

# **LOCAL COURT RULES**

CIRCUIT COURT

TWENTY-FIFTH JUDICIAL CIRCUIT OF MISSOURI

HONORABLE MARY W. SHEFFIELD  
PRESIDING JUDGE

*September 2009*

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## **ADMINISTRATION**

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

The Circuit Court shall consist of the following divisions: Circuit Court, Divisions I and II, Juvenile Division, Associate Division and Probate Division.

The two circuit judges of the Twenty-Fifth Judicial Circuit shall sit in Divisions I and II as provided by law.

In the counties of Maries and Texas the Associate Division and the Probate Division of the county shall be presided over by those judges who were elected Probate and Ex-Officio Magistrate in 1978 and their successors.

In Pulaski County the Associate Division shall be presided over by the judge elected as Magistrate Judge in 1978 and his successor.

In Pulaski County the Probate Division shall be presided over by the Probate Judge elected in 1978 and his successor.

In Phelps County the judge elected as Probate and Ex-Officio Magistrate in the year 1978 and his successor shall preside over the Associate Division I and shall preside over the Probate Division.

In Phelps County the judge appointed Magistrate in 1978 and his successor shall preside over Associate Division II.

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

#### **2.1 HOURS OF COURT**

All sessions of the circuit court will convene at 9:00 a.m. unless otherwise designated, and all sessions of court will be opened each morning by the formal announcement of the sheriff or the sheriff's deputy.

#### **2.2 TERMS OF COURT**

### **DIVISION I**

Pulaski - Two weeks beginning the 2nd Monday in February; two weeks beginning the 2nd Monday in May; two weeks beginning the 2nd Monday in September and one week beginning the 4th Monday in November.

Phelps - Two weeks beginning the 2nd Monday in January; two weeks beginning the 2nd Monday in April; two weeks beginning the 2nd Monday in October and one week beginning the 2nd Monday in November.

Texas - One week beginning the 2nd Monday in March; one week beginning the 2nd Monday in June and one week beginning the 3rd Monday in November.

Maries - One week beginning the 4th Monday in January; one week beginning the 3rd Monday in March; one week beginning the 3rd Monday in June and one week beginning the 4th Monday in September.

## **DIVISION II**

Pulaski - Two weeks beginning the 2nd Monday in January; two weeks beginning the 3rd Monday in April; two weeks beginning the 2nd Monday in October and one week beginning the 2nd Monday in November.

Phelps - Two weeks beginning the 2nd Monday in March; two weeks beginning the 2nd Monday in May; two weeks beginning the 2nd Monday in September and one week beginning the 3rd Monday in November.

Texas - One week beginning the 4th Monday in January; one week beginning the 2nd Monday in April; one week beginning the 4th Monday in September and one week beginning the 2nd Monday in December.

Maries - One week beginning the 4th Monday in March; one week beginning the 2nd Monday in June and one week beginning the 4th Monday in November.

The circuit court of each county of the circuit shall be in continual session as provided by Section 478.205, RSMo. To the extent that a term of circuit court may be required, the terms of court for circuit court Divisions I and II shall be considered as commencing on the first Monday of the months of January, May and September. No court shall be required to hold court on the first day of any such term because of this rule.

### **2.3 LAW DAYS**

The law day for Maries County will be held on the first Monday of each month.

The law day of Texas County will be held on the first Tuesday after the first Monday of each month.

The law day for Pulaski County will be held on the first Wednesday after the first Monday of each month.

The law day for Phelps County will be held on the first Thursday after the first Monday of each month.

Division I shall conduct law days in February, April, June, August, October and December.

Division II shall conduct law days in January, March, May, July, September and November.

In the event law day falls on a holiday, such law day shall be held one week later.

The judge of the Circuit Court, Division I or II, may, from time to time, designate additional law days for their division as will accommodate the local bar and expedite the business of the court.

The clerk shall prepare a docket for law day listing all matters to be heard and the cases to be set for trial. The docket shall include arraignments, pleas of guilty, sentencing of defendants and related criminal matters.

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

(No Rule)

### **RULE 3 PLEADINGS**

#### **3.1 CAPTION**

The caption of every pleading shall satisfy the requirements of V.A.M.R. 55 and, in addition, shall indicate the Division of the Circuit Court in which the pleading is to be filed.

a. Pleadings to be filed in the circuit court shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri."

b. Pleadings to be filed in the juvenile division shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri, Juvenile Division."

c. Pleadings to be filed in the probate division shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri, Probate Division."

d. Pleadings to be filed in any associate division shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri, Associate Division." If more than one division, the division number should be indicated.

e. Pleadings to be filed subsequent to the first pleading shall contain, in addition to the caption, the case number and the division to which it has been assigned.

f. In all pleadings, the parties shall be designated as "plaintiff" and "defendant." It is suggested that the terms "petitioner," "relator," "movant" and "respondent" not be used.

g. The following caption is suggested:

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI

\_\_\_\_\_ DIVISION NO. \_\_\_\_\_

\_\_\_\_\_  
(name)

)

\_\_\_\_\_  
(address)

)

\_\_\_\_\_  
(city)

)

Plaintiff,

)

vs.

)

CASE NO. \_\_\_\_\_

)

\_\_\_\_\_  
(name) \*

)

\_\_\_\_\_  
(address) \*\*

)

\_\_\_\_\_  
(city)

)

\_\_\_\_\_  
Serve: \*

)

Registered Agent

)

\_\_\_\_\_  
(address)

)

Defendant.

)

)

)

)

)

)

)

)

)

(DESIGNATION OF PLEADING)

\_\_\_\_\_  
Signed (Attorney of record or party)

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

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Missouri Bar Number)

\* If a corporate defendant, also list officer or registered agent in charge with address

and telephone number on the petition. If a foreign corporation, also give address of local office and name of officer in charge on the petition.

\*\* If defendant has a rural route, give directions or a P. O. Box number on the petition.

### **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 ½ by 11 inch paper with a top and left-hand margin of at least one inch; shall be signed by the party or the party's attorney offering the same for filing together with the address, telephone and bar identification numbers of the trial attorneys 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. An attorney offering a paper for filing may sign it on behalf of a law firm or attorney when duly authorized to do so; but the attorney must also subscribe their own signature on said paper. 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**
- 4.2 CIVIL CASES**
- 4.3 PROBATE CASES**
- 4.4 JUVENILE CASES**

Until otherwise provided by court rule, authorized by the Constitution or by court order authorized by law, cases shall continue to be filed in the same places as they were filed on January 1, 1979.

#### **4.5 SMALL CLAIMS CASES**

Petitions filed in Small Claims Court shall not be accepted until the filing fee is paid in such an amount as is provided by law.

#### **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 appropriate division presided over by the associate circuit judge. The cost of a jury trial or a trial de novo from a municipal court shall be taxed to the municipality.

#### **4.7 FACSIMILE FILING AND SERVICE**

### Authority for Rule

This rule is promulgated under the authority conferred in Mo.S.Ct. Rule 43.01(i) (Effective July 1, 1991).

### Facsimile Filing Authorized

Any pleading or other document including an original filing, may be filed in any division of this court having, maintaining or designating a facsimile machine for the receipt of such transmissions, by transmission of the same to such facsimile machine.

Any pleading or document filed by facsimile 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.

The pleading or document shall be deemed filed on the date and at the time actually received at the office of the clerk.

Risk of loss in transmission, receipt or illegibility is upon the person or party transmitting and filing by facsimile.

If the document is not received by the clerk, 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.

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

### When Filing Fee or Deposit Required and Waiver

If the pleading or document is to be filed under the provisions of S.Ct. Rule 77.03 or any other law allowing filing without a deposit, a motion to file the same without fee or deposit, and a proposed order allowing the same, shall be transmitted with the first facsimile transmission. The same shall be presented to the court at the earliest opportunity for ruling.

If the provisions of the preceding subparagraphs are not complied with, the court may strike any pleading or document so filed, or make such other or further orders as it deems appropriate.

No summons or process shall be required to be issued by the clerk until receipt of the fee or order allowing filing without fee or deposit.

### Court Orders Transmitted by Facsimile Transmission

Court orders, judgments or decrees, including warrants and search warrants, may be transmitted to the clerks of the various divisions or others by facsimile transmission. They should have the same effect and be acted upon by all persons as if they were the original executed by the court and shall in all instances be considered the original.

#### Service by Facsimile Transmission

When 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 facsimile transmission of a copy to any attorney or party to be served who maintains a device for receipt of facsimile transmission.

