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RULES OF THE THIRD JUDICIAL CIRCUIT

ADMINISTRATION

RULE 1. DIVISION OF COURT

1. DIVISION OF COURT

The Circuit Courts of Grundy, Harrison, Mercer, and Putnam Counties shall consist of the following:

Division I, Circuit
Division I, Juvenile, Circuit
Circuit Court, Division II, Probate
Circuit Court, Division II, Small Claims
Circuit Court, Division II, Municipal
Circuit Court, Division II, Civil
Circuit Court, Division II, Criminal

RULE 2. HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

Unless otherwise ordered all sessions of court shall convene at 9:00 A. M.

2.2 TERMS OF COURT

For purposes of jury selection and tenure there shall be three terms of court each year. The January term shall commence on January 1st and continuing until April 30th; The May term shall commence on May 1st and continuing until August 31st; and the September term shall commence on September 1st and continuing until December 31st.

2.3 LAW DAYS

I. The Law Day for Division I shall be held as follows unless otherwise directed by the Circuit Judge:

1. In Mercer County on the second Wednesday after the first Monday of the month.
2. In Grundy County on the second Thursday after the first Monday of the month.
3. In Putnam County on the third Wednesday after the first Monday of the month.
4. In Harrison County on the third Thursday after the first Monday of the month.

II. The Juvenile Court Day for Division I shall be held as follows:

1. In Mercer County immediately following conclusion of the law day docket.
2. In Grundy County on the second Friday after the first Monday of the month.
3. In Putnam County immediately following conclusion of the law day docket.
4. In Harrison County on the third Friday after the first Monday of the month.

III. All Division I law days and term days shall commence at 9:00 A.M. in all counties. The juvenile court day for Division I shall commence at 9:00 A.M. in Grundy County and Harrison County.

IV. Division II of Circuit Court:

1. In Grundy County Division II of Court shall be held on the second and fourth Tuesday of each month, and Division II of Municipal Court shall be held on the first and third Tuesday of each month.

2. In Harrison County Division II, of Civil Court shall be held on the first and third Monday of each month, at 1:30 P.M. The Division II, Criminal Law Day shall be held on the first and third Wednesday, after the first Monday of each month, at 9:00 A.M. Division II, Municipal Court for Gilman City shall be held on the first Wednesday, after the first Monday of each month. Division II, Municipal Court for the City of Bethany shall be held on the third Monday of each month.

3. In Mercer County Division II of Court shall be held on the first and third Tuesday of each month, and Division II, Municipal Court shall be held on the fourth Thursday of each month.

4. In Putnam County Division II of Court shall be held on the second and fourth Tuesday of each month, and Division II, Municipal Court shall be held on the fourth Tuesday of each month.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

The Circuit Clerk shall prepare and distribute to interested counsel or parties, prior to the time designated below, a written docket of all cases filed and pending in Division I.

a. Criminal Cases

All criminal cases will be called as follows:

In Mercer County on the 2nd Wednesday following the 1st Monday of January, May and September.

In Grundy County on the 2nd Thursday following the last Monday of January, May and September.

In Putnam County on the 3rd Wednesday following the 1st Monday of January, May and September.

In Harrison County on the 3rd Thursday following the 1st Monday of January, May and September.

b. Civil Cases

All civil cases will be called as follows:

In Mercer County on the 2nd Wednesday following the 1st Monday of September.

In Grundy County on the 2nd Thursday following the 1st Monday of September.

In Putnam County on the 3rd Wednesday following the 1st Monday of September.

In Harrison County on the 3rd Thursday following the 1st Monday of September.

The clerk shall be notified by counsel at least three business days preceding any Law Day of all matters to be heard on Law Day. The clerk shall provide to the Court and counsel a written list or docket of cases for disposition in order of notification as follows:

1. All matters requiring docket entries only i.e., trial settings.
2. All motions whether civil or criminal, but limited to 15 minutes.
3. Arraignments.
4. Sentencing.
5. Pleas.
6. Probation violations.
7. All matters not noticed up properly to be placed on the docket.

If any matter is not ready when called, it will be placed at the end of the docket for its particular category and then if not ready, it will be passed to the end of the day or the next Law Day.

All defendants bound over in felony cases, all defendants taking change of venue in criminal cases, and all defendants appealing from Division II, Municipal, shall unless otherwise directed appear on the first Law Day or Term Day following filing of information, indictment, or the original case file in the Office of the Circuit Clerk, provided such information, indictment, or original case file shall be filed at least five business days preceding such Law Day. If filed thereafter, the defendant shall appear on the next succeeding Law Day.

RULE 3. PLEADINGS

3.1 CAPTIONS

a. The following caption is required in Division I:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

(name)
(address)

Plaintiff,

vs.

Case No. _____
Division I ***

(name)**

(address)
(city)

Defendant.

CAUSE*

Signed (Attorney of Record)
(Address)
(Telephone Number)
(Missouri Bar No.)

* The party shall state nature of action.

** If a corporate defendant, also list officer or registered agent in charge with address on the petition. If a foreign corporation, also give address or local office and name of officer in charge on the petition.

*** If the case is a juvenile proceeding the word "Division I-Juvenile" will be on the petition.

b. The following caption is required in Circuit Court, Division II: "In the Circuit Court of _____ County, Missouri, Division II", thereafter shall appear the names and designation of the parties in the usual manner. To the right side of the designation of parties shall appear "Case No._____" below which shall appear the words "Circuit Court, Division II,". All cases filed in Division II for probate proceedings will be designated "Circuit Court, Division II, Probate"; the words "Circuit Court, Division II, Small Claims" shall designate small claims cases; the words "Circuit Court, Division II, Municipal" shall designate municipal cases; the words "Circuit Court, Division II, Civil" shall designate civil cases; and the words "Circuit Court, Division II, Criminal" shall designate criminal cases.

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 his attorney offering the same for filing together with the address, telephone and bar identification numbers and e-mail address of the trial attorney in 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 he must also subscribe his 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.

Accompanying the pleading or motion should be a Party Identification Form. The form will list party type, name, address, social security number and birthdate of initiating

party, responding party and any additional parties. The form will be furnished by the circuit clerk.

The circuit clerk shall not receive for filing any pleadings, motions or papers unless there has been a complete compliance with this rule.

RULE 4. FILING OF CASES

4.1. CRIMINAL CASES

The following matters shall be filed as designated:

a. All cases of misdemeanor or infraction should be filed with the Court clerk of Circuit Court, Division II, criminal or municipal, as applicable.

b. All complaints charging a felony shall be filed with the Court clerk of Circuit Court, Division II, Criminal.

c. All indictments shall be filed in the office of the Circuit Clerk.

4.2. CIVIL CASES

a. All civil cases, unless otherwise indicated in this rule, shall be filed with the circuit clerk.

b. All civil cases where the sum demanded does not exceed twenty-five thousand dollars (\$25,000.00); all cases arising under Chapters 213, 272, 302 (except Section 302.535), 303, 388, 429, 430, 444, 482, 521, 533, 534, 535, 577 and Section 193.115, RSMo., shall be filed with the court clerk of Circuit Court, Division II of the appropriate county.

4.3. PROBATE CASES

All probate cases shall be filed with the court clerk of Circuit Court, Division II, Probate of the appropriate county.

4.4. JUVENILE CASES

All juvenile cases including adoptions shall be filed with the circuit clerk of the appropriate county.

4.5. SMALL CLAIMS CASES

All small claims cases shall be filed with the court clerk of Circuit Court, Division II, Small Claims, of the appropriate county.

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 court clerk of Circuit Court, Division II, Municipal presided over by the associate circuit judge.

