

2009
CIRCUIT COURT RULES

30th Judicial Circuit
(Benton, Dallas, Hickory, Polk and Webster Counties)

Honorable John W. (Bill) Sims
Presiding Judge

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30th JUDICIAL CIRCUIT

ADMINISTRATION

1. Divisions of Court.
2. Hours and Terms of Court.
 - 2.1 Hours of Court. (No Local Rule)
 - 2.2 Terms of Court. (No Local Rule)
 - 2.3 Law Days.

Benton County - First Wednesday
(Civil at 10:00 AM, Juvenile 1:15 PM, Criminal 3:00 PM)

Dallas County - Second Thursday
(Civil at 8:30 AM; Juvenile at 8:00 to 8:30 AM & 9:30 to 10:30 AM;
Criminal at 10:30 AM)

Hickory County - Second Friday
(Civil at 9:00 AM; Criminal at 10:00 AM; Juvenile at 11:00 AM)

Polk County - Second Monday (Criminal Only) at 9:00 AM and
Second Wednesday at 1:00 PM for Civil and 2:30 PM for Juvenile

Webster County - Second Tuesday (Juvenile at 8:00 to 9:00 AM; 10:30 AM to noon;
Criminal at 9:00 to 10:30 AM; 1:00 to 5:00 PM)
Second Wednesday Civil at 9:00 AM

Counsel shall notify the Clerk of the Circuit Court at least 48 hours prior to a law day of their intention to take action in a pending case. Failure to do so may result in the matter being passed to the next Law Day. **DUE TO EXIGENT CIRCUMSTANCES, LAW DAYS MAY BE CHANGED AND/OR RE-SET BY THE CIRCUIT JUDGE. THEREFORE, YOU SHOULD ALWAYS CHECK WITH THE OFFICE OF THE APPROPRIATE CIRCUIT CLERK TO DETERMINE THE LAW DAY IN ANY SPECIFIC COUNTY IN ANY SPECIFIC MONTH.**

2.4 Particular Matters on Particular Days.

(1) Motions

All other matters preliminary to trial, and other dispositions which are permitted by these rules to be heard on law days may be heard on any regular law day occurring at least five (5) days following service of process and after (5) days written notice to other parties in the case. TIME SHALL BE CALCULATED FOR PURPOSES OF GIVING REQUIRED NOTICE AS SPECIFIED BY SUPREME COURT RULE 44.01. WHEN NOTICE IS GIVEN BY MAIL, AN ADDITIONAL THREE (3) DAYS SHALL BE ADDED TO THE PRESCRIBED PERIOD AS PROVIDED BY SUBSECTION (e) OF SAID SUPREME COURT RULE. An original copy of the notice shall be filed with the Clerk. All matters to be heard on law days shall be heard in the order docketed by the Clerk. Any matter not ready for hearing when called shall be recalled at the end of the Court's other scheduled business for the day if time permits.

(2) Matters requiring testimony.

No matters requiring testimony will be heard on Law Day unless specifically set by the Court. Matters requiring testimony which are specially set by the Court may be continued to a day certain, other than a law day, if time requires.

3. Pleadings.

3.1 Caption. (No Local Rule)

3.2 Style. (No Local Rule)

4. Filing of Cases.

4.1 Criminal Cases. (No Local Rule)

4.2 Civil Cases. (No Local Rule)

4.3 Probate Cases. (No Local Rule)

4.4 Juvenile Cases.

(1) Adoptions

Uncontested adoptions shall be heard on law days and set for hearing the same manner as non juvenile proceedings except that only the case numbers for adoptions shall be listed on law day dockets. The Clerk shall not list case captions when docketing adoptions. Contested adoptions shall be set for hearing in the same manner as other civil cases are set for trial.

(2) Other Juvenile Matters

Juvenile matters, other than adoptions, shall be scheduled for hearings by the Juvenile Officer on such dates as are designated for juvenile hearings. Juvenile matters, other than adoptions, will not be heard on regular law days unless specifically approved by the Court.

4.5 Small Claims Cases. (No Local Rule) (See Local Rule 73)

4.6 Municipal Cases.

When a municipality has made provisions for its municipal ordinance violation cases to be heard before a Municipal Judge, such cases shall be filed in the office of the Clerk of the Municipal Division which has been provided by the municipality.

When a municipality has not made provision for its municipal ordinance violation cases to be heard before a Municipal Judge, such cases shall be filed in Associate Division of the respective county. If a Judge has established a traffic violations bureau, the case need not be so filed if disposition of the case is made in the traffic violation bureau in accordance with procedures provided by law or court rules for the operation of traffic violations bureaus.

4.7 Facsimile Filing and Service.

FAX PLEADINGS

Limited fax transmissions of pleadings are permissible not to exceed 10 pages. No filing by fax shall be processed by the Clerks until the appropriate filing fees have been received. Time of receipt of any pleading shall be governed by the time affixed on the fax transmission and shall be filed accordingly if the appropriate fees have been received. If the appropriate fees have not been received, the document shall be discarded.

PROOF OF SERVICE—FAX

Proof of service by facsimile 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.

4.8 Fax Search Warrants.

Acceptance of application and affidavit for an issuance of search warrants by FAX shall be left to the discretion of the Judge to whom the application is made.

5. Fees and Costs.

5.1 Filing Fee and Cost Deposit.

Circuit and Associate Divisions-\$170.00 plus \$30.00 per additional defendant for whom personal service is required. For out of state service an additional \$100.00 per defendant will be required (includes motions to modify)

Guardianships \$350.00

Adoptions \$165.00 (See also Local Rule 61.1 Adoption)

Adoptions in Polk County \$195.00 (See also Local Rule 61.1 Adoption)
Family Court cases in Polk County other than adoptions \$200.00
Circuit and Associate Division cases not otherwise specifically provided for under this rule
\$170.00

In all Circuit and Associate Divisions, there is hereby established a law library deposit of \$15.00 which shall include Chapter 517 proceedings. This fee has been included in the above named costs.