Publishing a facsimile phone line number by pleading, letterhead or listing in a telephone directory or otherwise, constitutes prima facie maintenance of a device for receipt of facsimile transmission.

Risk of loss in transmission, receipt or illegibility of the document transmitted by facsimile is upon the sender.

The document faxed is presumed delivered and served, unless otherwise indicated by the readout of the senders device, to the phone number 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 and file the same if ordered by the court.

#### Service - How Shown

Proof of service by facsimile machine 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.

#### Facsimile Archive

All facsimile motions, petitions, writs, orders, etc. must be on archivable paper. Those clerks' offices utilizing facsimile machines with thermal facsimile paper must make a copy of the facsimile paper or document transmitted and file the copy of the facsimile transmission as the original document in the file.

#### Costs for Receipt of Transmission by Facsimile

The maintenance of a facsimile device by a 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.

The clerk of a division maintaining a device to receive or send facsimile transmissions may charge the person or entity filing by facsimile up to 50 cents per 8½ X 11 inch page for receiving and processing such document, and up to \$1.00 per 8½ X 11 inch page for document transmission.

Nothing in this rule shall require a clerk of any division to maintain a device for or require them to transmit any document by this method.

Nothing in this rule shall require the clerk of any division to maintain, designate or receive facsimile transmission outside regular office hours on regular business days.

Unless a party is not subject to paying costs or expenses by law or court order, the actual per page charge presented by the clerk of a division to the person or entity sending or receiving a facsimile transmission for receipt or transmission of facsimile documents shall:

- a. be paid upon receipt by the person or entity; or
- b. be subject to additional filing deposit by the clerk as provided in these rules; or
- c. be taxed as costs by the court or clerk to the party for whom the facsimile charge was incurred.

#### 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.

#### Length of Facsimile Transmission

#### Effect of Facsimile Signature

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

#### Effective Date of this Rule

This rule shall be effective when filed with the Supreme Court or on July 13, 1992, whichever date is sooner.

### **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 said clerk shall give a receipt, the following sums:

### Circuit Division

All original civil cases and registration of foreign judgments \$125.00

### Associate Division

All original civil cases \$100.00

Small claims by registered mail \$ 20.00

Each additional defendant \$ 5.00

Small claims where service by sheriff requested \$ 45.00

Each additional defendant \$ 20.00

Cost of service shall be paid in advance.

### Juvenile Division

All original juvenile cases under 211.031 RSMo. \$ 5.00

All original juvenile cases under 211.034 RSMo. \$200.00

## **5.1.1 ESTABLISHMENT OF A FAMILY COURT**

Notwithstanding the above, and in furtherance of the purposes, goals and principles of the establishment of a Family Court for the 25th Judicial Circuit, the filing fee for all petitions for dissolution of marriage, legal separation, paternity and motions to modify shall be \$150.00. The filing fee for a petition for adoption shall be \$200.00.

With the establishment of a Family Court, collection of an additional \$30.00 filing fee shall be collected pursuant to Section 487.170 RSMo. Each Circuit Clerk shall be responsible for collecting an additional \$30.00 fee on all matters filed within the original jurisdiction of the Family Court as provided by Section 487.170 RSMo, including Marriage Waiver petitions filed under Chapter 451, RSMo. The fee may be charged in juvenile proceedings under Chapter 211 RSMo. The fee may be assessed against the child, parent, or custodian of the child, in addition to other amounts authorized by law, in informal adjustments made under provisions of Section 211.081 and 311.083 RSMo.,

and in an order of disposition or treatment under provisions of Section 211.181 RSMo. Notwithstanding the above, the Circuit Clerk shall not be required to collect the additional \$30.00 fee in Change of Name cases.

All funds collected through the \$30.00 filing fee for domestic cases shall be expended to provide enhanced services to parties in domestic cases. Disbursement shall be made under order of the Presiding Judge or under Circuit Rule adopted by the Court En Banc. Said funds shall not replace or reduce the current and ongoing responsibilities of the counties of the twenty-fifth circuit to provide funding for the courts as required by law.

Each Circuit Clerk shall pay all sums collected under Section 487.170 RSMo, monthly, into the Family Services Fund and report to the Presiding Judge the receipts and expenditures therein. This report shall be available for examination by all judges of the circuit.

## **5.2 DEPOSITS**

### **5.2.1 DEPOSIT REQUIRED IN CIVIL ACTIONS**

The attorney or attorneys for any party filing a suit in all divisions of the Circuit Court, at the time of filing the suit, shall deposit with the clerk of the court a law library fee of \$15.00, and no summons shall issue until a deposit has been made. No such monies shall be collected on actions sent to the county on change of venue, cases filed under small claims procedures, applications for trial de novo, or to suits, civil or criminal, filed by the county or state or any city. Said law library fee of \$15.00 shall be collected for cases filed under Chapter 517, RSMo. and Probate Cases, with \$5.00 of this fee being disbursed to the Family Services and Justice Fund.

**Effective date May 23, 1996**

### **5.2.2 DEPOSIT ON CONTEMPT ACTIONS**

The circuit clerks of the 25th Judicial Circuit are hereby authorized to collect a minimum of \$50.00 deposit on all contempt actions in order to ensure that court costs are paid.

## **5.3 COSTS**

### **5.3.1 SHOCK TIME COSTS**

In the event a criminal defendant is ordered to serve shock incarceration in the County Jail as a condition of probation, all costs of said incarceration shall be taxed as costs and charged to the party order to pay costs unless the sentencing judge orders otherwise.

**Effective Date Feb. 28, 1997**

**5.4 WITNESS FEE**

(No Rule)

**5.5 WAIVER OF FEES**

(No Rule)

**5.6 MOTION FOR SECURITY**

Security for costs may be required upon motion of the defendant or the clerk of the circuit court or the sheriff.

A verified motion for costs will be sustained and plaintiff ordered to deposit not less than \$100 cash or post a cost bond within ten days after the motion is sustained unless an application to sue as a poor person or counter-affidavit is filed by or on behalf of plaintiff. In such cases the court will determine whether or not a cost bond is required.

**5.7 FORMS OF PAYMENT**

The circuit clerk of each county of the 25th Circuit may accept cash, cashier's checks, certified checks, money orders or a personal check as payment for court-ordered child support, maintenance payments or court costs. Circuit Clerks are authorized to use their discretion to refuse payment by personal check for child support obligations based on experience with payor.

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

**6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES**

**6.1.1 By Local Court Rules or Order.** Each associate circuit judge within the county for which he or she is an associate circuit judge may hear and determine the following cases or classes of cases without specific assignment by the presiding judge when and only when the associate circuit judge is requested by the attorneys of record to do so:

- a. proceedings for change of name;

- b. uncontested proceedings for approval of settlements of suits involving claims of persons under the age of 18 years;
- c. uncontested actions involving the title to real estate;
- d. cases arising under the Uniform Reciprocal Enforcement of Support Act;
- e. uncontested wrongful death settlements.

The term "uncontested" as used in the rule means a case which is in default or where the parties have arrived at a settlement of their disputed claims.

The associate circuit judge hearing a case under this rule shall make the following docket entry before proceeding: "Upon request of \_\_\_\_\_, attorney for the parties herein, and this matter being (in default) (uncontested), Judge \_\_\_\_\_ assumes jurisdiction."

**6.1.2 Family Law Cases.** Each associate judge shall also have jurisdiction to hear family law matters pursuant to Local Court Rule 68.5.

**6.1.3 Special Assignment.**

a. Upon the filing of any felony information in a Circuit Court within the 25th Judicial Circuit wherein a preliminary examination was waived, and upon the request of all attorneys, said case is hereby automatically assigned to the judge before whom said preliminary was waived. In the event the case is not concluded by plea or other disposition prior to the Circuit Court Law Day following the waiver, or if a request for trial is made after the preliminary hearing has been waived, the case shall be assigned to the circuit division having the law day following the waiver. (Note: The procedure outlined in this rule after a jury trial has been requested is the same as set forth in Rule 6.2.).

b. Misdemeanor cases certified to the Circuit Court for trial by jury or to be heard and determined under the civil practice and procedure applicable to circuit judges by Supreme Court Rule shall be automatically assigned to the associate circuit judge who is presiding at the time of request for certification.

**6.1.4 Phelps County and Pulaski County Criminal, Traffic and Civil Cases in the Associate Division of the Circuit Court.** Each Associate Circuit Judge in Phelps County and Pulaski County shall have concurrent jurisdiction in all criminal, traffic and civil cases in the Associate Division of the Circuit Court, in their county of jurisdiction.