4.7. ELECTRONIC FILING

1. Authority for rule.

Paper documents mailed and postmarked prior to May 23rd, 2016 shall be accepted for filing. Effective May 23rd, 2016, all pleadings, motions and other documents shall be filed electronically, as provided by Supreme Court Rule 103 and Court Operating Rule 27, except for the following documents which may be filed on paper:

- (a) Documents filed by pro se litigants;
- (b) Documents prepared within a courtroom during trials and hearings.
- (c) Documents filed by special court order.

2. Risk of Loss

Risk of loss of transmission, failure of receipt by the clerk, or illegibility of the document is upon the person or party transmitting and filing electronically.

If the document is lost in transmission, or is otherwise not received by the clerk, the document shall be deemed to not have been filed. If the document is only partially received, or is only partially legible, only that part which is received, or is partially legible shall be deemed filed.

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 proper receipt shall be given, the following amounts. No summons or process shall be issued by the clerk until receipt of the fee, or until granting of an order waiving the fee as provided by law or these local rules.

ELECTRONICALLY FILED

In all cases filed by electronic format in this circuit there shall be deposited with the appropriate clerk, for which the clerk shall give a receipt, the following sums:

Circuit Division I:

All original civil cases except as noted below:	\$100.00
Filing of Foreign Judgments	\$100.00
Motions for Examination of Judgment Debtor	\$100.00
All family domestic matters including:	
Dissolution of Marriage, Motions to Modify, Child Support, Paternity, Child Custody, and Family Access Motions	\$102.00
Adoptions	\$150.00
All civil actions requiring the appointment of a Guardian-Ad-Litem shall include an additional Guardian-Ad-Litem Fee of (except for adoptions subsidized by Missouri Children's Division)	\$300.00

Probate Division: Per Statute

Associate Division:

All except small claims	\$48.00
Small claims	\$35.00

NOT ELECTRONICALLY FILED

In all cases filed by paper format in this circuit there shall be deposited with the appropriate clerk, for which the clerk shall give a receipt, the following sums:

Circuit Division I:

All original civil cases except as noted below	\$150.00
Each additional defendant	\$30.00
Each out-of-circuit service	\$35.00
Filing of Foreign Judgments	\$150.00
All family domestic matters including:	
Dissolution of Marriage, Motions to Modify, Child Support, Paternity, Child Custody, and Family Access Motions	\$150.00
Adoptions	\$200.00
All civil actions requiring the appointment of a Guardian-Ad-Litem shall include an additional Guardian-Ad-Litem Fee of (except for adoptions subsidized by Missouri Children's Division)	\$300.00

Probate Division: Per Statute

Associate Division:

All civil cases except small claims and Landlord/Tenant	\$73.00
Small claims (plus service fee)	\$60.00
Landlord/ Tenant	\$70.00
All cases with multiple defendants (per additional defendant)	\$30.00

5.2. COSTS

In all criminal cases an additional fee of \$2.00 shall be assessed as costs by the circuit clerk, court clerk, and municipal court clerk as provided by law, order of the county court, or ordinance of the municipalities to be used for training of law enforcement personnel.

In all civil cases and in all criminal cases a sum of \$3.00 shall be assessed and taxed as costs for the Sheriff's Retirement System, as provided in Section 57.955 RSMo.

In all circuit civil cases a sum of \$2.00 shall be assessed and taxed as costs for the Green Hills Women's Shelter.

The fees provided for in this rule shall be collected by the circuit clerk or Court clerk and paid over to the County Treasurer or the Sheriff's Retirement Board, as required by law.

5.3. WITNESS FEE

(No Local Rule.)

5.4. WAIVER OF FEES

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

b.) If the provisions of the above paragraph 5.4.a. 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.

5.5 MOTION FOR SECURITY

(No Local Rule.)

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

The following cases will be heard by an associate circuit judge under the procedure applicable under Chapter 517 RSMo.:

1. All civil actions filed in Associate Circuit Court of the Associate Circuit Court;
2. Actions against any railroad company to recover damages for killing or injuring animals;
3. Actions for unlawful detainer authorized by Chapter 534, RSMo.;
4. Action for rent and possession authorized by Chapter 535 RSMo.;
5. Petitions for review of driver's license revocations and hardship driving privileges;
6. Such other cases that could be heard and determined by an associate circuit judge without assignment by the Presiding Judge, as provided by law.

In addition to the above cases, an associate circuit judge shall hear and determine the following cases:

1. Cases of misdemeanor or infraction, except as otherwise provided by law;
2. Felony cases prior to the filing of information;
3. Municipal ordinance violation cases when provision is not made for a municipal judge. When municipal violation cases are heard by an associate circuit judge, on request from municipality, they may be determined individually or by means of a Municipal Traffic Violation Bureau established on authority of this Rule and by order of the associate circuit judge;
4. "Small claims" cases under Chapter 482 RSMo.;
5. Cases that a circuit judge can hear in chamber when a circuit judge is absent from the county.

The associate circuit judges of this circuit shall hear and determine the following cases on the record under procedures applicable before circuit judges:

1. Approval of settlements in actions involving claims by or on behalf of minors;
2. Change of name proceedings;
3. Appeals from the municipal division;
4. All domestic relations matters, including but not limited to dissolutions of marriage, legal separations or separate maintenance, modification of child custody and child support, establishment of paternity of child, establishment or enforcement of child support including contempt proceedings, except any party may file a written request that the case be heard by the presiding judge with time limits as prescribed by Supreme Court Rule 51.05 (b). (Amended and effective April 11, 2001.);
5. Uncontested actions involving the title of real estate;

6. Adversary proceedings in the probate division;
7. Adult abuse cases under Chapter 455 RSMo.;
8. In the absence of the Presiding Judge, Juvenile Detention and Protective Custody Hearings (Amended and effective May 16, 2005.);
9. The issuance of temporary emergency orders in juvenile matters in the absence of the Circuit Judge (Amended and effective April 11, 2001.);
10. Trust estates after trustees are appointed and authorized to begin administration of trust. (See Local Court Rule 74);
11. Cases assigned to associate circuit judges by order of the presiding judge.

6.1.2. SPECIAL ASSIGNMENTS

(...)

6.2 ASSIGNMENTS TO CIRCUIT JUDGES

(...)

6.3. CERTIFICATION TO CIRCUIT DIVISION

(...)

6.4. TRIAL DE NOVO

(...)

6.5. DISQUALIFICATION OF JUDGE

(...)

6.6. ABSENCE OF JUDGE

In the event of any extended absence of an associate judge or municipal judge, the presiding judge shall designate by order another associate judge, municipal judge or the presiding judge, as may be indicated, to serve during such absence.

6.7. ABSENCE OF PRESIDING JUDGE

In the event the presiding judge shall be absent from the circuit for an extended period, he may by order designate an associate judge as acting presiding judge during such absence.

6.8. CHANGES OF VENUE WITHIN THE CIRCUIT

When a party has requested a change of venue in an Associate Court case and the case is ordered transferred to a county within the Circuit, the Associate Circuit Judge in

the county where the case is transferred shall preside over the case. (Amended and effective January 31, 2001.)

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

No official files of the circuit court or any division thereof shall be removed from the office of the circuit clerk or court clerk except in the custody of employees of the circuit court.

7.2. DUPLICATING POLICY

Requests for copies of court records should be directed to the court clerk. No charge shall be made for copies of documents furnished to any city, county, state agency or state department. Individual parties shall be charged no more than \$25.00 per tape or CD by the court clerk.

RULE 8. PUBLICATION OF DOCKET

8.1. TRIAL DOCKET

(...)

8.2. DISMISSAL DOCKET

The circuit clerk shall each four (4) months, on January 1, May 1, and September 1 of each year, prepare a dismissal docket of all civil cases pending in Division I in which no activity has been noted on the docket sheet for four months. The clerk shall notify in writing counsel of record by ordinary mail that such case is subject to dismissal at least twenty (20) days prior to the order of dismissal. Parties not represented by counsel of record, shall be notified by ordinary mail at their last known address. Dismissal shall be without prejudice but shall be re-instated only upon written motion for good cause.

