themselves in such a way so as not to disrupt or impede the work of the court.

Rule 21.4 Withdrawal of Attorneys An attorney may withdraw as attorney for a party only with leave of court. To obtain leave of court the attorney shall:

(1) File a written motion for leave to withdraw with the clerk of the court, setting forth the reason for the requested withdrawal, and

(2) Serve a copy of the motion for leave to withdraw, together with a notice of date and time the motion will be presented to the court all parties or their attorneys, if the party is represented by a lawyer, and the client from whose employ the attorney is seeking leave to withdraw, not less than 10 days before the date for presenting the motion, unless another attorney has entered appearance for the client.

(3) Service required by (2) above may be made by regular U.S. mail or by personal delivery. Proof of such service shall be made by the withdrawing attorney's statement included with the motion, specifying the manner by which service was made. If no other attorney has entered an appearance for the client, the withdrawing attorney shall specify the address to which the motion to withdraw was mailed or delivered to the client.

Rule 21.8 Responsibility of Attorney for Client and Witnesses Attorneys are required to give such advice and direction to their client and those witnesses called by them as is necessary to inform clients and witnesses about proper dress and conduct, and the formality and nature of court proceedings.

Pre-Trial Matters

RULE 32. DISCOVERY

Rule 32.2 Interrogatories Interrogatories propounded pursuant to Supreme Court Rule 57 and requests for admission of fact and of genuineness of documents under Supreme Court Rule 59 may not be co-mingled. Interrogatories and answers to interrogatories shall not be filed with the court, except as provided in Supreme Court Rule 57.

RULE 34 CONTINUANCES

Applications for and granting of continuances shall comply with Supreme Court Rules 24.08, 24.09 and 24.10 (criminal) and Rule 65 (civil).

RULE 35 SETTING CASES FOR TRIAL (CIVIL CASES)

Civil cases shall be set for trial in accordance with Missouri Supreme Court Rule 63.01.

RULE 37 DISMISSALS

Rule 37.1 Dismissal Docket [Also see Rule 8.2] Cases may be dismissed by the judge assigned to the case for the following reasons:

- (1) Cases which have had no judicial activity or entry in the preceding 180 days;
- (2) A case which exceeds the Supreme Court Time Standards found at Supreme Court Operating Rule 17;
- (3) Any case required by law to be heard on the return date, unless a continuance be granted, and in which there is no appearance by the moving party or attorney;
- (4) Such other cases for which the sanction of dismissal is provided by law for failure to comply with statute or Missouri Supreme Court Rule.

Rule 37.2 Reinstatement of Cause For good cause shown, and after motion filed and not less than 10 days notice of hearing on the motion is given to all parties, the judge may order the cause reinstated.

SETTLEMENT AND DEFAULT

RULE 41 SETTLEMENT

Rule 41.1 Notice of Settlement Attorneys, and unrepresented party, shall promptly notify the court and the clerk of the court if a case is settled, or if the case is otherwise to be removed from a trial setting.

TRIALS

RULE 51 COURT-TRIED CASES

Rule 51.1 Default and Uncontested Matters [No local rule]

Rule 51.2 Contested Matters [No local rule]

Rule 51.3 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 and their attorneys shall submit proposed findings of fact and conclusions of law in writing as directed by the court.

Any request for written findings of fact and conclusions of law shall comply with Missouri Supreme Court Rule 73.01 and shall be in writing and shall include the specific controverted facts for which findings are required.

RULE 52 SELECTION OF JURY

Rule 52.1 Jury Questionnaires The Circuit Clerks for Butler and Ripley Counties shall cause jury questionnaires to be completed by all persons summoned for jury duty, and shall make such questionnaires available to any party to a cause to be tried to a jury, upon request. Noting in this rule shall be construed to require the Clerk to copy such questionnaires for any party, or to make the information contained therein available except during regular business hours.