Circuit Clerks of the respective Circuit Courts are hereby designated as treasurer and custodian of the library. In Benton County the Associate Circuit Judge is hereby designated. Funds shall be disbursed upon approval of the Presiding Judge. Associate Clerks shall transmit monthly any money collected as law library fees to the designated treasurer/custodian.

No case will be filed or processed until the above fees have been deposited with the clerk.

5.2 Costs.

In addition to the prescribed filing fee for petitions, petitioners in any adoption proceeding, except step-parent adoptions, whereby adoption of one or more minor children is sought shall, at the time of filing their petition, deposit \$435.00 in addition to the filing fee, in order to secure payment of Adoptive Home Studies, Putative Father Registry, and Guardian Ad Litem fee. In step-parent adoptions only, petitioners shall, at the time of filing of their petition, deposit \$150.00 in addition to the filing fee, in order to secure payment of Guardian Ad Litem fee and Putative Father Registry.

5.3 Witness Fees. (No Local Rule)

5.4 Waiver of Fees. (No Local Rule)

5.5 Motion for Security (No Local Rule)

5.6 Reproduction of Court Recorded Hearing

Every clerk of this circuit shall collect a fee of twenty-five dollars (\$25) from any litigant, attorney or member of the public who requests the production of a compact disc to be made from any of the circuit's FTR Gold recording systems.

6. Assignment of Judges, Cases, and Transfer of Cases.

6.1 Assignment to Associate Circuit Judges.

ASSIGNMENT OF CASES

1. URESA
2. DOMESTIC RELATIONS
3. ADULT ABUSE
4. CHILD ABUSE
5. APPLICATION TO CONFIRM ARBITRATION AWARDS

The types of cases listed above shall be filed with the Clerk of the Circuit Court, and are hereby assigned as follows, to-wit: URESA, DOMESTIC RELATIONS, ADULT ABUSE, CHILD ABUSE, APPLICATION TO CONFIRM ARBITRATION AWARDS to the Associate Judge of the county wherein such proceeding is filed.

Motions to Modify

1. If the Associate Judge presided over the immediate past independent civil action, i.e. dissolution or modification, then said proceeding is assigned to same Judge for hearing.
2. Said action shall otherwise be referred by the Circuit Clerk, to the Presiding Judge for assignment.

FILING OF CASES IN ASSOCIATE DIVISIONS

The following classes of cases shall be filed in and heard by the Associate Judge of the Circuit Court

1. Proceedings for Change of Name
2. Hardship Driving Privileges
3. All Department of Revenue cases/matters regarding driving privileges.

6.1.1 By Local Court Rule or Order. (No Local Rule)

6.1.2 Special Assignment. (No Local Rule)

6.2 Assignment to Circuit Judges. (No Local Rule)

6.3 Certification to Circuit Division.

When a request for a trial by jury is made, the Judge presiding over that action shall certify and transmit the file to the Clerk of the Circuit Court where it shall be filed for trial on the record with procedures applicable before Circuit Judges. Municipal Judges shall notify the Presiding Judge of a jury request. Civil cases shall be heard by the Circuit Judge and criminal cases shall be heard by the Associate Circuit Judge presiding over the action and municipal cases shall be heard by an Associate Circuit Judge assigned by the Circuit Judge. This rule does not apply to Probate Division Cases.

6.4 Trial De Novo.

Cases will be forwarded to the Clerk of the Circuit Court for filing. The Division Clerk shall notify the Presiding Judge for assignment of another Judge.

6.5 Disqualification of Judge. (No Local Rule)

6.6 Absence of Judge

When the regular judge of any Associate or Probate Division is unable to act for any reason, any Judge of the circuit, other than Municipal Judges, may:

- (1) Make a determination of probable cause and issue or direct the issuance of warrants of arrest as provided in Supreme Court Rules,
- (2) Hold the non adversary proceeding and issue search warrants as provided by law or Supreme Court Rule,
- (3) Conduct the ex parte hearings and issue the orders and warrants as provided by law, relating to adult abuse and child abuse, involuntary commitment for alcohol abuse, and involuntary commitment for mental health evaluations.
- (4) Conduct the ex parte hearing and issue restraining orders as provided in Supreme Court Rule, The authority hereby granted shall not require a specific transfer and all judges, other than municipal judges, are transferred and assigned to all Associate or Probate Divisions of the 30th Judicial Circuit for the purposes set forth herein.

6.7 Absence of Presiding Judge. (No Local Rule)

6.8 Family Court Designated for Polk County

Effective January 1, 2006 and thereafter, Polk County is designated as having a Family Court as provided in sections 487.010 to 487.190 RSMo.

7. Withdrawals of papers from Clerk's Office.

7.1 When Allowed. (No Local Rule)

7.2 Duplicating Policy. (No Local Rule)

8. Publication of Dockets.

8.1 Trial Docket. (No Local Rule)

8.2 Dismissal Docket. (No Local Rule)

9. Courtrooms.

9.1 Assignment of Courtroom. (No Local Rule)

- 9.2 Place of Hearing. (No Local Rule)
- 9.3 Use of Counsel Table. (No Local Rule)
- 9.4 Courtroom Decorum and Dress. (No Local Rule)
- 9.5 Who Is Permitted Within Bar. (No Local Rule)

- 10. Court Reporters and Compensation for Same. (No Local Rule)
- 11. Recording of Judicial Proceedings. (No Local Rule)
- 12. Monies Paid Into Court.

The Judge of any division of any Circuit Court within the 30th Circuit may authorize and direct collection by a Court Clerk of fines, penalties, forfeitures and other sums of money accruing to the state in lieu of such collections being otherwise performed by the county Sheriff. Any Court Clerk who makes such collections shall account for all moneys received and shall distribute those moneys as prescribed by law.

- 12.1 Bond in Civil Cases. (No Local Rule)

- 13. Communications with Court.
 - 13.1 Oral Communications with the Court. (No Local Rule)
 - 13.2 Written Communications with the Court. (No Local Rule)

- 14. Presence of Sheriff and Clerk

The Sheriff and Clerk shall be present in the courtroom at all times any division of the Circuit Court, except municipal, is in session, either personally or by a deputy from their respective offices.