RULE 9. COURTROOMS

9.1. ASSIGNMENT OF COURTROOM

(...)

9.2. PLACE OF HEARING

Hearing in civil and criminal proceedings shall be held in the Circuit Courtroom of the county where the case is filed, with the following exceptions:

a. Non-jury hearings in civil and criminal proceedings shall be held at a location designated by the court, which is accessible to the physically handicapped, upon written request made to the court thirty days prior to hearing by a physically handicapped party litigant.

9.3. USE OF COUNSEL TABLE

(...)

9.4. COURTROOM DECORUM AND DRESS

a. The sheriff or his deputy and the clerk or deputy clerk shall be in the courtroom at all times when the court is in session, unless excused by court.

b. The bailiff (if excused, the clerk) shall formally open each session of the court, shall enforce the rule against smoking while court is in session, and shall quietly and politely abate any noise or display which distracts from the business of the court.

c. Counsel should not hold conferences with clients or witnesses in the courtroom while the court is hearing other matters and should assist the court in maintaining order and proper decorum.

d. Cell phones, pagers and other voice communication devices shall be turned off or to vibrate while court is in session.

e. Attorneys and court personnel shall wear appropriate business and professional attire while court is in session. Other persons shall wear appropriate attire while court is in session. Whether or not an attorney, court personnel or other person is dressed appropriately shall be determined at the discretion of the court. At a minimum, the following shall be considered inappropriate dress and attire: tank tops, shorts, t-shirts with inappropriate verbiage, pictures, or subject matter, sweatpants, sweatshirts, pajamas, lounge pants, house shoes, and trousers sagging to reveal exposed skin or undergarments. Hats, caps and sunglasses must be removed while court is in session.

f. Infants and children will be required to leave the courtroom if crying, talking or being unruly.

g. Respectful behavior is expected at all times.

h. Violation of this rule may result in the attorney or party not being permitted to proceed before the court, and the case or matter continued to another day, or until the inappropriate attire and/or behavior is corrected, at the courts discretion. The court shall have the sanction of contempt available to enforce this rule.

9.5. WHO IS PERMITTED WITHIN THE BAR

9.6. COURTROOM SECURITY MEASURES FOR HIGH RISK TRIAL AND PROCEEDINGS

The following measures are adopted by the court, to-wit:

1. High risk trials are defined as follows:

a. One that provokes a strong, emotional response from the general public or interest groups; and/or

b. Intelligence information presents reason to believe that a security risk exists; and/or

c. Defendant, in a state case, has a history of escape and/or violence.

2. High risk trials or proceedings, how determined - Determination shall be made by the trial judge in consultation with the Presiding Judge.

3. Security Committee - Members of the security committee for high risk trials and proceedings shall consist of the Trial Judge, the Sheriff, the Court Bailiff and the Presiding Judge ex-officio member. The committee may request other persons to sit with the committee in its duties.

4. Security Personnel. Security personnel shall be assigned to each high risk trial or proceeding. Security personnel shall be under the direction of the sheriff or his designee

5. Security Plan or Prevention. A security plan shall be developed by the sheriff in consultation with the security committee for each high-risk trial or proceeding. The security plan shall consider but not be limited to the following items:

a. Visitors' Security

1. All persons shall enter the courtrooms through the designated entrance, which shall be controlled by an uniformed officer.

2. Seats in the courtroom shall be by assignment.

3. A visitor's log shall be maintained of all visitors entering

4. A "person search" shall be made by the use of a hand-held metal detector of visitors entering the courtroom. If a "person search" is to be conducted people will empty their pockets into containers and purses are to be inspected or emptied. Visitors not agreeing to abide by these regulations shall not be admitted to the courtroom.

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 on completion. In the event the deposit is insufficient to pay for a 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.

Such orders for transcripts on appeal or testimony of witnesses heard by an associate circuit judge, where the record was made by approved electronic process, shall be made direct to the associate circuit judge who heard the case. He shall make such orders with respect thereto as may be reasonable and proper until otherwise directed by rule.

RULE 11. RECORDING OF JUDICIAL PROCEEDING

11.1 USE OF RECORDING BY CIRCUIT JUDGE.

The Circuit Judge may, at his discretion, elect to use a recording device to preserve the record in any case where he deems that method appropriate as a substitute for preservation of the record by his official court reporter.

11.2 UNAUTHORIZED RECORDINGS.

All persons except those authorized by the court to preserve the record shall refrain and are prohibited from broadcasting, televising, recording, taking photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in session and during recesses.

RULE 12 MONIES PAID INTO COURT

12.1 BOND IN CIVIL CASES

(...)

RULE 13. COMMUNICATIONS WITH COURT

13.1. ORAL COMMUNICATIONS WITH THE COURT

Ex parte communications to a judge about a pending case will not be considered confidential and ex parte records, or memorandums of the conversation may be placed in the court file.

13.2. WRITTEN COMMUNICATIONS WITH THE COURT

Any attorney or party who sends a written communication to the court is responsible for sending a copy to opposing counsel, to all unrepresented parties, and to the clerk of the court.

GENERAL RULES

RULE 21 ATTORNEYS

21.1. RESOLUTIONS OF CONFLICTING TRIAL SETTING

(...)

21.2. ENTRIES OF APPEARANCE

No written entry of appearance by a defendant or respondent will be accepted in lieu of service of summons unless it has been executed and acknowledged in same manner as is required by law in the execution of deeds of conveyance and recites that defendant or respondent has received a copy of the petition.

21.3. CONDUCT OF ATTORNEYS

(...)

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, of Professional Responsibility.

An attorney who desires to withdraw as attorney of record for any party to any action pending in this court shall comply with the following procedures.

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

b. 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.

c. 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.

d. If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his 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 Local Court Rule 37)

21.6. APPOINTMENT OF ATTORNEYS

(...)

21.7 AGREEMENT OF ATTORNEYS

No private or prior stipulation or agreement between parties or attorneys in a pending cause 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 his client and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

He is to advise his 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 the 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.

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM

(...)

RULE 23. TRANSCRIPTS

(...)

RULE 24. EXHIBITS

24.1 EXHIBITS

The attorney is responsible for all exhibits before, during, and after trial. Exhibits should be marked for identification prior to trial.

24.2 EXHIBIT LIST

Each attorney in every case, both jury and court-tried, shall present to the court at the pre-trial conference a list of all exhibits to be offered.

PRE-TRIAL MATTERS

RULE 32. DISCOVERY

32.1. USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

The Court may require a party requesting a trial setting to represent to the court that the case is at issue, that all motions have been disposed of, and that all discovery has been completed. No further discovery can be made by the requesting party without order of the court. The party not requesting a trial setting shall have ten (10) days after trial setting in which to begin any additional discovery. Any discovery requested after that date will require an order of the court.

32.2. INTERROGATORIES

1. The use and scope of interrogatories is governed by Rules 56.01 and 57.01 of the Missouri Rules of Civil Procedure.

2. Any party propounding interrogatories in civil or domestic relations actions shall leave an appropriate space for the answer to each interrogatory.

3. The original and two copies of the interrogatories shall be served upon adverse counsel. Interrogatories are not to be filed with the court except as provided by Supreme Court Rule 57.01. The interrogating party shall show on the interrogatories the certificate of mailing and shall file with the court at the time they are mailed a separate certificate of mailing of the interrogatories which shall include the following:

- a. The party to whom mailed.
- b. The date of mailing.
- c. Designation of pleading as first interrogatories, second interrogatories, etc.
- d. The signature of attorney or party mailing the interrogatories.