Rule 52.2 Board of Jury Commissioners Jury panels shall be selected according to law by the Board of Jury Commissioners as provided by section 494.400, et seq., RSMo. If the Presiding Circuit Judge of the circuit is not present or available in either Butler or Ripley County at the time the Board of Jury Commissioners meets to select the jury panel, the associate circuit judge then assigned to hear misdemeanor criminal cases in Butler County, or the associate circuit judge who is resident in Ripley County shall be notified by the Circuit Clerk within such county, and shall act for the Presiding Circuit Judge on the Board of Jury Commissioners for the purpose of selecting the jury panel. If the associate circuit judge assigned to hear misdemeanor criminal cases in Butler County is not present in the county, or is otherwise unavailable, the Circuit Clerk shall notify the associate circuit judge in Butler County who is assigned to hear probate matters and such associate circuit judge shall then act.

RULE 53 JURY TRIALS

53.1 Instructions

Prior to commencement of any jury trial of a criminal case, the Prosecuting Attorney shall prepare proposed jury instructions for use by the Court and file same with the trial judge not less

than seven (7) days prior to date of trial.

The attorney for the plaintiff shall prepare the following instructions for use in jury trials of civil cases: Cautionary, facts not assumed, burden of proof, verdict, together with forms of verdicts. All parties shall have the proposed instructions they wish to submit and file same with the trial judge not less than seven (7) days prior to date of trial.

The failure to file written instructions in accordance with this rule shall be cause for the Circuit Clerk to not summon a jury for the trial, except as otherwise directed by the Judge.

RULE 54 ENTRY OF JUDGMENT

Rule 54.1 Contested cases. Unless otherwise ordered by the judge of the case, the attorney or party directed to do so in contested matters shall prepare and submit a proposed judgment to the court and all other attorneys or unrepresented parties within fifteen days of the docket entry or order directing the judgment. Any adverse party shall have five days after submission of the proposed judgment to object thereto, or to direct the attention of the judge to any errors or discrepancies in the proposed judgment. If the court is not notified of any objections, errors or discrepancies, the proposed judgment will be presumed to conform to the order or docket entry of the court.

This rule shall not apply to cases arising under Chapter 455, RSMo (adult and child protection) or Chapter 482, RSMo (small claims), unless specifically ordered by the judge hearing the case.

Rule 54.2 Default or uncontested cases The moving party or the attorney for the moving party in default or uncontested cases shall present a proposed judgment to the court within five days of the date of the docket entry or order directing the judgment.

RULES RELATING TO PARTICULAR ACTIONS

RULE 62 DRIVER'S LICENSE CASES

[No local rules]

RULE 65 CIVIL COMMITMENTS (§ 632.300, et seq)

[No local rules]

RULE 67
CRIMINAL CASES

Rule 67.1 Pre-trial release

Rule 67.1.1 Motions to set conditions of release, bond and for bond reductions.

Motions to set conditions of release, to set the amount of bond and for reduction of bond shall be made in writing and filed with the case, together with a notice of the date and time the motion will be presented to the judge assigned to the case. A copy of the motion and notice shall be served on the prosecuting attorney. If the judge assigned to the case is absent or unavailable, any other judge of the circuit may hear and determine the motion.

Rule 67.1.2 Deposit of operator's license [no local rule]

Rule 67.1.3 Availability of judges to issue warrants and set bonds The judge primarily assigned to misdemeanor criminal cases in each county shall have the primary responsibility for issuing warrants for arrest, search warrants and setting appearance bonds in criminal cases. In the event of the absence or unavailability of such judge, any other judge of the circuit may issue such warrants and set bonds.