**6.2 ASSIGNMENT TO CIRCUIT JUDGES**

Civil Cases. The assignment of cases to the two divisions of the circuit court

shall be made by the clerk. When the first paper for the commencement of any action or proceeding is filed in the office of the circuit clerk, it shall be assigned a docket number. The numbers assigned shall be numerically and consecutively assigned in the order in which the proceedings are filed. All odd numbered cases are assigned to Division I and all even numbered cases are assigned to Division II.

Where multiple suits arising out of the same transaction or occurrence are filed, or where multiple suits by the same plaintiff or plaintiffs are filed, all such cases shall be assigned to the division to which the first of such cases was assigned under this rule.

Criminal Cases. All criminal cases filed in the office of the circuit clerk are assigned to the division of the circuit court having the next law day.

Civil and Criminal Cases. All default matters, noncontested matters, pleas of guilty in criminal cases, motions, objections to interrogatories and requests for admission may be heard on any law day by either circuit judge regardless of the division in which the case is pending. If the case is set for trial and the matter is contested, only the judge before whom the case is pending for trial shall hear such matter. Either judge may, at the request of the attorney of record, transfer such designated matter to his or her docket.

### **6.3 CONCURRENT JURISDICTION**

Each circuit judge, and each associate circuit judge within the county for which he or she is an associate circuit judge, shall have concurrent original jurisdiction to and may hear and determine the following cases or classes of cases without specific assignment by the presiding judge:

- a. All juvenile matters, including adoptions.
- b. All matters that arise in connection with Sections 631 to and including 632.475, RSMo., not withstanding the county in which the case arises;
- c. All adult abuse and child protection matters that arise in connection with Chapter 455, RSMo.
- d. Counsel status hearings for criminal defendants who are incarcerated within their county of jurisdiction. The judge reviewing counsel status shall set the defendant for appearance before the appropriate division of the circuit court on its next available date.

### **6.4 TRIAL de NOVO**

(No Rule)

### **6.5 CHANGE OF JUDGE**

A request for change of judge shall state the name of the judge and may be in the following form: "    (party)     requests change of judge from Judge     (name of judge)    ."

If a circuit judge is changed, the judge shall note the same on the docket sheet and by docket entry transfer the cause to the other circuit judge.

If an associate circuit judge is changed in a county having more than one associate circuit judge, the judge being changed shall note the same on the docket sheet and by docket entry transfer the case to the other associate circuit judge. This rule includes criminal, civil and probate cases.

#### **6.6 ABSENCE OF JUDGE**

In the absence of the circuit judge of any division, any other circuit judge may sit as the judge of the division in which the judge is absent and perform all the duties of the absent judge. Likewise, in the absence of the associate circuit judge of any division, any other associate circuit judge or circuit judge may sit as the judge of the division in which the judge is absent and perform all the duties of the absent judge.

#### **6.7 ABSENCE OF PRESIDING JUDGE**

In the event that the circuit judge who serves as presiding judge pursuant to Rule 100.1.1 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 other circuit judge of this circuit shall be the acting presiding circuit judge and may exercise the responsibilities prescribed by law for presiding circuit judges. Anything herein to the contrary, notwithstanding, this Rule shall not be interpreted as intending to apply to the type of disqualification referred to in subparagraph 1 of Section 478.240, RSMo. Section 24, Missouri Constitution.

#### **6.8 ASSIGNMENT OF JUDGE UPON FINDING OF GUILT**

When a judge makes a finding of guilt in a criminal case or municipal ordinance violation case, the judge making such finding, shall be local court rule, be automatically assigned that case for all purposes.

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

#### **7.1 WHEN**

The official files of the circuit court or any division thereof shall not 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. Files of the circuit court may be removed upon the written order of a circuit judge. Files of an associate division may be removed upon written order of an associate circuit judge.

**7.2 DUPLICATING POLICY**

The attorney of record for any defendant in a criminal case shall be entitled to a duplicate copy of any probation violation report or any pre-sentence investigation report filed with the Clerk of the court in which such case is pending.

**RULE 8 PUBLICATION OF DOCKETS**

**8.1 TRIAL DOCKET**

The clerk of the circuit court shall prepare a trial docket of all civil and criminal cases that are scheduled to be heard. The docket shall be mailed to all attorneys having a case before the court at least five days before the first hearing date.

**8.2 DISMISSAL DOCKET**

(See Rule 37.) (No Rule)

**RULE 9 COURTROOMS**

**9.1 ASSIGNMENT OF COURTROOM**

(No Rule)

**9.2 PLACE OF HEARING**

(No Rule)

**9.3 USE OF COUNSEL TABLE**

(No Rule)

**9.4 COURTROOM DECORUM AND DRESS**

(No Rule)

**9.5 WHO IS PERMITTED WITHIN BAR**

(No Rule)

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

Preparation of any transcript on appeal 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 the 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.

Preparations of a typewritten transcript of a record preserved by electronic recording device shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge will vary depending upon how the typewritten copy is to be prepared.

If the appellant desires the circuit clerk to forward the material to the Office of State Courts Administrator for transcribing, the estimated costs will be based on rates authorized for transcripts prepared by an official court reporter. If the appellant desires to make arrangements for their own typist to prepare the transcript, the deposit required will be based on the estimated cost of having clerk personnel supervise the copying of the tape which was used to electronically record the proceedings. It is the responsibility of the appellant to pay this amount upon being presented with a bill by the circuit clerk. (See Rules 11 and 23.)

**RULE 11      RECORDING OF JUDICIAL PROCEEDINGS**

All persons shall refrain from broadcasting, televising or taking photographs in the courtroom while the court is in session.

**RULE 12      MONIES PAID INTO COURT**

(No Rule)

**RULE 13      COMMUNICATION WITH COURT**

**13.1      ORAL COMMUNICATION WITH THE COURT**

(No Rule)

**13.2      WRITTEN COMMUNICATION WITH THE COURT**

All communications to the clerk or the court pertaining to any case must contain the style of the case, the case number, the division in which the case is docketed and the names and addresses of all interested counsel and parties not represented by counsel. The attorneys or party communicating with the court shall send a copy of written communication to opposing counsel or parties not represented by counsel.

**RULE 14     SPECIAL PROCESS SERVERS**

**14.1     APPOINTMENT OF SPECIAL PROCESS SERVERS**

The circuit clerk of each county and the division clerk for each Associate Court are authorized to appoint special process servers pursuant to Section 506.140, RSMo. 1992 Supp. All requests by a party and/or attorney and all appointments by the clerk shall be in writing. A deputy clerk shall have the same authority to act as his/her supervisor under this rule.

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**GENERAL RULES**

**RULE 21     ATTORNEYS**

**21.1     RESOLUTION OF CONFLICTING TRIAL SETTINGS**

(No Rule)

**21.2     ENTRIES OF APPEARANCE**

(No Rule)

**21.3     CONDUCT OF ATTORNEYS**

Supreme Court Rule Number 4, Code of Professional Responsibility of Attorneys is specifically made a part of these rules and any breach of these rules may be dealt with by the court or in accordance with Supreme Court Rules.

**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 Supreme Court Rule 4, code of Professional Responsibility, Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. An attorney who desires to withdraw as attorney of record for any party to any action pending in the court shall comply with the following procedures:

The attorney shall file a written motion requesting leave of court to withdraw. (See Rule

33.) 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.

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. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing.

The last known address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.

The attorney seeking leave to withdraw must appear in open court and call up the motion at the time specified in the notice. If the case in which the attorney is seeking leave to withdraw is a criminal case, it shall be the duty of the client to appear in person in compliance with the notice mentioned above.

If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify the former client by letter of the attorney's withdrawal and shall send a copy of the letter to the clerk. Such letter shall advise the former client of any scheduled court proceedings or pleading deadlines in the case.

**21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL**

(See rule 37.) (No Rule)

**21.6 APPOINTMENT OF ATTORNEYS**

(No Rule)

**21.7 AGREEMENT OF ATTORNEYS**

No private or prior stipulation or agreement between parties or attorneys in a pending case will be recognized unless made in writing and filed with the clerk or made orally in open court.

**21.8 ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE**

The attorney is to advise the client and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

The attorney is to advise the client not to discuss any phase of the case with the court.

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. (See Rule 9.)