4. The answers to interrogatories will be typewritten in the spaces provided. In the event an answer is too lengthy to be placed in the space provided, it shall be attached as an appendix and clearly identified.

5. The answering party shall prepare an affidavit to be signed by the party and attach it as a last page of the interrogatories and then file the completed original affidavit with the clerk of the court, mailing a copy to each party.

6. No party shall serve on any other party more than twenty (20) interrogatories in the aggregate in a domestic relations case without leave of court or consent of opposing counsel. No party shall serve on any other party more than thirty (30) interrogatories in the aggregate in all other civil cases without leave of court or consent of opposing counsel. In all civil cases, including domestic relation cases, subparagraphs of any interrogatories shall relate directly to the subject matter of the interrogatory and shall not exceed four (4) in number. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for the additional interrogatories. Any number of additional interrogatories may be filed and served if attached thereto is the written consent of counsel for the party to which the interrogatories are directed.

32.3. DEPOSITIONS

Following final disposition in civil cases, the clerk of any division may cause depositions in the file of the case to be returned to the custody of the attorney for the party on whose behalf it was taken, who shall thereafter be responsible for them. If the clerk shall deliver depositions as herein provided, notation thereof shall be made on the docket sheet of the case file.

32.4. MOTION FOR SANCTIONS

(...)

32.5. CRIMINAL DISCOVERY

(See Supreme Court Rule 25)

(Also see Local Court Rule 68 for specific discovery in dissolution of marriage)

RULE 33. PRE-TRIAL MOTIONS

33.1. HEARING DATES

All pre-trial motions, including Motions in Limine, made by either party shall be filed, noticed and heard no later than seven (7) days prior to the date set for trial unless otherwise set by the court.

Except for good cause shown, no motion shall be filed later than seven (7) days before the trial date. Any motion filed later than seven (7) days before the trial date shall be subject to automatic denial.

33.2 BRIEFS IN SUPPORT OF MOTIONS—WHEN REQUIRED

The original motion and supporting suggestions, if any, and opposing suggestions shall be filed with the circuit clerk. A copy of the motion and any suggestions is to be mailed to or delivered to the judge assigned to hear the cause. A copy of the pleadings to which the motion or suggestions is directed shall be attached.

Motions filed without suggestions may be ruled on summarily in chambers without prior notice to any attorney or party.

When suggestions are filed with a motion, opposing parties or attorneys shall have ten (10) days to file opposing suggestions.

If any party submits an affidavit signed by the party or attorney, stating that it is necessary to support or oppose the motion by testimony and exhibits, and that the request is not being made for vexation or delay, the Court may in its discretion set the motion for evidentiary hearing.

Motions for temporary relief in dissolution of marriage cases or for change of judge need not be accompanied by suggestions.

33.3. ORAL ARGUMENTS – WHEN DESIRED AND HOW REQUESTED

Oral argument on any motion shall be allowed if requested in writing by either party within ten days of service of the motion or if set for oral argument by the Court. If no party requests oral argument, motions may be ruled on in chambers without prior notice to any attorney or party.

RULE 34. CONTINUANCES

34.1. CIVIL CASES

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally. For good cause shown, the court may continue a civil action to a fixed day, or to a day for trial to be set thereafter. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the court. All applications for continuances shall conform to Supreme Court Rule 65.03.

34.2. CRIMINAL CASES

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally. A continuance will be granted in criminal cases only if the court finds the ends of justice served by granting the continuance outweighs the benefits of a speedy trial. For good cause shown, the court may continue a criminal proceeding to a fixed day for trial, or to a day for trial to be set thereafter. Every continuance granted on application of a party may be at the cost of such party, if so ordered by the court. All applications for continuances shall conform to Supreme Court Rule 24.

RULE 35. PRE-TRIAL CONFERENCE

A pre-trial conference, herein designated as a trial management conference is required not less than one week prior to a jury trial, and may, upon order of the court, be conducted in a court tried case.

At that conference counsel for all parties shall be present and be prepared to discuss, for the purpose of an organized trial the following matters:

Exhibits - prepared to be appropriately marked; reviewed by opposing counsel for possible stipulation as to authenticity and admissibility; and discuss their use during trial.

Witnesses -- review the scheduling of witnesses to insure that there will not be a break in the presentation of testimony; address any legal problems or conflicts with the potential witnesses; review the nature of the testimony to avoid duplication or determine what can be presented by stipulation, admissions, etc.

Issues - determine what issues of law or fact are in dispute and those which are not.

Motions - review all pending motions filed and make formal rulings or defer until trial.

Instructions - all parties are to submit proposed jury instructions; review instructions and determine which are agreed to and which are in dispute; clarify the parties position on those instructions in dispute.

Voir Dire - review the procedure to be followed during voir dire; determine questions which will be asked by the court and areas of inquiry that counsel wish to pursue.

Miscellaneous - counsel should be prepared to discuss the status of settlement negotiations to insure that all appropriate methods or approaches to resolution have been pursued and determine whether or not the parties wish to proceed to a jury trial. (See Local Court Rules 38 and 68)

RULE 36. SETTING CASES FOR TRIAL

36.1. REQUEST FOR TRIAL

Trial settings will be by order only upon notice or by agreement.

36.2. DATE OF CALENDAR

(...)

36.3. PREPARATION OF CALENDAR

(...)

36.4. CALENDAR CALL

(...)

36.5. INACTIVE CALENDAR

(See Local Court Rule 8.2)

36.6. REVISION OF AND REMOVAL FROM PREPARED CALENDAR

(...)

36.7. SPECIAL ASSIGNMENTS

(...)

RULE 37. DISMISSALS

37.1. DISMISSAL DOCKET

(See Local Court Rule 8.2)

RULE 38. ALTERNATIVE DISPUTE RESOLUTION

38.1. ESTABLISHMENT OF LOCAL RULE

(1) Pursuant to Supreme Court Rule 17, the Court adopts the following Alternative Dispute Resolution (A.D.R.) local rule. The purpose of this local rule shall be to foster timely, economical, fair and voluntary settlement of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial. This rule shall apply to civil actions to be heard on record.

(2) A.D.R. shall include arbitration, early neutral evaluation, mediation, mini-trial, and summary jury trial, all as defined by Supreme Court Rule 17.01, and any other A.D.R. procedures approved in advance by the Court. A.D.R. shall be non-binding unless the parties enter into a written agreement to the contrary.

38.2. CLIENT(S) TO BE NOTIFIED OF A.D.R.

In all civil actions to which this rule applies, counsel shall discuss the availability of A.D.R. with their client.

38.3. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION

The Court may enter an Order of Referral to A.D.R. in one of the following three ways:

(1) If all parties agree to utilize an A.D.R. procedure. In such an event, the parties shall file a stipulation with the clerk of the court where the cause is pending, and a copy to the office of the judge assigned to hear the case, that includes the type of A.D.R. being utilized and the name, address and telephone number of the person(s) serving as the neutral(s).

(2) On motion of any party if the court determines that the case is appropriate for A.D.R.

(3) On the Court's own motion.

When the Court orders the parties to participate in A.D.R., the parties shall proceed accordingly and shall report the outcome thereof as provided by Supreme Court Rule 17.05. The results shall be reported within 90 days of the Order of Referral, or within ten days of the conclusion of A.D.R., whichever is sooner, unless another time is set by the Court.

If the Order of Referral is made by reason of a party's motion, or on the Court's own motion, the Court shall determine the type of A.D.R. to be utilized.

Discovery shall not be delayed during the pendency of the A.D.R. process, unless otherwise ordered by the Court upon motion of a party, or on the Court's own motion.

38.4. SELECTION OF NEUTRAL(S)

Within ten days of the Order of Referral, the parties shall jointly select a neutral(s) available and willing to serve. In the event the parties cannot agree upon the neutral(s) to be selected, the Court shall make the selection. The parties may, at any time, agree upon any other neutral(s).