- 15. Establishment of Court Marshals in Dallas and Webster Counties

In accordance with 476.062 RSMo, Court Marshals are hereby established for all divisions of the Circuit Court of Dallas County and Webster County, Missouri. Said Marshals shall be appointed by the Circuit and Associate Circuit Judges of Dallas County and Webster County, Missouri respectively.

16. Appointment of Special Process Server

Upon written application and for cause shown any Judge may appoint a qualified and disinterested person as a 'Special Process Server'. Said appointment shall be in writing and shall be valid only for the specific case in which the appointment is made.

GENERAL RULES

21. Attorneys.

21.1 Resolution of Conflicting Trial Settings. (No Local Rule)

21.2 Entries of Appearance. (No Local Rule)

21.3 Conduct of Attorneys. (No Local Rule)

21.4 Withdrawal of Attorneys. (No Local Rule)

21.5 Failure of Attorney to Answer Docket Call. (No Local Rule)

21.6 Appointment of Attorneys. (No Local Rule)

21.7 Agreement of Attorneys. (No Local Rule)

21.8 Advice to Clients and Witnesses of Courtroom Procedures. (No Local Rule)

22. Appointment of Guardian Ad Litem. (No Local Rule)

23. Transcripts.

All orders for transcripts on appeal or of the testimony of any witness or witnesses shall be made in writing to the Official Court Reporter, and the Reporter's acceptance of service of such order shall be filed with the Clerk of the Court in which the case is pending. Preparation of any transcript on appeal by an Official Court Reporter of the Court 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 such deposit is insufficient to pay for the transcript, the remaining unpaid portion of the cost thereof shall be due and payable from the person who ordered the transcript to the Reporter who prepared it upon delivery of the transcript.

24. Exhibits

Plaintiff(s) shall mark their exhibits prior to trial Pl-1, Pl-2, etc.; Defendant(s) shall mark their exhibits prior to trial Deft-A, Deft-B, etc. Counsel shall prepare and provide the Court Reporter/Clerk, and the Judge, a copy of their exhibit list prior to trial commencement.

All parties shall, for the convenience of jurors, prepare 12 copies, plus a copy for each alternate juror, of any written exhibits they intend to pass to jurors. All exhibits introduced during the trial of a case, except depositions, shall remain in the custody of the attorney, or attorneys introducing the same and shall at all times be subject to examination by opposing counsel. At the close of the trial of any case the Official Reporter shall take a receipt from the attorney to whose custody an exhibit has been delivered and such receipts shall be filed with the Circuit Clerk and shall be conclusive evidence as to the possession of such exhibit.

25. Information on Initial Pleading

Any party filing any action in any division of the Court shall place the last four numbers of said party's social security number or Employers Identification number on the initial pleading filed in the case. This rule shall take effect November 1, 2001. Any party filing any action in any division of the court shall complete the proper Party Information Sheet with required information and file the same with the petition. Any party filing any pleading in any division of the Court, with the exception of new cases, must include a case number in the caption.

PRETRIAL MATTERS

32. Discovery.

32.1 Use of Discovery and Certification to Circuit Division.

All discovery shall be completed within 120 days after an answer has been filed unless extended for cause shown by the Court.

32.2 Interrogatories.

(1) Each party shall be limited to propounding a total of thirty (30) interrogatories. Each subparagraph shall be counted as a separate interrogatory in arriving at the thirty (30) interrogatories to be propounded. With leave of Court, upon good cause shown, additional interrogatories may be propounded. In requesting leave to file any additional interrogatories the party making the request shall submit the proposed interrogatory, an exact specific statement why the information sought is needed and a citation of authority for such interrogatory. A general statement of need or authority will not be sufficient.

(2) Answers to interrogatories shall recite each particular interrogatory immediately prior to its answer. Answers to interrogatories may be in the following format:
INTERROGATORY 1. State the name of any person whom you believe observed the occurrence described in plaintiff's petition. ANSWER: John Doe

(3) The party propounding interrogatories shall leave sufficient space after each interrogatory for the opposing party to insert their answer.

(4) Where a party files objections to any interrogatories, the interrogatory objected to shall be set out in full before the stated objection. The objection to each interrogatory shall be specific and shall cite the authority relied upon. General objections will not be sufficient.

(5) Unless otherwise ordered, the Court will not entertain any discovery motion unless counsel for the moving party has conferred, or has made reasonable effort to confer, with opposing counsel concerning the matter prior to the filing of the motion. Counsel for the moving party shall certify compliance with this rule in any discovery motion.

(6) Failure to abide by any part of this rule shall, in the discretion of the Court, be grounds for striking the entire set of interrogatories or the objections thereto.

32.3 Depositions. (No Local Rule)

32.4 Motions for Sanctions. (No Local Rule)

32.5 Criminal Discovery. (No Local Rule)

33. Pretrial Motions.

33.1 Hearing Dates

All motions to dismiss shall be accompanied by suggestions in support thereof, and if desired, a request for a hearing thereon. Failure to file the suggestion will be deemed a waiver of a request for a hearing on the motion and it will be ruled on by the Court without notice to either party. The Clerk will notify the parties after the motion is ruled on. Additional time to plead beyond that allowed by statute will be granted only in unusual circumstances.

33.2 Briefs in Support of Motions, When Required.

A person filing any civil pretrial motion, except motions for new trial, shall serve and file at the same time brief written suggestions in support thereof together with authorities relied upon and any affidavits to be considered in support of the motion. Failure to file clear concise suggestions shall be grounds for refusing the relief requested.

Within ten (10) days following service and filing of such motion, any opposing party may serve and file suggestions in opposition with citation of authorities and affidavits to be considered in opposition to the motion. On the filing of suggestions in opposition by all parties entitled to filing, or on expiration of the time for filing, whichever occurs first, the matter shall be presented to the judge for consideration, and when the Court rules on same, counsel for the parties shall be notified. The Court may extend or shorten the time for filing suggestions on application of either party.