**RULE 22     APPOINTMENT OF GUARDIAN AD LITEM**

(No Rule)

**RULE 23     TRANSCRIPTS**

(No Rule)

**RULE 24     EXHIBITS**

Exhibits offered or received in evidence shall be the responsibility of the attorney offering such exhibit, unless otherwise directed by the court. Such exhibit may be inspected and copied by opposing counsel.

**RULE 25     CASA**

**25.1     ESTABLISHMENT OF CASA LOCAL COURT RULE**

Scope

These rules shall be applicable in all cases in the 25th Judicial Circuit. These cases include children involved in Chapter 210, 211, 452, or 455 proceedings.

Application

These rules shall supplement the Missouri Statutes and Supreme Court Rules which shall apply in addition to these rules. These rules may be modified or waived by the judge by special order when, in the opinion of the judge, such waiver or modification is necessary in order to do justice or to arrive at the equities of the case between or among the parties involved. Every person appearing in this Court is charged with the knowledge of these rules.

**25.2     DEFINITIONS**

"CASA" means CASA of South Central Missouri which is the non-profit corporation which provides specially trained and sworn adults to the Court as CASA volunteers. It is the designated CASA organization for all 25th Judicial Circuit CASA cases. CASA also stands for "Court Appointed Special Advocate" which refers to the organization's volunteers.

A "CASA volunteer" means a responsible adult who has been specially trained as a Court Appointed Special Advocate and who has taken a special oath administered by a judge. The person is charged with making recommendations in the form of reports and testimony to the judge regarding the best interests of the child. The volunteer serves only upon the order of and at the discretion of the judge.

"CASA report" means any report prepared by the CASA volunteer addressed to the judge giving a thorough background investigation of the child, including, but not limited to, information about the parents, relatives, and others who have knowledge about or concerning the child. The report contains advisory recommendations as to the best interest of the child.

"CASA order" means the order signed by the judge in a proceeding which appoints the CASA volunteer to a case. The order remains effective until the CASA volunteer is ordered released from the child's case.

"CASA director" means the Executive Director of CASA Juvenile Services Association, Inc. as hired by its Board of Directors. This is the person charged with the supervision of all CASA volunteers, CASA reports, and CASA cases.

### **25.3 ESTABLISHMENT OF CASA CASES AND ORDERS**

#### Type of Cases

The following classes of cases have been determined by the Court En Banc and CASA director to be appropriate for the appointment of CASA:

- a. The child has become extremely traumatized and has little or no support network of friends and extended family.
- b. There is a companion criminal case.
- c. The child and family have multiple or complex service needs and coordination of services is required.
- d. Pre-adjudication services are ordered by the Court, particularly where the child is in out-of-home placement.
- e. Severe physical/sexual abuse cases where the child is not released to a parent or relative, and the child is 15 years of age or under:
- f. Special needs cases (e.g., educational, developmental, medical, mental health needs) that involve conflicting opinions as to assessment and/or treatment for the child;

g. Cases that involve a number of issues and a number of interested parties. Focus on the CASA activity may be to identify and develop resources to meet a child's needs;

h. Children 10 years and under who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification;

i. Children, age 0-8 years of age, who are taken from a parent and placed in a foster home, where CASA might expedite the case toward family reunification or adoption, if reunification is not appropriate; and

j. Short-term CASA intervention/involvement is required in case resolution or clarification of issues by gathering or researching information, e.g., contacting out-of-state relatives, or investigating medical concerns to assist the Court in reaching a decision.

#### Criteria for Selection of Cases and Assignment of CASA

In developing the criteria for selection of cases and assignment of a volunteer, the CASA program considers the complexity of the case; the availability of alternative support persons in the child's life; the age and sex of the child or children; the cultural, ethnic, linguistic, religious, and other background characteristics (including any disabilities) of the child and family; the potential assistance a volunteer could provide; the availability of a particular volunteer to meet the specific needs of the child; and such other factors deemed relevant to the assignment of the most effective CASA volunteer for the case.

A qualified volunteer is assigned to a case as early as possible after a court referral is made and all necessary paperwork has been received from the Department of Social Services and the Court. Notice to all parties regarding the assignment is the responsibility of the CASA program.

The CASA program, at assignment, makes a determination that no conflict of interest exists with respect to the CASA volunteer and any other party or interest associated with the case. The CASA program may request clarification of the Court at any time regarding CASA duties on a specific case.

A volunteer advocate who is elected to serve on the CASA Board of Directors will not concurrently carry an active case as a volunteer advocate.

#### Requests for CASA

A request for appointment of a CASA volunteer to a case or for a child may be made by any person or agency having knowledge of facts which indicates that a CASA volunteer is appropriate. A request for a CASA volunteer may be made by motion filed by any person or agency in a case involving a child(ren) under jurisdiction of the Court. The court clerk shall

accept the filing of the motion and note upon it the date of filing.

### Preliminary Inquiry

Except in situations where the Court orders a CASA volunteer appointed upon its own initiative, the clerk shall forward a copy of any motion filed to the CASA Director within (10) days of its filing. The CASA director will recommend to the Court the signing of a CASA order and provide the name of an available CASA volunteer or place the case on the waiting list for the next available CASA volunteer. If the case does not appear appropriate, the CASA director will recommend that CASA not be appointed to the case. This preliminary investigation shall include review of the court records, review of DFS records, and review of all pending pleadings. The preliminary inquiry shall be completed within thirty (30) days of receiving the motion from the court clerk.

### Hearing

Within thirty (30) days after a party files a motion for a CASA volunteer, the CASA director will file with the Court a response to the motion based upon the preliminary inquiry conducted. Thereafter, the Court may, if necessary, hold a hearing, at which time any person or agency may present proof for or against appointment of a CASA volunteer. Following the hearing an order will be entered granting or denying the motion. Notwithstanding the above, the Court may enter an order appointing a CASA volunteer at any time for a child or in a proceeding either upon its own initiative, during or following the preliminary inquiry and with or without conducting any hearing, by signing a CASA order.

### CASA Order

If the judge elects to sign a CASA order the order shall be effective when signed and shall continue in full force and effect until a subsequent order is signed which orders the CASA volunteer released from the case. The CASA volunteer shall continue to serve on a pending case so long as the child continues under the jurisdiction of the Court. The clerk of the court shall furnish the CASA Director with a copy of each CASA order within five (5) days of entry of the order. The CASA order will also be served upon all parties or their counsel of record. Each CASA order shall name the child(ren), giving the date of birth and shall name each natural or legal parent who is living. Following the entry of all CASA orders, the CASA director shall be furnished a copy of every pleading or petition filed in the case by the court clerk.

### Scope of the CASA Order

Upon entry of a CASA order appointing a CASA volunteer to a case, all persons and agencies are under an obligation to cooperate with the CASA volunteer and to assist in deterring the best interest of the child. The CASA volunteer shall have access to the child (including any

child in detention), the parents, any caretaker, or any other agency or party having information related to the child. The CASA volunteer shall consult and work with the attorney guardian ad litem as is necessary in each case. The CASA volunteer shall maintain any information received during investigation in a confidential manner. The CASA volunteer shall not disclose any such information except in reports to the Court and to parties to the proceeding, unless disclosure of any information has been limited by the Court pursuant to Rule 5(c). In the event that the CASA volunteer desires to file any pleading or petition or wishes to examine any witness, the CASA volunteer shall be a licensed attorney or be represented by counsel in the proceeding. Nothing contained in these rules shall be construed as permitting any non-attorney CASA volunteer to practice law before the Court.

#### **25.4 GUARDIAN AD LITEM APPOINTMENTS**

##### Appointment

In all cases involving CASA volunteers, the Court may simultaneously appoint an attorney guardian ad litem to serve with the CASA volunteer to represent the child in all legal proceedings if a guardian ad litem has not previously been appointed.

##### Legal Services

The CASA volunteer shall not represent the child in any legal proceeding, unless the CASA volunteer is a licensed attorney. Otherwise, the child's legal interest shall be represented by the guardian ad litem. The CASA volunteer may fully participate in the proceedings if represented by counsel. If called as a witness by the Court or any party, the CASA volunteer shall testify as a witness in any proceeding.

##### Compensation

The CASA volunteer shall not receive any compensation from the Court or from any party to the proceedings. The CASA volunteer serves the Court and as such shall receive no compensation or remuneration. A CASA volunteer who wishes to be released from a case shall so petition the Court.