Rule 67.1.4 Compensated Sureties

(a) Any corporation which qualifies under the provisions of section 379.010, RSMo. and Missouri Supreme Court Rule 33.20 shall be qualified to act as surety upon any bail bond upon presenting evidence satisfactory to the 36th Circuit court *en banc* of its solvency. Such evidence shall include proof that the corporation is formed under the provisions of chapter 379, RSMo. for the purpose of acting as a fidelity and surety, and is a corporation in good standing with the Missouri Secretary of State. The corporation shall furnish such evidence by filing the same with the Presiding Circuit Judge. The evidence shall then be considered by the court *en banc* and the court *en banc* shall make such other investigation as it determines necessary

(b) Any agent of a bail bond corporation shall possess the qualifications set forth in Supreme Court Rules 33.17(c), (d) and (e) and Supreme Court Rule 32.20(b), and shall submit evidence of such qualifications to the Presiding Circuit Judge, together with a copy of the license required by Supreme Court Rule 32.20(b) and section 374.710, RSMo. as issued by the director of insurance. The court *en banc* shall then consider the evidence presented and shall make such other investigations as the court *en banc* determines necessary.

Rule 67.1.5 Unincorporated Compensated Sureties Any person, partnership or other unincorporated entity shall be qualified to act as surety upon any bail bond upon presenting evidence satisfactory to the 36th Circuit court *en banc* that such person, partnership or other unincorporated entity possesses those qualifications required by Missouri Supreme Court Rule 33.18.

Such person, partnership or other unincorporated entity shall file with the Presiding Circuit Judge such evidence on a form approved by the Presiding Circuit Judge. The court *en banc* shall consider the evidence presented and shall make such other investigation of the applicant as it deems necessary.

Rule 67.1.6 Approval of Compensated Sureties — List of Approved Sureties — Only Approved Sureties May Write Bail Bonds

(a) Upon review of the evidence submitted by prospective compensated bail bond sureties under these rules 67.1.4 and 67.1.5 and such other investigation as the court *en banc* deems necessary, the court *en banc* shall determine whether or not the applicant possesses the qualifications required for compensated bail bond sureties as required by section 544.580, RSMo. and Missouri Supreme Court Rules 33.17 and 33.18. The additional investigation may include information from law enforcement agencies, the prosecuting attorneys within the 36th Circuit, and other persons and sources.

(b) Following the determination of evidence of the qualifications of the proposed bail bond surety, the court *en banc* shall either approve or not approve the applicant as qualified to serve as surety on bail bonds within the 36th Judicial Circuit. The proposed surety shall be notified by letter of such approval or disapproval.

(c) The 36th Circuit court *en banc* shall maintain a current list of all incorporated and unincorporated persons and other entities qualified to serve as surety on bail bonds within the circuit who have been approved by the court *en banc*. A copy of the list shall be provided to the Circuit Clerk of each county within the circuit, the sheriffs of Butler and Ripley County, and to all municipal police departments within the 36th Judicial Circuit.

(d) No compensated surety shall be accepted on any bail bond unless approved by the court *en banc*, and no person shall be released on a bail bond secured by a compensated surety unless the surety has been approved by the court *en banc*.

Rule 67.1.7 Other Bail Bonds Nothing contained in this rule shall abridge:

(a) The right of any person to give bail and execute a bond for his or her own appearance upon compliance with Missouri Supreme Court Rule 33;

(b) The authority of any judge of the circuit to approve a bail bond secured by a surety who is not compensated;

(c) The authority of any judge of the circuit to release any person on his or her own recognizance.

Rule 67.1.8 Bond Forfeitures — Judgment on Bail Bond Forfeitures

(a) Whenever an outstanding forfeiture or unsatisfied judgment thereon shall have been entered upon any bail bond in any court of this state or of any other state or the United States wherein any individual, company, corporation or other entity shall be acting as surety, such

individual, company, corporation or other entity shall be disqualified as surety for bail bonds within the 36th Judicial Circuit, and such disqualification shall continue until such surety shall have complied with the provisions of Missouri Supreme Court Rule 33 and shall have again been approved by the 36th circuit court *en banc* to act as surety on bail bonds.