Any party may request, or the Court on its own motion may direct, that a hearing or oral argument be conducted on a motion covered by this rule, but the granting or refusal of the same shall be a matter for the discretion of the Court. Any request for a hearing or oral argument shall be filed with the suggestions of the party requesting the same. Suggestions shall be filed pursuant to this rule even though a hearing or oral argument is granted.

Oral arguments, if granted, on any motion docket shall, in no case, exceed fifteen minutes for each side.

33.3 Oral Arguments – When Desired and How Requested.
Refer to Rule 33.2

33.4 Motions In Limine (No Local Rule)

33.5 Circuit Civil Pre Trial Diversion ADR

In accordance with Supreme Court Rule 17 an Alternative Dispute Resolution (ADR) assignment for selected circuit civil cases as designated by the Presiding Judge shall be as follows:

WHEN

Upon the expiration of 120 days for discovery or as extended for cause, cases selected by the Presiding Judge shall be assigned to a Senior Judge as set forth herein for ADR. ADR procedures shall be completed within 90 days unless extended for cause

EARLY ADR

Any party desiring ADR prior to completion of discovery, shall file a motion setting forth the reasons therefore with the Court.

APPEARANCES

All parties and their attorneys shall appear at any ADR unless excused by the Senior Judge presiding for cause shown.

CIRCUIT PROVIDED ADR

ADR will be provided at no cost to the participants. Selected circuit civil cases will be assigned to a Senior Judge as designated by the Presiding Judge of the 30th Circuit. ADR shall proceed as directed by the Senior Judge assigned in accordance with Supreme Court Rule 17.

PRIVATE ADR

If any party or parties desire to hire a private facilitator, they shall do so within 30 days after the expiration of discovery and notify the Presiding Judge in writing of their decision and the name and address of the facilitator.

ADR scheduled under this provision shall be conducted in accordance with Supreme Court Rule 17 and shall be completed within 90 days unless extended for cause. The payment of expenses shall be set forth in a written agreement between the private mediator and the attorneys of record.

REPORTS

Within 10 days after termination of ADR, the facilitator shall certify in writing to the Court:

- Whether the parties appeared for ADR
- Whether ADR was successful or not

34. Continuances.

34.1 Civil Cases. (No Local Rule)

34.2 Criminal Cases. (No Local Rule)

35. Pretrial Conferences.

In lieu of an instruction conference, all parties shall submit a copy of their proposed instructions at least 10 days prior to the trial setting to the judge assigned thereto. Failure to do so, without cause, may result in the cancellation of the trial setting.

36. Setting Cases for Trial (See Rule 67.10)

36.1 Request for Trial.

To obtain a trial setting requires a notice and appearance on Law Day. A request for trial setting shall include a certification filed with the clerk and served on opposing counsel that all discovery has been completed and that the case is now at issue. Said certification shall be filed not less than ten (10) days prior to the noticed Law Day. Any opposition to a trial setting shall be filed within five days of service of the aforesaid certification and shall set forth specifically the objections thereto. Failure to timely file opposition to a request for trial setting shall be deemed an admission of all set forth in the certification.

In domestic cases, the certification shall also include

A. That all required financial information has been filed

B. That the filing party has completed all required domestic education programs

When a case is pending before an Associate Circuit Judge--contact their offices directly.

36.2 Date of Calendar Call. (No Local Rule)

36.3 Preparation of Calendar

The Circuit Clerk shall maintain a trial calendar for the setting of cases in the Circuit Court room. All requests shall be made to the Circuit Clerk, who shall be responsible for informing Judges of availability of courtrooms.

36.4 Calendar Call. (No Local Rule)

36.5 Removal and Inactive Calendar. (No Local Rule)

36.6 Revision of and Removal from Prepared Calendar. (No Local Rule)

36.7 Special Assignments. (No Local Rule)

37 Dismissals.

37.1 Dismissal Docket.

In order to comply with Supreme Court time standards, any case that is not being actively prosecuted may be assigned to the inactive docket and any case pending over two years, which is not set for trial, shall automatically be assigned to the inactive docket. Any case on the inactive docket shall be dismissed without prejudice after 60 days. The Clerk will notify counsel if a case is placed on the inactive docket and of the date on which the case will be dismissed and file proof thereof. Cases on the inactive docket will not be printed. Dismissals pursuant to this rule shall be automatic upon the expiration of the time period herein set without further action by the Court. Removal of an action from the inactive docket will only be considered by notice to opposing counsel and for good cause.

37.2 Reinstatement of Cause. Refer to Rule 37.1

SETTLEMENT AND DEFAULT

41. Settlement.

41.1 Notice of Settlement. (No Local Rule)

42. Default. (No Local Rule)

TRIALS

51. Court-Tried Cases. (No Local Rule)

51.1 Default and Uncontested Matters. (No Local Rule)

51.2 Contested Matters. (No Local Rule)

51.3 Preparation of Findings of Fact and Conclusions of Law. (No Local Rule)

52. Selection of Jury. (No Local Rule)

52.1 Jury Questionnaires.

The Circuit Clerk will have available for inspection questionnaires of the petit panel. They can be reproduced upon payment of a fee set by said Clerk.

Upon payment of the cost of copying, trial counsel may obtain (one set per side) copies of the jury questionnaires for that trial, which shall be personally checked out to said trial counsel by the Circuit Clerk not earlier than 10 days prior to trial; said copies shall be checked back in to the

Circuit Clerk not later than 5 days after trial concludes. **NO COPIES OF JURY QUESTIONNAIRES SHALL BE MADE** except by the Circuit Clerk or Deputy Circuit Clerk.

Attorneys shall avail themselves of the information contained in the jury questionnaire and shall not inquire further during voir dire about the subjects contained therein except for good cause shown and with the consent of the Judge who is presiding over the pending action.