#### **RULE 25.5 CASA COURT ATTENDANCE AND REPORTS**

##### Hearing Attendance

The CASA volunteer will attend any hearings which involve the child assigned. In the event of a conflict the CASA volunteer may request a continuance for good cause shown or may be excused by the Court from appearing. Any party may call the CASA volunteer as a witness in

the proceeding. CASA may be compelled to attend by any party with the service of a subpoena for the CASA volunteer, made by service upon the volunteer or by serving the CASA Director, giving at least five (5) days notice prior to the hearing, excluding Saturdays, Sundays, and legal holidays.

### Filing Reports

The CASA representative shall, absent special circumstances, or unless excused by the judge, submit a written CASA report at each hearing involving the child. The report shall be addressed to the judge and shall contain such attachments and documents as are relevant to the proceedings. The report, when filed, shall become a permanent part of the court file. The volunteer shall sign the report but not under oath. The Court is in no way bound by or obligated to adopt any CASA recommendations, the report being advisory in nature.

### Inspection of Reports - Confidentiality

Generally, the child, his attorney, his parents, guardian or legal custodian, the attorney ad litem, and any state or other agency involved in the proceedings, shall be entitled to inspect the CASA report, and all documents attached thereto except that information protected from disclosure by law. However, the Court, in its discretion, may decline to permit inspection of CASA reports, or portions thereof to anyone other than an attorney if it determines that such inspection would be detrimental to the child. If a party is unrepresented and is denied inspection, an attorney shall be appointed for the party and shall be permitted to inspect reports as herein provided. The Court shall issue such orders as are necessary to maintain the confidential nature of information so classified. However, in order to permit response, the Court shall disclose, at least to attorneys for the parties, any confidential information relevant to disposition.

## **RULE 25.6 SPECIAL COMPLIANCE REVIEWS**

The CASA volunteer is responsible for monitoring compliance with all Court orders issued in any case or proceeding. To that end, in the event that the CASA volunteer believes that any Court orders are not being complied with by any party, the volunteer shall request the clerk of the court to place the case on the Court's docket for special review. The judge will then examine the CASA volunteer at a hearing to determine compliance or non-compliance with its orders. The Court may issue such remedial order(s) as may be necessary or may issue a show cause order to any party to determine why compliance with its orders has failed. Social Reviews may also be conducted by the Court to determine compliance with the CASA order by any person or agency as described in Rules 25.3(F) and 25.3(G).

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## **RULE 26 BAILIFFS**

### **26.1 DEFINITION**

An assigned officer of the Court subject to control and supervision of the Court and responsible for preserving order and decorum, taking charge of juries, guarding prisoners, making arrests and other services reasonably necessary for the proper functioning of the Court.

## **26.2 QUALIFICATIONS, APPOINTMENT AND POWERS AND DUTIES**

### **Qualifications**

Certification by the Missouri Department of Public Safety as a “Peace Officer,” as set out in Section 590.105.2 R.S.Mo., or as a “Bailiff,” as set out in Section 590.105.3 R.S.Mo.

Certification by the Missouri Department of Public Safety that the candidate is qualified to carry a firearm.

### **Appointment**

Bailiffs are appointed by the Circuit Judges.

### **Powers and Duties**

Bailiffs are authorized and empowered to:

- a. make arrests;
- b. to take charge of juries;
- c. to guard prisoners and transport prisoners to and from jail; and
- d. to provide Courtroom security
- e. They are authorized to carry firearms; and
- f. have the authority and duty to provide such other services as are reasonably necessary for the proper functioning of the Court.

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## **PRE-TRIAL MATTERS**

### **RULE 32 DISCOVERY**

#### **32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION**

(See Rule 6.3 Certification to Circuit Division.) (No Rule)

### **32.2 INTERROGATORIES**

As used in this rule, "the propounding party" shall mean the party who propounds written interrogatories to another party (who is referred to in this rule as the "responding party") pursuant to Rule 57.01, Missouri Rules of Civil Procedure.

The propounding party shall furnish to the responding party the original of the interrogatories; at the same time, the propounding party shall file with the court a Certificate of Service of Interrogatories, which shall include the caption of the case and the following information:

- a. Name of the responding party;
- b. Date and manner of service;
- c. Descriptive title of the interrogatories, such as "Plaintiff's First Interrogatories to Defendant Jones" or "Third Party Defendant's Second Interrogatories to Plaintiffs";
- d. Signature of the attorney for propounding party (or signature of propounding party if not represented by attorney).

A copy of this Certificate of Service of Interrogatories shall be included with the interrogatories served on the responding party, and a copy shall also be served on all other parties to the case. If any other party makes a request in writing to the propounding party for a copy of the interrogatories propounded by that party, then the propounding party shall furnish the copy to that party.

The interrogatories shall include a space below each question for the answer or objection to be inserted. This space shall be of reasonable size based on the propounding party's reasonable estimate of the length of the answer. If inadequate space is provided for the answer then the answer shall be written on a separate sheet to be attached to the interrogatories. This separate sheet shall be referred to in the space provided for the answers. All answers or objections shall be typewritten.

Objections to interrogatories shall be inserted in the place provided for the answers to those interrogatories. The grounds for the objections shall be stated in detail. Failure to state in detail the grounds for an objection may result in the objection being summarily overruled.

The responding party shall attach to the interrogatories an affidavit to be signed by the

appropriate person attesting to the accuracy of the answers (unless objections are made to all interrogatories, in which event an affidavit on the part of the responding party is not required).

The responding party shall file the original of the interrogatories, including the answers (or objections), with the court together with usual certificate of service showing that copies of the interrogatories (including the answers or objections) have been served on the propounding party and on all other parties who are not then in default.

No party shall serve on any other party more than twenty interrogatories (in the aggregate) in domestic relations cases or more than thirty interrogatories (in the aggregate) in all other civil cases without leave of Court or consent of counsel for the responding party. In domestic relation cases, a request to complete an attached financial statement or statement of income and expenses (which conform to Local Rule 68.4) shall constitute a single interrogatory for purposes of this rule. Subparagraphs of any interrogatory shall relate directly to the subject matter of the interrogatory and no interrogatory shall include more than four subparagraphs. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons why the court should permit them to be propounded. Any number of additional interrogatories may be propounded if the written consent of counsel for the responding party is attached to the interrogatories when the same are filed with the court.

### **32.3. ELECTRONIC DISCOVERY**

Any party serving written discovery requests shall, immediately upon the request of the party to whom such discovery is directed, provide the discovery in electronic format in addition to printed format. The means of transmitting electronic discovery may, at the option of the party serving the same, be by disk, CD ROM, or e-mail attachment. The discovery shall be transmitted in a file form as the parties may agree and, absent agreement, in the word processing format under which it was originally created. It shall be the duty of the party requesting electronically formatted discovery to convert the same into any other word processing format. The party requesting discovery in electronic format shall bear all responsibility for scanning the medium of transmission for viruses and other computer dangers. Nothing in this rule shall relieve the party who requested electronically formatted discovery from responding to the printed discovery within the time requirements of Supreme Court Rules. Unless the parties in writing otherwise agree, the submission of electronic responses to written discovery shall not abrogate the requirement to also serve printed responses as required by Supreme Court Rules.

### **32.4 MOTION FOR SANCTIONS**

(No Rule)

### **32.5 CRIMINAL DISCOVERY**

(See Supreme Court Rule 25.) (No Rule)

**RULE 33     PRE-TRIAL MOTIONS**

**33.1     HEARING DATES**

(No Rule)

**33.2     BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED**

(No Rule)

**33.3     ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED**

(No Rule)

**33.4     MOTIONS IN LIMINE**

Motions in Limine shall be filed and a copy of the same served on opposing counsel and the judge before whom the case is pending not less than five days before the date of the trial. Citations of authority shall accompany the motion.

**RULE 34     CONTINUANCES**

**34.1     CIVIL CASES**

(No Rule)

**34.2     CRIMINAL CASES**

(No Rule)

**RULE 35     PRE-TRIAL CONFERENCE**

(No Rule)

**RULE 36     SETTING CASES FOR TRIAL**

**36.1     REQUEST FOR TRIAL**

Contested matters to be tried by the court or by jury may be set on the law day for setting cases of the division in which the case is pending, or by agreement of counsel or at the discretion of the judge. A written request shall be made to the clerk containing the style of the case, the case number, the division in which the case is pending, the names and addresses of all interested

counsel and of parties not represented by counsel. A copy of such request shall be mailed to all interested counsel and to all parties not represented by counsel. The request to the clerk and notice to counsel shall be at least five working days prior to the date a setting will be requested. Requests for trial settings to a division not conducting the law day shall be placed, by the clerk, on the setting docket of the next law day of that division.