Each neutral(s) selected by the parties, or by the Court, shall be (1) from the list of Dispute Resolution Neutrals maintained by the Missouri Bar or (2) from qualified persons who have not met the minimum training requirement of Rule 17, but who have had equivalent experience in conducting dispute resolutions.

38.5. RESPONSE TO ORDER OF REFERRAL

When an Order of Referral is made by reason of a motion of any party, or on the Court's own motion, then not later than 30 days after entry of the Order of Referral, counsel for any party may respond as follows:

(1) After conferring with their client(s), all other attorneys, and all unrepresented parties, and after concluding that referral to A.D.R. has no reasonable chance of being productive, counsel for any party may opt out by so advising the Court in writing. The notice to the Court shall state why counsel believes A.D.R. would be unproductive. The matter shall not thereafter be referred by the Court to A.D.R. absent compelling circumstances, which shall be set out by the Court in any additional order requiring the case to continue in A.D.R.

(2) Agreeing to utilize the A.D.R. process, but requesting the Court to select a different neutral person(s).

(3) Agreeing to utilize the A.D.R. process, but requesting the Court to choose a different type of A.D.R. to be utilized by the parties.

38.6. ATTENDANCE

Unless the Court orders otherwise, all parties (or their representatives with authority to resolve the case, including insurance carriers) shall attend the A.D.R. meeting set by the neutral(s). Unless the Court orders otherwise, all parties shall comply with the neutral(s) request for information about the case.

38.7. CONFIDENTIALITY

The proceedings shall be private, confidential, and regarded as settlement negotiations as provided in Supreme Court Rule 17.05 and 17.06. No stenographic, electronic or other record of an A.D.R. process shall be made.

38.8. COMPENSATION

The mediator, arbitrator or other neutral(s) shall receive such compensation as the parties and the person selected agree. The fee, unless otherwise agreed by the parties, shall be borne equally by the parties, and shall be paid directly to the person selected. The Court shall have the right to review the reasonableness of the fee charged by the neutral.

38.9. DISQUALIFICATION AND WITHDRAWAL OF NEUTRAL(S)

No person shall serve as a neutral in a proceeding in which the neutral is interested, prejudiced, related to a party, has been counsel to a party in the cause, or under any other

circumstances which reasonably calls into question the neutral's impartiality. A neutral may withdraw for any reason deemed appropriate by the neutral.

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

A. In any action or proceeding, if Defendant is in default, the plaintiff shall file an affidavit setting forth facts showing that defendant is not in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in military service or that plaintiff is not able to determine whether or not defendant is in such service. (Source U.S.C.A. 50 app. Section 520)

B. It shall be the duty of counsel to ascertain that process has been properly served in time, and to furnish a memorandum of the amount claimed before requesting judgments on undefended actions on bonds, bills, notes and accounts.

RULE 51. COURT-TRIED CASES

51.1. DEFAULT AND UNCONTESTED MATTERS

(...)

51.2. CONTESTED MATTERS

(...)

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.

51.4. SUBPOENAS

Request for subpoenas will be issued by the circuit clerk and sent by the clerk to the person making such request. Service of the subpoena, and the expense therefore, shall be the responsibility of the person requesting the subpoena.

RULE 52. SELECTION OF JURY

52.1. JURY QUESTIONNAIRE

The circuit clerk shall submit to all prospective jurors summoned during any term of court jury questionnaires as directed by the court. Completed jury questionnaires shall be available to counsel in the office of the circuit clerk. Information on jury questionnaires is considered confidential and shall not be disseminated by counsel or parties or used for any purpose other than the selection of jury for trial. Counsel will not question prospective jurors on any matter covered by the questionnaire without leave of the court.

RULE 53. JURY TRIALS

(...)

RULE 54. JUDGMENT ENTRY

54.1. CONTESTED CASES

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the judgment to the court for its approval.

54.2. DEFAULT OR UNCONTESTED CASES

In default or uncontested cases counsel for the prevailing parties shall on the day of rendition present to the court for its approval the judgment or decree to be entered in the cause.

RULES RELATING TO PARTICULAR ACTIONS

RULE 55. AMERICANS WITH DISABILITIES ACT

55.1. NOTIFICATION

An attorney representing a party or intending to call a witness, who has a disability as defined in the Americans with Disabilities Act and who will require special accommodations shall, not less than five (5) days prior to the scheduled hearing or trial, provide written notice to the court of the special accommodations required.

A party not represented by an attorney who is disabled or plans to call a witness who has a disability as defined in the Americans with Disabilities Act shall likewise provide written notification to the court not less than five (5) days prior to the scheduled hearing or trial of special accommodations required.

RULE 58. PRODUCTION OF DOCUMENTS IN DOMESTIC CASES

a. Availability-Procedure for Use. The provisions of Rule 58 shall apply in domestic relations cases, including dissolution of marriage, legal separation, motions to modify and declaration of paternity cases, except as they conflict herein.

b. Scope. Any party who shall serve on any other party a request to produce a designated document shall attach to the request for production a copy of any such document that they would be required to produce had the request been made to them. If the proponent does not have such documents they shall attach a verified statement that such documents are not in their possession or control. All requests shall be prepared in such a form as to make them gender neutral and party neutral.

c. Extension of Time. Requests for extension of time to produce documents shall be first made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the court file unless an order is requested under Rule 61.01(b) with respect to any objection to or subsequent failure to produce the requested documents.

d. Objections. Subject to local rule, objections to production of document requests shall be filed and noticed for hearing within thirty (30) days of the filing of the request or certificate of service; otherwise, any objection shall be deemed waived.

RULE 61. ADOPTION

61.1. FILING REQUIREMENTS

At the time of filing petition, counsel for the petitioners shall file a Certificate of Adoption (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.135, RSMo.

61.2. HOME STUDY

Upon the filing of a petition for adoption and after order of the court, the Division of Family Services or other agency or person 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 by a copy of order the appropriate agency to conduct such investigation and file a written report thereof.

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

(See Local Court Rule 6.1.1)

RULE 67. CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1 MOTIONS TO SET BOND FOR BOND REDUCTION

Motions to set bond and for bond reductions shall be made in writing addressed to the judge of the division in which the case is pending. Such motions shall be filed with the Court clerk where the case is pending. In the event of the absence or unavailability of the judge before whom the case is pending, such motions shall be submitted to the presiding judge, or to an associate circuit judge assigned to hear the bond request.

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

Members of the Missouri State Highway Patrol, and Sheriffs, and Deputy Sheriffs of Grundy, Harrison, Mercer and Putnam County Sheriff's Office are authorized by this Rule of Court, in their discretion, to accept the chauffeur's or operator's license, issued by the State of Missouri, of any person arrested and charged with violation of a traffic law of the State of Missouri or a traffic ordinance of Grundy, Harrison, Mercer and Putnam Counties in lieu of any other security for the person's appearance in court to answer any such charges.

The license shall not be accepted for deposit when the charge is:

- a. driving while intoxicated;
- b. driving under the influence of intoxicating liquor or drugs;
- c. leaving the scene of an accident;
- d. driving while his license is suspended or revoked;
- e. any charge made because of a motor vehicle accident in which death occurred.

The deposit of the license in lieu of other security shall be under, and subject to, the provisions of Section 544.045 RSMo.

67.1.3. REFUND OF POSTED BAIL BOND MONEY.

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited will be considered by the Court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, and any other related court costs ordered by the Judge may be deducted from the cash bond before any money is refunded to the defendant.

67.2 PRELIMINARY HEARING

(...)

67.3 GRAND JURY

(...)

67.4 ATTORNEYS

(...)