53. Jury Trials. (No Local Rule)

53.1 Instructions. (No Local Rule)

53.2 Closing Arguments. (No Local Rule)

54. Judgment Entry.

54.1 Contested Cases.

Counsel for the party in whose favor an order is made or judgment rendered shall prepare the form or order of judgment and deliver the same to the Clerk within ten (10) days, with copy to opposing counsel. If no objection is filed with the Clerk by opposing counsel within four (4) days after the date of service of copy (as shown by certificate of service) the Clerk shall record the order of judgment. If objection is made, and no agreement reached between counsels, same shall be submitted to the Court promptly for determination.

54.2 Default or Uncontested Cases. (See Rule 54.1)

54.3 Execution Deposit

All divisions shall receive \$40.00 (payable to the appropriate Sheriff or service agency) unless excused by operation of law or the Court. This shall include motions for contempt.

RULES RELATING TO PARTICULAR ACTIONS

61. Adoption.

61.1 Filing Requirements.

In addition to the prescribed filing fee for petitions, petitioners in any adoption proceeding, except step-parent adoptions, whereby adoption of one or more minor children is sought shall, at the time of filing their petition, deposit \$435.00 in addition to the filing fee, in order to secure payment of Adoptive Home Studies, Putative Father Registry and Guardian Ad Litem fee. In step-parent adoptions only, petitioners shall, at the time of filing of their petition, deposit \$150.00 in addition to the filing fee, in order to secure payment of Guardian Ad Litem fee and Putative Father Registry.

61.2 Home Study (No Local Rule)

62. Drivers' Cases.

62.1 Applications for Hardship Driving Privileges.

The following classes of cases shall be filed in and heard by the Associate Judge of the Circuit Court:

1. Proceedings for Change of Name
2. Hardship Driving Privileges
3. All Department of Revenue cases/matters regarding driving privileges.

62.2 Petitions for Review. See Rule 62.1

62.3 Breathalyzer Test. See Rule 62.1

63. Associate Division Cases.

When venue only is granted from one Associate Division to another Associate Division within the 30th Judicial Circuit; said case is hereby assigned to the Associate Circuit Judge of the receiving division for trial.

63.1 Webster County Associate Circuit Judges

The two Webster County Associate Circuit Judges shall divide Webster County cases assigned to Associate Circuit Judges by State law and by these Circuit Rules as approved by order of the Presiding Judge. Upon the recusal of either of said Associate Circuit Judges, the case hereby is assigned to the other Judge. Upon recusal of both Judges, the case shall be transferred to the Presiding Judge for assignment.

64. Cases Arising under Chapters 207 and 208, RSMo 1978 (No Local Rule)
(Commonly Known as Title IV-D and H.B. 601 Actions).

65. Civil Commitment. (No Local Rule)

66. Condemnation. (No Local Rule)

67. Criminal Cases.

Prior to filing with any Division of the Court, the Prosecuting Attorney shall place upon the original pleading, and any amendment thereof, in all criminal cases the Missouri State Criminal Charge Code for the offense(s) charged. It is the responsibility of the Prosecuting Attorney to determine the appropriate charge code(s).

It is the responsibility of the Sheriff to assign an Offense Cycle Number (OCN) to each Defendant arrested and/or taken into custody and fingerprinted, and to furnish a copy of said OCN to the Clerk's office where said charge(s) is/are pending, and to the initiating Prosecuting

Attorney, within seven (7) days of the date when each Defendant is first placed in custody. This rule shall take effect November 1, 2001.

67.1 Pretrial Release.

There will be only one approved bonding list for all Divisions of the 30th Judicial Circuit. All companies and agents shall submit their General Affidavit of Qualification and/or Special Affidavit of Qualification to the Presiding Judge as required by Supreme Court rule or statute. Pursuant to Section 347.763 RSMo., the Department of Insurance of the State of Missouri shall furnish to the Presiding Judge, on at least a monthly basis, a list of all duly licensed and qualified bail bond agents and general bail bond agents whose licenses are not subject to pending suspension or revocation proceedings, and who are not subject to unsatisfied bond forfeiture judgments. The Presiding Judge will forward a copy of said list to the sheriff of each county in the 30th Judicial Circuit, and only those bail bond agents appearing on the most recent list shall be considered qualified to write bail upon a surety's liability in all of the Courts of the 30th Judicial Circuit. The Judge having jurisdiction of the case must personally approve any bail bond tendered by any non-licensed and non-compensated surety, and in all cases where the amount of the bond set by the court exceeds \$50,000.00.

67.1.1 Motions to Set Bond and for Bond Reduction (No Local Rule)

67.1.2 Deposit of Operator's License. (No Local Rule)

67.2 Preliminary Hearing.

Upon the filing of any felony information with the Clerk of the Circuit Court within the 30th Judicial Circuit wherein a preliminary examination was waived; said case is hereby automatically assigned to the Judge before whom said waiver was entered for trial upon the record and under applicable Circuit Court procedures except in Webster County, Judge Donald G. Cheever is hereby assigned to all cases in which a preliminary examination has been waived before Judge Kenneth F. Thompson. Preliminaries which are not waived will be returnable for arraignment the next law day that is more than ten (10) days after said preliminary hearing, or waiver thereof, under procedures currently applicable.

67.3 Grand Jury. (No Local Rule)

67.4 Attorneys. (No Local Rule)

67.5 Arraignments. (No Local Rule)

67.5.1 In General. (No Local Rule)

67.5.2 Dates. (No Local Rule)

67.6 Discovery. (No Local Rule)

- 67.7 Motions. (No Local Rule)
- 67.8 Plea Bargaining. (No Local Rule)
- 67.9 Guilty Plea. (No Local Rule)
 - 67.9.1 Where Entered. (No Local Rule)
 - 67.9.2 Petition to Enter a Plea of Guilty. (No Local Rule)
- 67.10 Calendar. (No Local Rule)
- 67.11 Probation and Parole. (No Local Rule)
- 67.12 Drug Courts within the Circuit

The **Benton County Drug Court** is hereby established pursuant to the provisions of §478.001 RSMo. The Associate Circuit Judge of Benton County, Missouri is designated to hear all cases arising in the Benton County Drug Court subject to the provisions of §§478.001 to 478.006 RSMo.