*Contested matters shall not be heard on any law day without prior approval of the judge presiding at the law day and five day notice of such approval shall be given by counsel obtaining such approval to all opposing counsel.*

**36.2 DATE OF CALENDAR CALL**

(No Rule)

**36.3 PREPARATION OF CALENDAR**

(No Rule)

**36.4 CALENDAR CALL**

(No Rule)

**36.5 INACTIVE CALENDAR**

(See Rules 8.2 and 37.1.) (No Rule)

**36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR**

(No Rule)

**36.7 SPECIAL ASSIGNMENTS**

(No Rule)

**RULE 37 DISMISSALS**

**37.1 DISMISSAL DOCKET**

If no action has been taken by plaintiff or defendant to prosecute their claim for a period of one year, the clerk shall prepare a dismissal docket. The dismissal docket shall be sent to the attorney of record or to the party if not represented and it shall state that the cases listed will be dismissed unless the attorney or party secures an order removing the case from the dismissal docket **for good cause shown**. Unless such order is obtained, the cases on the dismissal docket will be dismissed without prejudice for failure to prosecute.

See also Rule 8.2 on Publication of Dismissal Dockets and Rule 21.5 on Failure of

Attorney to Answer Docket Call.

**37.2 REINSTATEMENT OF CAUSE**

(No Rule)

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**SETTLEMENT AND DEFAULT**

**RULE 41 SETTLEMENT**

**41.1 NOTICE OF SETTLEMENT**

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

**RULE 42 DEFAULT**

(See Rules 2.4, 33 and 5.) (No Rule)

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**TRIALS**

**RULE 51 COURT-TRIED CASES**

**51.1 DEFAULT AND UNCONTESTED MATTERS**

(See Rules 2.4, 42 and 54.2) (No Rule)

**51.2 CONTESTED MATTERS**

(No 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 as directed by the court.

**RULE 52 SELECTION OF JURY**

**52.1 JURY QUESTIONNAIRES**

(No Rule)

**RULE 53 JURY TRIALS**

**53.1 INSTRUCTIONS**

(No Rule)

**53.2 CLOSING ARGUMENTS**

An attorney will be given a reasonable time for argument and the court will decide the period of time allowed. Plaintiff's time may be divided between opening and closing argument, but not more than one-half of plaintiff's time may be spent in closing. Time may be extended at the discretion of the court.

The court may, in its discretion, change the order of the arguments. Arguments by multiple parties are made in the order named in the pleadings unless otherwise agreed to by the parties or directed by the court.

Plaintiff may decline to make an opening argument and by so doing, waives closing argument. Defendant may nevertheless make his argument.

The attorney is to inform all other attorneys and the court before any argument if the attorney intends to waive argument.

**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**

In default or uncontested cases counsel for the prevailing parties shall present to the court for its approval the judgment or decree to be entered in the cause. (See Rules 42 and 51.1)

**RULE 61 ADOPTION**

**61.1 FILING REQUIREMENTS**

(No Rule)

**61.2 HOME STUDY**

Upon the filing of a petition for adoption, the Division of Family Services or other agency designated by the court, shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child. The clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.

**RULE 62 DRIVERS' CASES**

**62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES**

(No Rule)

**62.2 PETITIONS FOR REVIEW**

(No Rule)

**62.3 BREATHALYZER TEST**

(No Rule)

**RULE 63 ASSOCIATE DIVISION**

(No Rule)

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

(No Rule)

**RULE 65 CIVIL COMMITMENT**

(No Rule)

**RULE 66 CONDEMNATION**

(No Rule)

**RULE 67 CRIMINAL CASES**

**67.1 PRETRIAL RELEASE**

**67.1.1** Motions to set bond and for bond reduction shall be addressed to the

judge of the division in which the case is pending. Such motions shall be filed with the division clerk where the case is pending.

**67.1.2** Deposit of Operator's License (No Rule)

**67.2** PRELIMINARY HEARING (No Rule)

**67.3** GRAND JURY (No Rule)

**67.4** ATTORNEYS (No Rule)

**67.5** ARRAIGNMENTS

**67.5.1** In General. If a criminal defendant is held for action in the circuit court, the associate circuit judge conducting such preliminary proceedings shall order the defendant to appear for arraignment on the next law day.

**67.5.2** Dates. At the arraignment, a date shall be set for trial and for the pretrial conference.

**67.6** DISCOVERY (No Rule)

**67.7** MOTIONS (No Rule)

**67.8** PLEA BARGAINING

In order for a plea bargain to be approved in any felony criminal case, the plea 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.

**67.9** GUILTY PLEA

**67.9.1** Petition to Enter a Plea of Guilty. In all felony cases wherein the defendant desires to plead guilty, the defendant and the defendant's attorney shall prepare a petition to enter a plea of guilty on a form adopted by this court. The petition shall be signed by the defendant and the defendant's attorney.

Copies of petitions to enter a plea of guilty form may be secured from the clerk's office.

**67.9.2** Notice. When a defendant desires to enter a plea of guilty, his attorney shall file a written Notice to enter a plea of guilty with the Circuit Clerk calling the case up before the appropriate judge in accordance with 67.9.3 and 67.9.4. The original, fully executed Petition to Enter Plea of Guilty and Plea Agreement shall be attached to the Notice.

**67.9.3** Where Entered. Pleas of guilty may be entered before either Circuit Judge or, if the case has been assigned, before the judge to whom the case was assigned.

**67.9.4 When Entered.** Pleas of guilty may be noticed for hearing at a regularly scheduled Circuit Court Law Day, or on a date scheduled with any judge specified in 67.9.3.

**67.10 CALENDAR** (No Rule)

**67.11 PROBATION AND PAROLE** (No Rule)

**RULE 68 DISSOLUTION OF MARRIAGE**

**68.1 ESTABLISHMENT OF A FAMILY COURT AND RULES RELATING TO FAMILY LAW CASES**

Effective April 1, 2005, a Family Court for the 25th Judicial Circuit is hereby established pursuant to Chapter 487, RSMo, 2004. This Family Court, which shall not have a Family Court Commissioner, shall operate for the purposes, principles and goals promulgated by Chapter 487, RSMo, 2004 at seq.

Family Law cases, for the purposes of this title, will apply to Dissolution of Marriage, Legal Separation, Family Access, Motions for Modification, Paternity, cases filed under Chapter 455 RSMo., Guardianships of Minor Children and all cases in the Juvenile Division of the Circuit Court.

Other classes of cases enumerated under Section 487.080, RSMo, 2004 are not under the auspices of the 25th Judicial Circuit Family Court. Jurisdiction will continue as provided in other Rules of the 25th Judicial Circuit Court and continuing Orders of the Presiding Judge.

Rule 68 shall be applicable to all family law cases filed after April 1, 2005 or thereafter filed in or transferred to Phelps, Pulaski, Texas and Maries Counties. To the extent a provision of any other local court rule conflicts with any provision of this Rule 68, this rule shall govern.

For the purposes of Rule 68, "date of service" is defined as the date upon which service of process of the initial pleading is obtained upon a responding party, or the filing date of an Entry of Appearance by a responding party waiving service of process of the initial pleading.

**68.2 CUSTODY, VISITATION AND SUPPORT OF CHILDREN UPON FILING OF PETITION FOR DISSOLUTION OF MARRIAGE; NOTICE TO PARTIES**

Unless otherwise ordered by the Court, the following rules shall govern the custody,

visitation and payment of support of children in dissolution cases:

Custody

The law provides that the parent with whom each child has primarily resided for the sixty days immediately preceding the filing of the petition for dissolution of marriage shall have primary custody of said child until further order of the Court.

Visitation

The party not having primary custody of minor children of a marriage shall have the right to reasonable visitation with said children, and until further order of the Court, shall be entitled to the following specific periods of visitation:

Weekends: Alternating weekends from 6:00 p.m. Friday until 6:00 p.m. Sunday beginning the second weekend following the filing of the petition for dissolution of marriage.

Telephonic Communication: The party having primary custody of said children shall supply the other party with a telephone number and permit the other party to have telephonic communication with said children no less than twice a week between the hours of 5:00 p.m. and 9:00 p.m.

Additional or different periods of visitation may be agreed to by the parties or obtained through order of the Court.