(b) If there is a breach of condition of any bail bond, the court in which the case is pending may declare a forfeiture of the bond. Whenever such order forfeiting such bond has been entered, the prosecuting attorney shall immediately forward a notice of the forfeiture to the surety, together with a copy to the clerk of the court in which the case is pending. The notice shall direct the surety to deposit the amount of the bond with the clerk of the court in which the case is pending within ten (10) calendar days of the date of the notice, unless the declared forfeiture is set aside prior to the expiration of the ten (10) day period. If the amount of the bond is not deposited with the clerk within the prescribed time, the clerk shall notify the Presiding Circuit Judge, who shall immediately remove the surety from the list of approved sureties and provide notice of such removal to all clerks, sheriffs and municipal police departments.

(c) When a forfeiture has been set aside, the court in which the case is pending shall determine the costs and expenses incurred by the court and any law enforcement agency and shall order such costs and expenses deducted from the funds deposited with the clerk. The clerk shall then pay the court or law enforcement agency which incurred such costs and then refund the balance of the monies so deposited to the surety.

(d) When a forfeiture has not been set aside, or the monies have not been deposited with the clerk of the court as required, the clerk of the court in which the case is pending shall notify the prosecuting attorney prosecuting the case, who shall proceed as appropriate to obtain judgment against the surety.

(e) Upon entry of a judgment against a surety, the clerk of the court in which the case is pending shall report the entry of judgment to the Missouri Division of Insurance and to the State Courts Administrator. Upon satisfaction of such judgment, the clerk of the court in which the case is pending shall forward a notice of satisfaction of judgment to the Missouri Division of Insurance and to the State Courts Administrator.

Rule 67.5 Arraignments

Rule 67.5.1 Felonies Defendants shall appear before the Presiding Circuit Judge or other judge assigned in all felony cases on the next date set for criminal matters by the Presiding Circuit Judge or other judge so assigned.

Rule 67.5.2 Felony Complaints, Misdemeanors and Infractions Defendants shall appear before the judge assigned in each county to hear felony complaints, misdemeanors and infractions (including wildlife violations and traffic offenses) on such offenses on the return date of the bond, the date designated in the summons issued, or on the next date on which the judge hears such cases, whichever is later.

RULE 68

DISSOLUTION OF MARRIAGE AND PATERNITY

Rule 68.1 Filing Requirements See Rule 4

Rule 68.2 Form of Judgment See Rule 54

Rule 68.4 Financial and Income and Expense Statements In any action for dissolution of marriage in which the division of property or maintenance is an issue, each party shall file a financial statement and an income and expense statement by the date ordered by the judge.

Rule 68.4.2 [Filing of child support worksheets; this topic has been moved to Rule 68.6]

Rule 68.4.5 Modification of Judgment of Dissolution and of Judgment of Custody
[See Rules 68.4 and 68.6]

Rule 68.6 Cases Involving Children

Rule 68.6.1 Educational sessions All parties to any dissolution of marriage or paternity case, including motions to modify judgments in those actions, and in which there are minor children shall attend such educational sessions as may be required by the judge hearing such case or motion to modify the judgment. The local licensee for any educational program required by the judge shall charge and collect a fee from each party to be determined by the licensee on a sliding scale dependent on the income of the party, as approved by the judge.

Administration of the educational program including scheduling, assessing and collecting fees and filing of certificates of completion with the court is vested in the local licensee, subject to review by the court.

A certificate of completion shall be filed with the clerk of the court. No case shall be heard, whether contested or uncontested, until such certificates are filed, except if waived by the judge hearing the case for good cause shown.

Rule 68.6.2 Parenting Plan A parenting plan which complies with the requirements of section 452.310.7, RSMo, and the requirements of the decisions of the Missouri Courts of Appeal and Supreme Court shall be filed by each party by the times required by section 452.310.7, RSMo.

Rule 68.6.3 Child Support (Form 14) The petitioner in each dissolution of marriage, paternity or modification of a judgment in such case which involves minor children shall file, together with the petition, a child support worksheet, using Missouri Supreme Court Form 14. The respondent shall, with the answer, state whether or not the information contained in the petitioner's Form 14 and the amount of child support calculated is accurate. If the respondent does not agree with the information and calculations contained in the petitioner's Form 14, the respondent shall file a Form 14 with the answer or other responsive pleading.