67.5. ARRAIGNMENT

67.5.1. IN GENERAL

(See Local Court Rule 2.4)

67.5.2. DATES

All defendants bound over in felony cases, all defendants taking change of venue in criminal cases, and all defendants appealing from the Municipal Division shall appear unless otherwise directed on the first Law Day following filing of information, indictment, or the original case file in the Office of the Circuit Clerk, provided such information, indictment, or original case file shall be filed at least five business days preceding such Law Day. If filed thereafter, the defendant shall appear on the next succeeding Law Day. (Amended and effective April 11, 2001.)

If the plea is not guilty, the Court may set a date for the filing and hearing of all pre-trial motions. The Court may set the case for trial.

67.6. DISCOVERY

(...)

67.7. MOTIONS

(...)

67.8. PLEA BARGAINING

(...)

67.9. GUILTY PLEA

(...)

67.9.1. WHERE ENTERED

Pleas of guilty may be entered only in the division of the court where the case is originally assigned or in the division where the case is assigned for trial. However, the initial filing of a felony case in the associate division does not allow the defendant to plead guilty in that division.

67.10. CALENDAR

(...)

67.11. PROBATION AND PAROLE

Sentencing Assessment Reports (SARS) or their equivalent, consisting of an original and two copies, shall be filed with the circuit clerk or division clerk of the court

where the case is pending. The clerk shall deliver one copy of said report to the prosecuting attorney and one copy to Defendant's attorney, or to the Defendant if not represented by an attorney.

67.11.1 Earned Compliance Credit and Court Ordered Detention Sanction

Any defendant currently on probation or hereafter placed on probation in the Third Judicial Circuit for the below listed offenses are not eligible for the Earned Compliance Credit as provided in Section 217.703 RSMo due to the nature and circumstances of the offense:

- 1) Involuntary Manslaughter First Degree
- 2) Involuntary Manslaughter Second Degree
- 3) Assault 2nd Degree, except under Subdivision (2) of Subsection 1 of Section 565.060 RSMo.
- 4) Domestic Assault 2nd Degree
- 5) Assault of a Law Enforcement Officer 2nd Degree
- 6) Statutory Rape 2nd Degree
- 7) Statutory Sodomy 2nd Degree
- 8) Endangering the Welfare of a Child 1st Degree under Subdivision (1) of Subsection 1 of Section 568.045 RSMo.
- 9) Felony Weapon Offenses under Chapter 571 RSMo.

Any defendant placed on probation in the Third Judicial Circuit for the below listed offenses are not eligible for the Court Ordered Detention Sanction as provided in 559.036 RSMo due to the nature and circumstances of the offense:

- 1) Involuntary Manslaughter 1st Degree
- 2) Involuntary Manslaughter 2nd Degree
- 3) Aggravating Stalking
- 4) Assault in the 2nd Degree
- 5) Sexual Assault
- 6) Domestic Assault 2nd Degree
- 7) Assault of a Law Enforcement Officer 2nd Degree
- 8) Statutory Rape 2nd Degree
- 9) Statutory Sodomy 2nd Degree
- 10) Deviate Sexual Assault
- 11) Sexual Misconduct Involving a Child
- 12) Incest
- 13) Endangering the Welfare of a Child 1st Degree under Subdivision (1) or (2) of subsection 1 of RSMo 568.045
- 14) Abuse of a Child
- 15) Invasion of Privacy
- 16) Felony Weapon Offenses under Chapter 571 RSMo

It is further ordered that the above is hereby adopted and effective August 29,

2012

67.11.2 Restitution Ordered

Any Person who has been found guilty of or has plead guilty to an offense is hereby ordered to make restitution to the victim(s) for the victim(s) losses due to such offense.

No person shall be released from probation until such restitution is paid. If full restitution is not made within the original term of probation, the Court may extend the term of probation as authorized by law.

If the restitution amount is in dispute, the Court may, after hearing, set an amount of restitution to be paid by the defendant.

Any person currently on probation, or hereafter placed on probation in the Third Judicial Circuit is not eligible for Earned Compliance Credits as provided in Section 217.703 RSMo until all restitution is paid in full.

It is further ordered that the above is hereby adopted and effective May 14, 2014

RULE 68. DISSOLUTION OF MARRIAGE

68.1. FILING REQUIREMENTS

At the time of filing the petition, the attorney for the petitioner shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360 RSMo.

Every petition for dissolution of marriage or legal separation, every motion for modification of a decree respecting maintenance or support, every petition or motion for support of a minor child and every responsive pleading thereto shall contain the name and address of the current employer and social security number of the party filing such pleading and, if known, the name and address of the current employer and the social security number of the opposite party.

68.2. SEPARATION AGREEMENT

In all cases where written separation agreements are made under the provisions of Section 452.325. RSMo., counsel shall prepare and submit to the court at the date of hearing a proposed decree of dissolution or legal separation in all cases where separation agreements have been made and shall include therein those terms of the separation agreement required by Section 452.325 RSMo. Where both parties are represented by counsel, the proposed judgment shall, before being submitted, be approved by both attorneys as to form. (Amended and effective April 11, 2001.)

68.3. FORMS OF DECREE

Prevailing counsel shall promptly furnish the clerk and opposing counsel within 10 days of mailing, the written decree. Any objection shall be at once communicated to the court.

68.4. FILING OF FINANCIAL STATEMENT

1. In all contested action for Dissolution of marriage or legal separation, a Statement of Marital and Non-Marital Property and Liabilities and a Statement of Income and Expenses shall be completed by each party, and executed under oath and said completed form shall be filed with the court and supplied to the opposing counsel fifteen (15) days prior to the date of the pre-trial conference.

2. In all contested actions for dissolution of marriage or legal separation, the information provided on forms shall be updated immediately if any changes occur prior to the date of trial.

3. In all contested actions for dissolution of marriage or legal separation a Summary of Marital and Non-Marital Property and Liabilities shall be prepared by counsel for the petitioner in even-numbered cases and counsel for respondent in odd-numbered cases and shall be filed with the court and supplied to opposing counsel three (3) business days before the date of hearing.

4. In all contested Motions to Modify Child Support, Alimony or Maintenance Statement of Income and Expenses shall be completed in full by each party executed under oath and shall be filed with the Court and supplied to opposing counsel fifteen (15) days prior to the date of pretrial conference.

68.5. DISCOVERY

68.5.1 APPLICABILITY OF RULE

This rule shall apply to all petitions for dissolution of marriage or decree of legal separation, motions to modify and petitions for declaration of paternity filed on or after January 1, 1995.

68.5.2 PRE-TRIAL CONFERENCE - SCHEDULING ~ INFORMATION EXCHANGE

a. Within forty-five (45) days after filing of the return of service where no entry of appearance has been filed, within fifteen (15) days after the filing of an entry of appearance or other pleadings by respondent, or within ninety (90) days after the original pleading has been filed, whichever is earlier, the court shall schedule each case for a pre-trial conference.

The pre-trial conference need not be conducted within the time periods reference herein. This rule requires that the date for the pre-trial conference be set by the court within the relevant time frame with the actual pre-trial conference to be conducted at a date determined by the court.

b. The court shall allocate a specified period of time for each pre-trial conference. The parties shall advise the court in advance of the pre-trial conference if it is anticipated that additional time will be required.

1. If respondent has not filed an entry of appearance and no return of service last been filed, the court may schedule a pre-trial conference to determine status.

2. If a litigant has not retained counsel and fails to appear in person at the pre-trial conference, the court may at that time conduct an evidentiary hearing and enter judgment against said litigant.

c. It is the policy of the court to encourage informal discovery wherever practicable and to avoid the court's involvement in the discovery process. Accordingly, counsel shall exchange income tax return with supporting schedules and employment benefit information prior to the scheduled pre-trial conference.

d. The court may in its discretion exempt a case from its automatic assignment for a pre-trial conference upon the filing of an application, stating the reasons therefore, within ten (10) days of the filing of the order for the pre-trial conference. The application shall be signed by counsel and personally by the party or parties requesting an exemption.

e. Failure of an attorney or litigant to be prepared for, appear at, or cooperate in the pre-trial conference may subject the attorney or litigant to sanctions, including an award of attorney's fees and expenses to any attorney or litigant prejudiced or inconvenienced by such conduct.