The **Polk County Drug Court** is hereby established pursuant to the provisions of §478.001 RSMo. The Associate Circuit Judge of Polk County, Missouri is designated to hear all cases arising in the Polk County Drug Court subject to the provisions of §§478.001 to 478.006 RSMo.

The **Webster County Drug Court** is hereby established pursuant to the provisions of §478.001 RSMo. The Division Three Associate Circuit Judge of Webster County, Missouri is designated to hear all cases arising in the Webster County Drug Court subject to the provisions of §§478.001 to 478.006 RSMo.

The designated judge of any Drug Court within the circuit may promulgate and publish from time to time such rules and regulations as are deemed necessary for the effective and efficient operation of such Drug Court.

68. Family Law

Family Law for the purposes of Rule 68, will apply to Dissolution of Marriage, Legal Separation, Family Access, Motions for Modification, and Paternity cases.

Rules 68.1 through 68.11 shall be applicable to all Family Law cases currently pending or hereafter filed in or transferred to **Benton, Hickory and Polk** Counties. To the extent a provision of any other local court rule conflicts with any provision of Rules 68.1 through 68.11, the latter shall govern.

Rules 68.1 through 68.4, 68.6(1), 68.10 and 68.30 shall be applicable to all Family Law Cases currently pending or hereafter filed in or transferred to **Webster** County. The court, on its own

motion, on any case pending or filed in Webster County, may order compliance with any part or parts of Rule 68. To the extent a provision of any other local court rule conflicts with any provisions of the sections of Rule 68, the latter shall govern.

Rules 68.1 through 68.11 shall **not** be applicable to any Family Law case in **Dallas** County so long as such case is pending in said county. The court, on its own motion, on any case pending in such Counties, may order compliance by the parties with any part or parts of Rules 68.1 through 68.11.

Rules 68.20 through 68.22 shall be applicable to all Family Law cases currently pending or hereafter filed in or transferred to **Dallas** County.

For the purposes of this 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 any entry of appearance by a responding party waiving service of process of the initial pleading.

In dissolution of marriage, motion to modify, and paternity actions, where neither party is represented by an attorney, all pleadings, information forms, parenting plans, child support calculations and judgment forms must be submitted to the court on forms approved by the Missouri Supreme Court unless waived in writing by the court. Prior to filing any such action, a petitioner not represented by counsel shall complete the on-line course at Case.Net (Representing Yourself) and present proof of completion to the clerk at time of filing. Only forms approved by the Missouri Supreme Court will be accepted from pro se litigants.

68.1 Filing Requirements

At the time of filing a petition for dissolution of marriage, the petitioner or 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.

68.2 Family Law Interim Order

- (1) Immediately upon the filing of a petition for Dissolution of Marriage, Paternity, or Motion to Modify, the Court shall, unless good cause is otherwise shown, enter a Family Law Interim Order (Form 68-1). The clerk shall attach a copy of the Family Law Interim Order to the summons, and send a copy to the filing party, the filing party’s attorney, or party who waives service of process.
- (2) Violation of the Family Law Interim Order may constitute contempt of court and subject the violator to fine, imprisonment, or other sanction as allowed by law, plus payment of attorney’s fees and costs to the other party.
- (3) If either party is aggrieved by the Family Law Interim Order, a court hearing may be requested, however, the court urges the parties to attempt to resolve their dispute through mediation before requesting a hearing.

(4) The Family Law Interim Order does not supercede any temporary or final Order of Protection that may already be in effect. The Order of Protection remains in full effect.

68.3 Contested Cases

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

- (1) All responding parties are in default, or
- (2) 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.

68.4 Filing of Financial Statements

- (1) In any contested case in which the award of property, maintenance, child support, attorney fees, or the division of debt is an issue, a “**Statement of Income and Expenses,**” on the form substantially in accordance with Form OSCA CV-100, shall be completed by each party, executed under oath or affirmation, and served on the opposing party within forty-five (45) days after the date service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.
- (2) In any contested case in which the award of property, maintenance, child support, attorney fees, or the division of debt is an issue, a **Statement of Assets and Debts** on Form OSCA CV-105, shall be completed by each party, executed under oath or affirmation, and served on the opposing party within sixty (60) days after the date of service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.
- (3) The parties by written agreement filed with the court may agree to use an alternate format for the exchange of income, expense asset and debt information other than by use of OSCA forms CV-100 and CV-105. Such written agreement shall certify to the Court that such alternate format provides for the exchange of no less identifying information than that as required on OSCA forms CV-100 and CV-105.
- (4) In any contested case in which the award of child support is an issue, a Missouri Supreme Court Civil Procedure Form No. 14 shall be completed by each party and served upon the opposing party, within sixty (60) days after the date of service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.

68.4.1 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 sixty (60) 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 3 calendar years;
- (b) The last 6 pay periods “pay check” stubs or other evidence of wages, salaries or tips if no “paycheck” stub is issued;
- (c) Any financial statements provided to a lender or prospective lender within the preceding 3 calendar years;

The following documents, in addition to the preceding documents, shall be produced within such time period, only if the award of property or division of debt is an issue:

- (d) Any benefit statements wherein a party has an interest in any form of pension plan whether vested or non-vested;
- (e) The plan(s) relating to any pension benefits whether vested or non-vested;
- (f) Any deeds to real estate, notes, deeds of trust, leases, titles to motor vehicles, stock or bond certificates and any other evidence of ownership of an asset or interest in an asset claimed as marital or separate property;
- (g) The latest statement of account on all accounts held in any financial institution or brokerage firms;
- (h) All declaration sheets or certificates of coverage for life insurance policies insuring the life of either party or a minor child involved in the proceedings;
- (i) The most recent statement of value for any life insurance policy of either party or child, which has a cash value;
- (j) Any appraisals relating to any marital or separate property done within the last thirty-six (36) months;
- (k) Any trusts where a party is either the grantor or current income beneficiary of the trust;
- (l) Any partnership agreements, operating agreements in any limited liability company and/or stock certificates in any corporation in which a party holds an interest; and,
- (m) Promissory notes, deeds of trust, security agreements and the latest statement of account on any debts owed by either party.
- (n) All balance sheets and/or income and expense statements received within the immediately preceding three (3) years with respect to any and all proprietorships, joint ventures, partnerships, realty trusts, corporations, limited liability companies (LLC), limited liability partnerships (LLP) or other legal entities in which is held a legal or equitable interest, individually or otherwise.