All Forms 14 shall state by whom the Form 14 is filed, the date of preparation and be signed

by the party and the party's attorney. Each party shall promptly file an amended Form 14 if there is a change in the income of the parties or other facts which modify the calculations or "Directions, Comments For Use and Examples for Completion of Form 14" contained in the Missouri Supreme Court Rules.

RULE 73 SMALL CLAIMS

[No local rule]

POST TRIAL

RULE 81 EXECUTION

All requests for execution shall be made in writing, signed by the party or the party's attorney who requests the same, and shall state the style of the case, the amount of the judgment, costs and interest remaining unpaid, and, if available, information sufficient to identify the judgment debtor, his assets, and employment. Such request shall be accompanied by a deposit for the costs of execution in such amount as may be fixed by the circuit clerk.

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION

Rule 100.3 Library Fund [no local rule]

Rule 100.14 Drug Court

100.14.1 Authority and Purpose of Drug Court

As provided by sections 478.001 to 478.006, RSMo, a drug court is established to provide an alternative for the judicial system to dispose of cases which stem from drug use.

100.14.2 Assignment of Drug Court Judge

The Presiding Circuit Judge shall appoint a judge to preside in the drug court. There shall be no fixed term of the appointment of the judge, but the judge appointed shall preside in the drug court until replaced as determined appropriate by the Presiding Circuit Judge.

100.14.3 Time and Place of Drug Court

The judge presiding in the drug court shall fix the times and places for sessions of the drug court as the judge determines appropriate and necessary for the operation of the drug court and to accomplish the purposes of the drug court.

100.14.4 Conditions for Referral.

Proceedings which meet the following criteria will be eligible for referral to the drug court: criminal proceedings in which the defendant is charged or has been convicted of a felony, and in which the defendant has been determined to have a drug, alcohol or other controlled substance problem which contributed to the offense for which the defendant has been charged or convicted. The defendant in such cases must have also been determined by the Board of Probation and Parole to be amenable to treatment and supervision, and the defendant must have been determined by the prosecuting attorney to be a nonviolent person.

100.14.5 Acceptance by Drug Court Judge Required

No proceeding referred to the drug court shall not be transferred to the drug court unless first accepted by the drug court judge.

100.14.6 Drug Court Policies and Procedures

The drug court judge shall cause a manual of drug court policies and procedures to be prepared, and as necessary from time to time, to be amended as circumstances require. Such manual shall include policies and procedures of the drug court. The manual and any amendments thereto shall be submitted to the court en banc for its approval.

100.14.7 Disposition of Cases Terminated by the Drug Court

(a) Successful completion of drug court program (pre-plea): If the drug court participant is determined by the drug court judge to have completed the drug court treatment program, and the defendant was referred to the drug court before being convicted or pleading guilty, the drug court judge shall order the underlying charges against the defendant dismissed.

(b) Successful completion of drug court program (post-plea): If the drug court participant is determined to have completed the drug court treatment program, and the defendant was referred to the drug court after having been convicted or pleading guilty, the drug court judge shall return the proceeding to the court in which the defendant entered the plea of guilty or in which the defendant was convicted for final disposition.

(c) Fees: Each drug court participant shall be required to pay a \$5.00 fee to the circuit clerk at each scheduled court appearance. All monies so paid shall be paid over by the circuit clerk to the treasurer of Butler County who shall then transfer the money to the 36th Judicial Circuit Drug Court Fund. The Drug Court funds shall be expended in furtherance of the Drug Court goals and objectives as deemed appropriate by the Butler County Commission upon request of the Drug Court team.

RULE 103. ELECTRONIC FILING

103.01 ELECTRONIC FILING

Rule 103 and Court Operating Rule 27 govern all matters subject to electronic filing.

103.02 REGISTRATION

Registration for electronic filing shall be made as required by Court Operating Rule 27.

103.03 FILES OF THE COURT

(a) When a court accepts an electronic document for filing, the electronic document is the official court record.