68.5.3. EX PARTE REQUESTS

Upon ex parte request of any party, the court may at any time enter an order under which, during the pendency of the proceeding, all parties are prohibited from transferring, concealing, encumbering or in any way disposing of any property, marital or separate, except in the usual course of business or for the necessities of life and, if so enjoined, are required to notify all parties of any proposed extraordinary expenditures and account to the court and the parties for all such expenditures after the date of issuance of the order. Any order entered hereunder shall remain in full force and effect until final judgment without the necessity of further order of the court. A bond is not required unless ordered by the court.

68.6. EDUCATIONAL PROGRAMS

All parents in any action for dissolution, legal separation, change or modification of custody or visitation and any other domestic relations actions involving minor children but excluding adult abuse, child abuse or juvenile court proceedings shall attend such educational programs as may be designated by the court within sixty (60) days after service of the summons upon respondent.

This rule is adopted for the best interest of the children of the parties, and it is not intended to unreasonably delay the administration of justice, or to subject the parties to coercion or duress by an uncooperative party.

The clerk shall give petitioner a notice of this rule and its requirements at the time of the filing of the petition. The clerk shall attach a copy of such notice, rule and the summons and petition issued to respondent.

Each parent shall be required to pay the cost for participation in the program directly to the provider (pursuant to a court approved sliding scale).

The agency which presents the program shall file a certificate of attendance with the appropriate circuit clerk upon completion of the program by each participant.

Upon the failure of any parent to attend the program pursuant to this rule, the court may, upon its own motion or upon the motion of any other party to the action, take appropriate action to enforce compliance with this rule.

Counsel for each petitioner or movant in any action to which this Rule applies shall give notice of the requirement under this Rule to his or her client.

No case shall proceed to commencement of a hearing on the merits until said certificates are filed or until the court, for good cause shown, waives application of this rule.

This Rule shall apply to all parties with cases filed on and after January 1, 1995, whether the case is contested or uncontested.

68.7. ENTRY OF JUDGMENT UPON AFFIDAVIT-REQUIREMENTS

a. Final Orders Entered - When. Final orders in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:

1. There are no minor children of the mother and father and the mother is not pregnant, or the parties are represented by counsel and have entered into a written agreement determining custody and child support; and

2. The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and

3. There is no genuine issue as to any material fact; and

4. There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

b. Affidavit - Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed decree or order, a copy of any written agreement proposed for adoption by the court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a decree of dissolution or decree of legal separation.

c. Hearing Required - When. The court shall not be bound to enter a decree or order upon the affidavits of either or both parties, but the court may, upon its own

motion, require that a formal hearing be held to determine any or all issues presented by pleadings.

RULE 69. MUNICIPAL DIVISION

(...)

RULE 70. PARTITION

Judicial sales must be held on a Term or Law Day designated or other date previously set by the court.

RULE 71. ADMINISTRATIVE REVIEWS

(...)

RULE 72. PROBATE

RULE 73. SMALL CLAIMS

(...)

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 trustee was appointed, an inventory in writing of the property and effects comprising the trust estate.

74.2. REPORTS

Every trustee shall annually 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. AUDITS

Prior to approval of a trustee's report to the Court, the Court may order the report to be audited by a qualified person appointed by the Court.

POST TRIAL

RULE 81. EXECUTION

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

1. Style and number of case in which judgment was obtained;
2. Date judgment entered or last revived;
3. 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;
4. The full name and current address, if known, of the judgment debtor;
5. A full description of the property to be executed on;
6. The return date on the execution (30, 60, or 90 days);
7. Any special instructions to be provided the sheriff performing the execution.

Twenty-five (25) dollars to apply toward sheriff's fee shall be paid to the clerk at the time of filing the application, except in small claims cases.

RULE 82. GARNISHMENT

(...)

RULE 83. JUDICIAL SALES

(See Local Court Rule 70)

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION

100.1. PRESIDING JUDGE

There being only one (1) Circuit Judge in this Circuit, the Circuit Judge shall be the Presiding Judge. When the Presiding Judge is absent from the Circuit, one of the Associate Circuit Judges of the Circuit shall be appointed as Acting Presiding Judge in advance at the discretion of the Presiding Judge. When the Presiding Judge is absent from the Circuit and has not appointed an Associate Circuit Judge as Acting Presiding Judge, the Chief Justice of the Supreme Court may, in his/her discretion, appoint an Acting Presiding Judge from among the Associate Circuit Judges in the Circuit.

100.1.1. ELECTION

This circuit is to elect a presiding judge. He is to be elected each even numbered year to serve a two year term beginning in January. He is to be elected from among the

circuit judges within the circuit by a majority of the circuit and associate circuit judges. The voting will be a meeting of the court en banc called for this purpose and will be by secret written ballot. The meeting will be held in the month of December in the year preceding (2 years preceding) his service. In case the presiding judge is unavailable the Chief Justice of the Supreme Court will appoint a judge to serve.

100.1.2. DUTIES OF PRESIDING JUDGE

The presiding judge is the general administrative authority of the court.

The presiding judge has the authority to assign cases to judges and judges to divisions, but the presiding judge is not to assign:

1. a municipal judge to hear any case other than to initially hear municipal ordinance violation cases,

2. a judge to try a felony case when that judge conducted the preliminary hearing, unless Defendant has:

(A) Signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial, or

(B) Indicated on the record that the defendant is permitting the same judge to hear both the preliminary hearing and the trial.

3. a case to a judge contrary to Supreme Court Rule or Local Court Rules.

The meetings of the court en banc may be called by the presiding judge or by two judges giving written notice. If any judge so requests the meeting will be on the record. The presiding judge may call a special term of court. The presiding judge may appoint a secretary and any additional personnel to aid in the judicial business of the circuit.

100.1.3. DISPUTE RESOLUTION

(...)

100.2. LOCAL COURT RULES

(...)

100.2.1. FORMULATION

(...)

100.2.2. PUBLICATION

(...)

100.3. LIBRARY FUND

The Law Library fee of \$15.00 shall be paid into the Law Library Fund. The Circuit Clerk of each Circuit Court of this Circuit is herewith designated as Treasurer, Law Library Fund, of their respective counties. In such capacity, the

Treasurer shall receive and receipt for such monies delivered to the Treasurer pursuant to Section 514.480 RSMo., and shall deposit such monies in an interest bearing account. Expenditures from such Library Fund shall be for the maintenance and upkeep of the respective county law libraries and such expenditures may be authorized by the Presiding Judge of this Circuit as to all counties and the Associate Circuit Judge of the Circuit Court in each respective county. The Treasurer of each Law Library Fund shall account on a calendar year basis, and shall deliver the report of the status of the accounts and expenditures to the Presiding Judge on the Term Day in January in their respective county. (Amended and effective January 15, 2002.)

RECORDS AND FILES

100.4. STORAGE OF RECORDS

100.4.1. REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES

(...)

100.4.2. REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES (AND THEIR CONTENTS)

(...)

100.4.3. RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTERS' NOTES

(...)

100.4.4. IDENTIFICATION OF REPORTERS' NOTES

(...)

100.4.5. INDEX

(...)

100.4.6. STORAGE OF NOTES

(...)

100.4.7. NOTES OF SUBSTITUTE REPORTERS

(...)

100.4.8. STORAGE OF NOTES UPON RETIREMENT, TERMINATION OR DEATH OF COURT REPORTER

(...)