- (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 this 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.

68.5 Case Management Conference

- (1) An initial **Case Management Conference (CMC)** in all family law cases shall be set on the court's first available family law docket following sixty (60) days after the date service.
- (2) Upon application or the court's own motion, the court may set subsequent CMC's from time to time as are deemed necessary and appropriate to bring the case to an expeditious conclusion.
- (3) The clerk shall send notice of the date and time of any CMC to all parties not in default and any attorneys who have entered an appearance in the case.
- (4) At any CMC, the court will make inquiry as to the status of the case and may enter appropriate orders which may include, but are not limited to, ordering mediation, making discovery orders, setting the matter for trial, hearing evidence on and disposing of uncontested cases, or hearing any motion properly noticed for hearing by a party. A CMC does not obviate the need for counsel to notice for hearing any motion deemed necessary. Unless any such motion is properly noticed for hearing, the court will not consider the same at any CMC without consent of the opposing party and the court.
- (5) Upon application showing good cause, or the court's own motion, any CMC may be continued to another date certain.
- (6) All non-defaulting parties and all attorneys of record are required to attend and participate in each scheduled Case Management Conference unless otherwise excused by the court in advance for good cause shown.

68.6 Required Education Programs

- (1) **Parent Education Program** – In any family law case where there is at least one child of the parties under the age of eighteen, both parents of such child shall attend a court-approved (pursuant to Rule 68.21) educational session to educate parents as to the possible detrimental effects of court actions on children and how to avoid these negative effects. No party shall be

required to attend such a court-approved program more than once. The petitioner shall file a Certificate of Completion with the clerk of the court certifying petitioner's attendance of said program within forty-five (45) days after filing the petition or motion. The respondent shall file a Certificate of Completion with the clerk of the court certifying respondent's attendance of said program within forty-five (45) days after the date of service of process or of receipt of the petition or motion if service is waived. This requirement may be waived by the judge assigned to the case upon written application by any party and for good cause shown.

(2) Alternative Dispute Resolution Education Program – In any contested dissolution of marriage, legal separation, motion to modify or paternity case, the petitioner and respondent will, within sixty (60) days after the date of service, attend an educational program on Alternative Dispute Resolution (ADR) as directed by the court. Each party shall file with the court a certificate of completion of this program with the court within sixty (60) days after the date of service.

68.7 Parenting Plan

A proposed parenting plan shall be filed with the court as required by and within the time periods provided in Section 452.310 RSMo. The petition of any petitioner who fails to submit a proposed parenting plan as provided by law shall be dismissed without prejudice. The pleadings of any respondent who fails to submit a proposed parenting plan as provided by law shall be stricken.

68.8 Family Access Motions

(1) At the time of filing for a Family Access Motion, the petitioner may request the form OSCA CV-137 from the circuit clerk. Clerks, under the supervision of the circuit clerk, shall explain to aggrieved parties the procedures for filing the form.

(2) The Clerk shall provide information to both parties regarding Alternative Dispute Resolution services available at the time of filing and service of respondent.

(3) Upon the return date on any contested motion, the court shall, unless good cause is otherwise shown, enter an order referring the case to mediation.

68.9 Alternative Dispute Resolution Program

(1) Pursuant to Supreme Court Rule 17 and 88.02 through 88.08, the court adopts the following Alternative Dispute Resolution program. In every contested case involving Family Law Disputes including; Dissolution of Marriage, Family Access, Modification, and Paternity cases, participation in a minimum of two (2) hours of mediation pursuant to this local court rule is required, unless waived by the court for good cause shown.

(2) In all contested actions to which this rule applies, except motions for family access, both parties to the dissolution or motion shall attend a court-approved educational session to educate parties on the availability and advantages of Alternative Dispute Resolution. Each party 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. Counsel for the parties should discuss alternative dispute resolution with their clients.

(3) At the initial CMC the court will make inquiry as to the status of the case and will enter an order for mediation if appropriate. If the parties cannot agree on a mediator from the court-approved list of mediators, the case will be assigned by the court to a mediator from the court-approved list to conduct mediation.

(4) The minimum qualifications of mediators are as set forth in Supreme Court Rule 17.04 and 88.05.

68.9.1 Designation, Assignment and Disqualification of Mediators

- (1) The court will maintain a list of court-approved family law mediators that will be available to attorneys, parties, and the public through the office of the Circuit Clerk.
- (2) At the time the case is referred for mediation, the Court will assign a mediator, as agreed by the parties or if the parties are unable to agree upon a mediator as determined by the court, from the court-approved list of mediators.
- (3) Any party may disqualify one (1) assigned mediator without cause within five (5) days of assignment of such mediator, but no later than the commencement of the initial mediation session, whichever occurs first. A party must file a written disqualification with the clerk of the court and with a service copy to all interested parties. The clerk shall immediately bring such disqualification to the court's attention for reassignment of a mediator.

68.9.2 Mediator Responsibilities

- (1) To be included on the court-approved list of mediators, the interested mediator must provide the court with the following minimum information: business address, telephone number, fax number, e-mail address, if any; a copy of degrees and the institutions where obtained; type and number of hours of mediation training with a copy of certification of completion of the program; current profession and hourly rate of mediation.
- (2) The mediator, with the assistance of the Petitioner or the Petitioner's counsel, if any, shall schedule the initial mediation session within thirty (30) days after the completion date of any uncompleted items identified in the Order of Mediation.

- (3) If agreement is reached during mediation, a Memorandum of Agreement will be drafted by the Mediator and presented to the parties for submission to their attorneys, if any. Any understanding reached by the parties as a result of mediation shall not be binding upon the parties until it is reduced to writing, signed by the parties and their attorneys, if any, and approved by the court.
- (4) The Mediator will submit Form 68.2 to the clerk of the court within three (3) days following each mediation session.
- (5) The Mediator shall disclose the nature and extent of any relationship with the parties and any personal, financial, or other interests that could result in a bias or a conflict of interest.