Support

The party not having primary custody of the minor children of a marriage shall until further order of the Court, pay as a minimum amount of child support to the party having primary custody of said children the sum of:

- \$166 for one child
- \$241 for two children
- \$285 for three children
- \$315 for four children
- \$341 for five children
- \$265 for six children

per month, beginning on the first day of the month following the filing of the action to dissolve the marriage, payable through the Family Payment Support Center as trustee.

Notice to be provided by the Clerk: Upon the filing of an action for the dissolution of a marriage, the clerk shall provide the following notice to the Petitioner and attach a copy of said notice to the Petition for service upon the Respondent:

NOTICE: IF THERE ARE CHILDREN OF THE MARRIAGE, LOCAL COURT RULES PROVIDE FOR THE FOLLOWING ORDERS CONCERNING CUSTODY, VISITATION AND SUPPORT OF SAID CHILDREN.

### **68.3. FILING REQUIREMENTS**

The following document filing requirements shall be applicable in all actions for dissolution of marriage, legal separation, paternity, or modification of a prior judgment in any such action.

At the time of filing a Petition for Dissolution of Marriage, Petitioner shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) as required by Section 193.205 RSMo.

Within thirty (30) days after service of process or the filing of the Entry of Appearance by Respondent, or five (5) days before any scheduled temporary hearing, whichever event first occurs, Petitioner shall file the following documents:

- a. Petitioner's Proposed Parenting Plan (if children are unemancipated);
- b. Petitioner's Statement of Income and Expenses;
- c. Petitioner's Statement of Property (required only for an action for dissolution or legal separation);
- d. Petitioner's Proposed Form 14 prepared in accordance with Civil Rule 88.01 (if children are not emancipated).

Within thirty (30) days after service of process or the filing of the Entry of Appearance by Respondent, or five (5) days before any scheduled temporary hearing, whichever event first occurs, Respondent shall file the following documents:

- a. Respondent's Proposed Parenting Plan (if children are unemancipated);
- b. Respondent's Statement of Income and Expenses;
- c. Respondent's Statement of Property (required only for an action for dissolution or legal separation);
- d. Respondent's Proposed Form 14 prepared in accordance with Civil Rule 88.01 (if children are not emancipated).

#### **68.4. REQUIRED DOCUMENT PRODUCTION IN FAMILY LAW CASES**

1. In any contested case in which the award of property, maintenance, child support, attorney fees, or division of debt is an issue, each party shall deliver to the other party, within seventy-five (75) days after the date of service, a complete and legible copy of each of the following documents in their possession or under their control:

- a. Any federal and state income tax returns (including all schedules, W-2, K-1 and 1099 forms) for the preceding three calendar years;
- b. The last six pay periods “pay check” stubs or other evidence of wages, salaries or tips if no “pay check” stub is issued;
- c. Any financial statements provided to a lender or prospective lender within the preceding three calendar years;

#### **2. Additional Information to be provided**

For each document described in the preceding paragraph that is not produced by a party to the other, such party shall advise the other of the fact that such document may not now exist or has never existed, or that if such document exists, but is not in the possession or under the control of the delivering party, the name and current address of the person who has possession or control of the document.

#### **3. Certificate of Compliance Required**

Within the time period provided herein for the production of these documents each party shall file with the Court a Certificate of Compliance with the rule.

#### **4. Information shall be updated prior to trial**

All interrogatories and document productions shall be updated and supplemented no less than ten (10) days prior to trial if any changes occur prior to the trial date, except significant changes such as employment, income, or expert witnesses which shall be updated immediately upon the happening of the event.

#### **5. Use of Authorizations**

If any such document is in the possession of an employer or financial institution of the party required to produce the same, that party shall complete, have notarized, and deliver to the other party employment and financial authorizations in the form set forth in this Rule with



My Commission expires: \_\_\_\_\_, NOTARY PUBLIC

(NOTARY SEAL)

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**AUTHORIZATION FOR RELEASE OF FINANCIAL INFORMATION  
(Form 68-B)**

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**INSTRUCTIONS:** Complete one form for each financial institution where you have transacted financial business at any time during the past five years by inserting the name and address of the institution and by inserting you name, social security number and, if known account number. Sign below and have your signature notarized.

TO: Company Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

Your Name	Social Security Number	Account or Loan Number(s)

This will authorize you to release all information in your care, custody and control, including any records kept by you in the ordinary course of your business, consisting of all financial, credit card and banking records (including deposit and withdrawal records, bank statements, canceled checks, statements of account, receipts, etc.), loan records (including notes, mortgages, amortization schedules, applications, appraisals, etc.) Financial statements, balance sheets, income statements, and other requested records maintained by you either in the name of or in which the above-named individual has an interest. This information shall be released to:

Attorney Name	Address, City, State, Zip	Phone

It is expressly agreed that a photocopy of this authorization shall be valid as the original. **This authorization shall be valid for a period of 120 days from the date of execution.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Signed

State of Missouri )  
 )  
 County of \_\_\_\_\_ )

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

\_\_\_\_\_  
 \_\_\_\_\_, NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

(NOTARY SEAL)

## **68.5. JURISDICTION**

1. The Circuit Judges of Division I and Division II *and the Associate Circuit Judges designated as the Family Court Judge for each respective county* shall have concurrent original jurisdiction in all family law cases.
2. Each Associate Circuit Judge within the county for which he or she is an Associate Circuit Judge may hear and determine all family law cases, including temporary motions, without the specific assignment by the Presiding Judge.
3. *Case management of family law cases in each county shall be delegated to the Family Court Judge for that county under separate administrative order.*

## **68.6 CONTESTED CASES**

Every family law action shall be considered a contested case unless:

All responding parties are in default, or

All parties file a stipulation in writing that the case is uncontested and setting forth the agreement of the parties for the resolution of all issues raised in the pleadings filed by any of the parties.

## **68.7 TEMPORARY CHILD SUPPORT**

**68.7.1. Either Parent May Move for Temporary Child Support.** In an original proceeding for Dissolution of Marriage or Legal Separation only, when there are minor children of the marriage who are subject to the jurisdiction of the court, either parent may move for an order for Temporary Child Support not less than thirty (30) days from service and provided the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure, or has formally filed a verified entry of appearance, or has filed a responsive pleading.

**68.7.2. Verified Motion for Temporary Child Support.** The Movant shall file a verified Motion for Temporary Child Support which shall set forth clearly and concisely the grounds for such motion. The motion shall include a fully completed Civil Procedure Form 14 in accordance with Supreme Court Rule 88.01.

**68.7.3. 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, by personal service, or by Facsimile, and shall provide a certificate of service.

**68.7.4. Time to Respond---Include Form 14.** The other parent shall have fifteen (15)

days from the date of such certification to respond to such motion. Any response shall be verified and shall include a fully completed Civil Procedure Form 14.

**68.7.5. 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.

**68.7.6. Court May Require Hearing.** If the Court determines that it is impracticable 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 except for good cause shown. The only issues which shall be considered by the Court at such expedited hearing shall be those relating specifically to temporary child support. The Court shall issue its order under this rule as soon as practical thereafter.

**68.7.7. 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.

## **68.8 PARENT EDUCATION PROGRAMS**

In a Petition for Dissolution of Marriage or Motion to Modify a Decree, or any paternity cause, where there is at least one child under the age of seventeen, both parties to the dissolution or motion to modify shall attend a court-approved educational session to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects. In any other case involving custody, or visitation the court may, at the discretion of the judge, order one or both parties to attend a court-approved educational session.

The petitioner shall attend said program within forty-five (45) days of filing the petition or the motion. The respondent shall attend said program within forty-five (45) days of the date of service of process or of receipt of the petition or motion if service is waived. If the petitioner fails to attend said program within forty-five (45) days of the date of filing, the court may dismiss the pending case. If the respondent fails to attend said program within forty-five (45) days from the date respondent was served, the court may strike the responsive pleadings. The court may impose any other appropriate sanctions provided by law.

No dissolution of marriage, legal separation or paternity action involving minor children shall proceed to final hearing until there has been compliance with this order. This requirement may be waived by the judge assigned to the case for good cause.

Parties residing outside the 25th Judicial Circuit may attend a parent education program offered in the circuit in which they live. If no program is offered within eighty (80) miles of a party's residence, if a party is not a resident of the State of Missouri, or if a party has attended a Missouri approved parent education program within five (5) years, the attendance application

may be waived upon application to the court.