100.4.9. BOXING AND STORING OF OLD NOTES

100.4.10. RESPONSIBILITY FOR FURNISHING MATERIAL AND SPACE FOR STORAGE OF COURT REPORTER NOTES

(...)

100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS

(...)

100.4.12. PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL RECORDS

(...)

100.5 CLERK'S DUTIES

(...)

100.5.1. MONIES PAID INTO COURT

(...)

100.6. SELECTION OF VENIREMEN

(...)

FORMS

Income and Expense Statement

SAMPLE

IN THE CIRCUIT COURT OF
DIVISION I

COUNTY, MISSOURI

IN RE THE MARRIAGE OF:

PETITIONER,

AND

CASE NO. _____

RESPONDENT.

INCOME AND EXPENSE STATEMENT OF

(Name of Party) (Social Security No.)

(Statement to be current within 15 days of hearing)

I. MY INCOME

- A. Gross Wages or Salary and Commissions Paid To Me each Pay Period: \$ _____
PAID: Weekly _____ Bi-Weekly _____ Semi-Monthly _____ Monthly _____
- B. MY MONTHLY GROSS WAGES OR SALARY: \$ _____
- C. My Tax Status Claimed: Single _____ Married _____ Head/Household _____
Number of Persons Claimed as Deductions _____
- D. PAYROLL DEDUCTIONS EACH PAY PERIOD:
FICA (Social Security Tax)
Federal Withholding Tax
State Withholding Tax
City Earnings Tax
Union Dues
Health Insurance
Others: (specify)

My total deductions each pay period

My net take home pay each pay period

E. MY TAKE HOME OR NET PAY EACH MONTH: \$ _____

F. ADDITIONAL INCOME: List income from second job, rentals, dividends, social security, retirement, V.A., business enterprises, AFDC, annuities, bonuses and all other sources. (Give monthly average of income from each source and identify source).

MY TOTAL AVERAGE GROSS ADDITIONAL INCOME FROM ALL SOURCES.

G. MY TOTAL MONTHLY GROSS INCOME FROM WAGES (Line B) and ADDITIONAL INCOME (Line F) \$ _____

H. TOTAL GROSS INCOME FROM MY TAX RETURNS FOR EACH OF THE LAST 3 CALENDAR YEARS:

Year _____ Income _____
Year _____ Income _____
Year _____ Income _____

II. MY SPOUSE'S CURRENT ESTIMATED MONTHLY GROSS INCOME \$ _____

III. MY ANTICIPATED EXPENSES (monthly average - itemize)

A. Rent or mortgage payments (include home association dues) \$ _____

B. Maintenance & Repairs of residence \$ _____

C. Utilities

1. Gas \$ _____
2. Water \$ _____
3. Electricity \$ _____
4. Telephone \$ _____
5. Trash Service \$ _____

TOTAL UTILITY EXPENSE \$ _____

D. Automobiles

1. Gas and Oil \$ _____
2. Maintenance \$ _____
3. Tax and License \$ _____
4. Payment of Loan \$ _____

TOTAL AUTOMOBILE EXPENSE \$ _____

E. Insurance

1. Life \$ _____
2. Health, Accident and Dental \$ _____
3. Disability \$ _____
4. Homeowners (if not in mort. pymt.) \$ _____
5. Automobile \$ _____

TOTAL INSURANCE EXPENSE \$ _____

F. TAXES

1. Real Estate (if not in mort. pymt.) \$ _____
2. Personal Prop. \$ _____
3. Automobile \$ _____

TOTAL TAX EXPENSE \$ _____

G. Payments I make on debts \$ _____

H. Child support I pay to others for children not in my custody and not involved in this proceeding \$ _____

- I. Maintenance or Alimony paid by me to persons other than my current spouse \$ _____
- J. Church and Charitable Contributions \$ _____
- K. OTHER LIVING EXPENSES

	<u>MINE</u>	<u>In My Custody</u>	<u>In Spouse's Custody</u>	<u>CHILDREN In Joint Custody</u>	
1. Food	\$ _____	\$ _____	\$ _____	\$ _____	
2. Clothing	\$ _____	\$ _____	\$ _____	\$ _____	
3. Medical Care	\$ _____	\$ _____	\$ _____	\$ _____	
4. Prescription Drugs	\$ _____	\$ _____	\$ _____	\$ _____	
5. Dental Care	\$ _____	\$ _____	\$ _____	\$ _____	
6. Recreation	\$ _____	\$ _____	\$ _____	\$ _____	
7. Laundry & Cleaning	\$ _____	\$ _____	\$ _____	\$ _____	
8. Barber & Beauty Shop	\$ _____	\$ _____	\$ _____	\$ _____	
9. School and Books	\$ _____	\$ _____	\$ _____	\$ _____	
10. School Lunches	\$ _____	\$ _____	\$ _____	\$ _____	
11. Lessons	\$ _____	\$ _____	\$ _____	\$ _____	
12. Home Maintenance	\$ _____	\$ _____	\$ _____	\$ _____	
13. Other (itemize)	\$ _____	\$ _____	\$ _____	\$ _____	
_____	\$ _____	\$ _____	\$ _____	\$ _____	
_____	\$ _____	\$ _____	\$ _____	\$ _____	
_____	\$ _____	\$ _____	\$ _____	\$ _____	
TOTAL OTHER EXPENSES	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

L. Day Care or Babysitter \$ _____

M. ALL OTHER EXPENSES NOT ALREADY IDENTIFIED. (express as monthly average)

_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

TOTAL OTHER MONTHLY EXPENSES \$ _____
TOTAL AVERAGE MONTHLY EXPENSES \$ _____

IV. If this Statement is submitted in connection with a Motion to Modify Alimony, Maintenance or Child Support, complete the following:

A. The date of the last Order for maintenance and/or child support was _____.

B. At the date of the last Order, the gross monthly income of my former spouse was \$ _____.

C. At the date of the last Order, my gross monthly income was \$ _____.

D. Names and Relationship to me of all persons residing at my residence.

E. Income each year since modification

	<u>Petitioner</u>	<u>(co-habitant)</u>	<u>Respondent</u>	<u>(co-habitant)</u>
19 _____	_____	_____	_____	_____
19 _____	_____	_____	_____	_____
19 _____	_____	_____	_____	_____
19 _____	_____	_____	_____	_____

STATE OF MISSOURI

County of _____ } **SS.**

COMES NOW _____, being of lawful age and after being duly sworn, state that the affiant has read the foregoing Statement of Income and Expenses, and that the facts therein are true and correct according to affiant's best knowledge and belief.

Affiant

Subscribed and sworn before me on _____, 19_____.

Notary Public
My Commission Expires:_____

M. Debts Owed To You By Others: List the name of the debtor, any security, date of loan and due date, if any	Present Fair Market Value	Debt	Equity	Presently Possessed by:	Recommend Award to:
				H W	H W
N. Interests In Sole Proprietorships, Partnerships Or Joint Ventures: List name of company and percentage of interest you hold. Attach itemized inventory, including valuations, of assets of company and copy of any partnership or joint venture agreement.	Present Fair Market Value	Debt	Equity	Presently Possessed by:	Recommend Award to:
				H W	H W

O. Other Assets: List all assets not already listed herein.	Present Fair Market Price	Debt	Equity	Presently Possessed by:	Recommend Award to:
				H W	H W
ALL Marital Property	Present Fair Market Value	Debt	Equity	Recommend Award to: H	Recommend Award to: W
Total (Sum of Items A thru O)					

II. Non-Marital Property:

See definition of "marital property" on page 1. For each item of non-marital property, indicate show acquired.

O. Other Assets: List all assets not already listed herein.	Present Fair Market Value	Debt	Equity	Date Acquired	Alleged Owner
					H W