(b) If a court digitizes, records, scans, or otherwise reproduces a document that is filed in paper into an electronic record, document, or image, the electronic record, document, or image is the official court record. The court may then destroy the paper document unless that document is required to be preserved by law or court order.

103.04 FORMAT OF ELECTRONICALLY FILED DOCUMENTS

(a) An electronic document shall be filed in the PDF format as defined in Court Operating Rule 27 and shall be formatted in accordance with the applicable rules governing formatting of paper documents, including page and word limits. Color coding of electronic documents is not required.

(b) Electronic documents that are part of the official court record shall be self-contained and shall not contain hyperlinks.

(c) For the convenience of the court, in addition to any electronic document filed as the official court record, a party or amicus curiae may submit to the court a copy of an electronic document on a read-only disc (CD-R or DVD-R). A copy of any such disc also shall be provided to all other counsel and all self-represented parties.

The electronic document shall be submitted in text searchable PDF that must be identical in content and format as the electronic document filed as the official court record, except

that the document may also include hyperlinks to the complete text of any authorities cited therein and to any document or other material contained in the record on appeal. In order for the hyperlinks to function properly, the record (or the cited portions of the record) and authorities must be included on the same disc as the electronic document.

An adhesive label shall be affixed to each disc legibly identifying:

- (1) The caption of the case;
- (2) The party filing the disk;
- (3) The disc number (e.g., "Disc 1 of 2").

The filing party shall certify that the disc has been scanned for viruses and that it is virus-free.

(d) An electronic document requiring a signature shall be signed by an original signature, stamped signature or an electronic graphic representation of a signature, or in the following manner: /s/ John or Jane Person

103.05 ELECTRONIC FILING WITH THE COURT

(a) Any filing shall be made with the clerk of the court through the electronic filing system. Attachments, including exhibits, that are part of any filing shall be filed electronically at the same time.

(b) An attachment or exhibit that exceeds the technical standards for the electronic filing system or is unable to be electronically filed must be filed with the court on approved media as defined in Court Operating Rule 27. When an attachment or exhibit is filed on approved media, a notice of exhibit attachment shall be filed through the electronic filing system.

103.06 ELECTRONIC FILING DEADLINES

(a) Electronic filing is permitted at all times when the electronic filing system is available. If the electronic filing system is unavailable at the time the user attempts to file a document, the registered user shall make reasonable efforts to file the document

as soon as the unavailability ends.

(b) If a registered user believes the unavailability of the electronic filing system prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten days of the user's first unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.

(c) If the court determines that the unavailability of the electronic filing system prevented the court from receiving the filing, the court shall deem the document filed on the day that the user initially attempted to file the document.

(d) The filing deadline for any document filed electronically is 11:59:59 p.m. central time.

(e) A document is submitted for filing when the electronic filing system receives the document and sends a confirmation receipt to the filer. The electronic filing system will issue a confirmation receipt that includes the date and time.

(f) If the clerk accepts a document for filing, the date and time of filing entered in the case management system shall be the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of filing on the document.

103.07 VERIFIED DOCUMENTS AND AFFIDAVITS

A document required by law to be verified, to be signed under penalty of perjury, or to be signed by a notary public may be filed as an electronic document if the affiant, declarant, or notary public has signed a paper document. Until the entire case is finally disposed, the registered user shall be the custodian of the paper document.

103.08 SERVICE

Service shall be made to registered users through the electronic filing system and to all others as provided in Rule 43.01(c). Service by the electronic filing system is complete upon transmission except that, for the purposes of calculating the time for filing a response, a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m., shall be considered complete on the next day that is not a Saturday, Sunday, or legal holiday.

103.09 NOTICE OF ENTRY OF ORDERS AND JUDGMENTS

Any notice to the parties required by Rule 74.03 shall be made to the registered users through the electronic filing system and to all others as provided in Rule 43.01.

103.10 ISSUANCE OF SUMMONS

If the electronic filing system is used to file a document that must be served with a summons, the clerk shall transmit the summons electronically to the registered user.