**68.9. COURT ORDERED MEDIATION (deleted April, 2008)**

**68.10. ALTERNATIVE DISPUTE RESOLUTION PROGRAM (deleted April 2008)**

**68.10.2. TERMINATION OF MEDIATION(deleted April, 2008)**

**68.10.3. PAYMENT FOR COST OF MEDIATION (deleted April 2008)**

### **RULE 68.11 ENTRY OF JUDGMENT UPON AFFIDAVIT**

#### **(A) Final Orders Entered—When**

1. Final orders in any proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon affidavit of either or both parties when:

(a) There are no minor children of the parties and the female party is not pregnant, and the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance; **or**

(b) There are minor children, a written parenting plan is submitted agreed to by both parties, Supreme Court Rule 88.01 Form 14 has been filed and the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance; **and**

(c) There is no significant marital property to be divided (including no real estate), or the parties have entered into a written settlement agreement providing for the division of their marital property and the adverse party has been served in a manner provided by Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance.

2. Final orders in any proceeding for change of name or in any other matter falling within the exclusive jurisdiction of the Family Court, as defined under §487.080, RSMo, may be entered upon affidavit when any person entitled to service has been served or has filed an entry of appearance or other responsive pleading.

**(B) Affidavit—Filing.** If one party desires to submit the matter for entry of final orders upon affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the Court's jurisdiction and containing factual averments sufficient to support the relief requested, together with a copy of a proposed judgment or order, a copy of any written settlement agreement and written parenting plan proposed for adoption by the Court, a completed Form 14, and any other supporting evidence. The filing of such an affidavit shall not be deemed to shorten

any statutory waiting period required for the entry of a judgment of dissolution of marriage or legal separation. The submitting party is encouraged to file an affidavit utilizing Form 68-C of the 25<sup>th</sup> Judicial Circuit.

**(C) Hearing Required—When.** The Court shall not be bound to enter any judgment or order upon affidavits of either or both parties, but may, on its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

**Form 68 C**

**AFFIDAVIT OF JUDGMENT**

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

_____ SSN: _____ Petitioner,		
v.		Case No. _____
_____ SSN: _____ Respondent.		

**AFFIDAVIT FOR JUDGMENT**

**(To be attached to front of proposed judgment)**

1. My Petition for Dissolution of Marriage was filed on \_\_\_\_\_.
2. My spouse has subjected (himself) (herself) to the jurisdiction of this court by the following acts:

(served by the sheriff on \_\_\_\_\_) **OR**

(entry of appearance and waiver of service) **OR**

(answer filed)

My name is \_\_\_\_\_ and I am the (Petitioner) (Respondent) in the above dissolution of marriage case.

3. I am represented by \_\_\_\_\_.

4. My spouse is represented by \_\_\_\_\_.

5. I currently reside at \_\_\_\_\_.

6. I was a resident of the County of \_\_\_\_\_, State of Missouri for at least 90 days immediately prior to the filing of the petition herein.

7. My spouse was a resident of the County of \_\_\_\_\_, State of Missouri for at least 90 days immediately prior to the filing of the petition herein.

8. My spouse currently resides at \_\_\_\_\_.

9. My spouse and I have resided during the marriage in the State of Missouri.

10. Both my spouse and I are over the age of 18 years.

11. My social security number and that of my spouse is as set forth in the caption.

12. I was married to \_\_\_\_\_, the (Petitioner)(Respondent) herein, on \_\_\_\_\_ and the marriage is registered in \_\_\_\_\_ County, State of Missouri.

13. My spouse and I separated on or about \_\_\_\_\_.

14. 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.

15. There is no reasonable likelihood that the marriage can be preserved and the marriage is irretrievably broken.

16. (I am) (My Wife is) not pregnant.

17. There (is) (are) no living child \_\_\_\_\_ born of the parties or adopted by the parties during the marriage.

**OR**

18. There (is) (are) \_\_\_\_\_ unemancipated child \_\_\_\_\_ of the marriage, to-wit:

\_\_\_\_\_ born \_\_\_\_\_, SSN \_\_\_\_\_

and a Parenting Plan is attached hereto as Exhibit \_\_\_\_\_.

19. There is no other litigation pending in this or any other state concerning the custody of the unemancipated child \_\_\_\_\_ and there are no persons other than my spouse and myself who have physical custody of the child \_\_\_\_\_ or claims any rights with respect to the unemancipated child \_\_\_\_\_, (except) \_\_\_\_\_

\_\_\_\_\_.

20. It is in the best interest of the unemancipated child \_\_\_\_\_ that (I) (my spouse) be awarded legal and physical custody of the unemancipated child \_\_\_\_\_ **OR**

21. It is in the best interest of the unemancipated child \_\_\_\_\_ that my spouse and I be awarded joint legal custody of the unemancipated child \_\_\_\_\_ and that (I) (my spouse) be awarded physical custody of the unemancipated child \_\_\_\_\_ pursuant to a Parenting Plan attached hereto,

**OR**

22. It is in the best interest of the unemancipated child \_\_\_\_\_ that my spouse and I have joint legal and physical custody of the unemancipated child \_\_\_\_\_.

23. An Income and Expense Statement for each party has been filed and a Form 14 is attached hereto. The parties agree that the presumed amount of child support is just and appropriate under the circumstances of this case. **OR**

24. An Income and Expense Statement for each party has been filed and a Form 14 is attached hereto. The parties ask the Court to deviate from the guidelines in the establishment of child support for the following reasons: \_\_\_\_\_

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25. 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.

26. 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.

27. 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.

28. 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.

29. My spouse and I have entered into a written separation agreement dividing all our marital and non-marital property and it 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. **OR**

30. There is no marital property or marital debts for the court to divide.



**RULE 71     ADMINISTRATIVE REVIEWS**

(See Rule 62 Drivers' Cases.) (No Rule)

**RULE 72     PROBATE**

(No Rule)

**RULE 73     SMALL CLAIMS**

(No Rule)

**RULE 74     TRUST ESTATES**

**74.1     INVENTORY**

Within thirty (30) days after appointment every trustee shall file and present to the division of the circuit court wherein he or she was appointed, an inventory in writing of the property and effects comprising the trust estate.

**74.2     REPORTS**

Every trustee shall annually, at such time as ordered by the court and at such other times as ordered, file and present a report in writing of the condition of the trust.

**74.3     RECORD**

It shall be the duty of the clerk of the appointing circuit court to maintain a record listing the number of the cause, the style, and the date the proceeding was filed, and the date the appointment was made, so that the circuit court shall be advised of the pendency of proceedings in which trustee's reports are required to be filed.

**74.4     AUDIT**

Prior to approval of a trustee's report by the court, the report shall be audited by a qualified person appointed by the court.

**RULE 75   EXTENSION OF JUVENILE CODE JURISDICTION**

**RULE 75.1   FILING REQUIREMENTS**

a. A petition filed pursuant to Section 211.034 RSMo shall state with specificity the reasons, circumstances and/or conditions that would justify an extension of the jurisdiction under the Juvenile Code and compulsory school attendance.

b. The parent, guardian or legal custodian filing such petition shall

join the 25<sup>th</sup> Circuit Juvenile Office as a party and shall serve upon the 25<sup>th</sup> Juvenile Office a summons and petition as provided by law.

c. A parent, guardian or legal custodian filing such petition shall provide the superintendent of the school district where the juvenile shall be attending school with written notice of intent to request an extension of compulsory education of the juvenile by certified mail. Such notice shall state the name, date of birth, address and social security number of the juvenile, a brief summary of the reason for such request, and the date, time and location that the matter will be heard.

d. A parent, guardian or legal custodian filing such petition shall be responsible for all costs and expenses associated with the proceeding, including but not limited to, any testing or evaluation requested and approved by the Court.

**oOoOo**

## **POST TRIAL**

### **RULE 81    EXECUTIONS**

Executions shall not be issued by the clerk except upon written application therefore verified by the oath of the judgment-creditor or their attorney. The written application shall contain the following:

- a.     Style and number of case in which judgment was obtained;
- b.     Date judgment entered or last revived;
- c.     The amount of the original judgment, the amount of accrued interest on the original judgment, and the amount of the judgment and interest still unsatisfied;
- d.     The full name and current address, if known, of the judgment-debtor;
- e.     A full description of the property to be executed on;
- f.     The return date on the execution (30, 60 or 90 days);
- g.     Any special instructions to be provided the sheriff for performing the execution.

### **RULE 82    GARNISHMENT**

Same cost applies as set forth in Rule 81.

### **RULE 83    JUDICIAL SALES**

(No Rule)