68.9.3 Termination of Mediation

- (1) At any time after two hours of mediation, either party may terminate mediation ordered under this rule.
- (2) The mediator shall terminate mediation whenever the mediator believes:
 - a. Continuation of the process would harm or prejudice one or more of the parties or any child of the parties; or
 - b. The ability or willingness of any party to participate meaningfully in mediation is so lacking that a reasonable agreement is unlikely.
- (3) The Mediator shall report the termination of mediation on Form 68-2, to the clerk of the court within seven (7) days of termination of mediation. The clerk shall notify the court as soon as possible.

68.9.4 ADR Program Costs

- (1) The assigned mediator may not charge more than \$100.00 per hour for the initial (2) hours of mediation. The charge for any hours in excess of the initial two (2) hour session shall be as agreed between the mediator and the parties.
- (2) The parties shall be responsible for the payment of the full cost of the mediator for the required initial two-hour mediation session on an equal basis unless otherwise specifically allocated by an order of the Court for good cause shown entered before or at the time the case is referred to mediation by the court.
- (3) The amount to be paid by a party to a mediator under this rule for services rendered for the initial mediation session is due and payable in full to the mediator at least seven (7) days before the scheduled date for the commencement of such mediation session. Failure to pay the mediator as required herein is a basis for the imposition of sanctions by the court.

68.10 Entry of Judgment By Affidavit

(1) **Final Judgment** 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:

- (a) There are no minor children of the mother and father and the mother is not pregnant, or both parties have entered into a written agreement determining custody and child support; and 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
- (b) There is no genuine issue as to any material fact; and
- (c) There is no marital property or marital debts to be divided or the parties have entered into a written agreement for the division of their marital property and marital debts.

(2) **Affidavit Filing.** If one party desires to submit the matter for entry of final judgment 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 judgment, a copy of any written agreement(s) proposed for adoption by the Court, a completed Form 14, and any other supporting evidence. If all parties are in default, the court may proceed with entering judgment upon the affidavit. If any other party is not in default, the court may proceed with entering judgment upon the affidavit only with the written consent of all non-defaulting parties. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a Judgment of Dissolution or Judgment of Legal Separation.

(3) The Court shall not be bound to enter a judgment 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 the pleadings.

68.11 Failure to Comply With Rule

If a party fails to comply with any provision of Rules 68.1 through 68.11, the court may, upon its own motion or the motion of a party, after reasonable notice to all parties, make such orders in regard to failure as are just and among others the following:

- (1) An order requiring the party who fails to timely attend a scheduled mediation session to pay to the mediator an amount as determined by the court up to the total cost for the mediation session.
- (2) An order requiring the party who fails to timely attend a scheduled mediation session to pay to the other party or parties required to attend the mediation session an amount as determined by the court for their lost wages and expenses in attending such session.

- (3) An order refusing to allow the disobedient party to support or oppose designated claims or defenses or prohibit the disobedient party from introducing designated matters in evidence.
- (4) An order treating as a contempt of court the failure to obey.
- (5) An order requiring the disobedient party or the attorney advising the disobedient party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.
- (6) An order striking pleadings or parts thereof or staying further proceedings until the order is obeyed or dismissing the action or proceeding or any part thereof or, rendering a judgment by default against the disobedient party.
- (7) Upon a showing of reasonable excuse, the court may grant the disobedient party additional time to comply and, if appropriate, impose any further sanctions as set forth herein should the disobedient party not comply within such additional time period.
- (8) Likewise, the Court, on its own motion, on any case pending in such counties, may suspend, by written order, the compliance by the parties with any part or parts of Rules 68.01 through 68.11.

68.20 Pretrial Order Domestic Relations Cases (Former Rule 29)

Petitioners and Respondents shall within fifteen (15) days after an answer has been filed; complete and file a financial report concerning their income, expenses, assets and debts. Counsel for Petitioner shall prepare and file a "Summary of Assets of Martial and Non Marital Property and Liabilities" with the Court and serve a copy of same upon opposing counsel at least 3 business days prior to the date of hearing. Forms will be available at the Circuit Clerk's office. Failure to comply herewith, without cause, may result in the offending party's pleading being stricken.

68.21 Divorce Education Providers (Former Rule 35)

All parties, in accordance with §452.375, 452.600 and 452.605 RSMo., who are required to attend an educational session for actions of dissolution of marriage or in post-judgment proceedings, involving custody or support shall complete an approved program within 75 days of the filing of the petition and file proof thereof with the Circuit Clerk. The pleadings of any party who fails of comply may be stricken.

The following are designated as approved Divorce Educational Providers:

1. Divorce Education Services-Robert C. Fields, J.D. & Karen Fields, MSGAC; Springfield, MO – (417) 831-1505.

2. Burrell Behavioral Health, Springfield MO – (417) 269-5400.
3. University of Missouri Extension Center Program.
4. Tri-County Psychological Services, Ward M. Lawson PhD, 208 W. Clay St., Marshfield MO -- (417) 859-7746.
5. FOCIS, Ozarks Counseling Center, 309 N. Jefferson #110, Springfield MO 65806 – (417) 869-9011.
6. Melissa D. Harp, 1636 East Elm, Springfield MO 65802 – (417) 850-5851.

Any provider wishing to be approved shall submit a proposal, with their qualifications, to the Presiding Judge for consideration by the Court En Banc.

68.22 Parenting Plan – Dismissal/Pleadings Stricken for Failure to File (Former Rule 41)

The petition of any petitioner who fails to submit a proposed parenting plan as provided by law shall be dismissed without prejudice. The pleadings of any respondent who fails to submit a proposed parenting plan as provided by law shall be stricken.

68.30 Procedures for Webster County Family Law Cases

- (1) No case may be set for trial unless both parties have filed a certificate of compliance with local rules with the Circuit Clerk. If one party fails to comply with local rules or this procedure, the opposing party may seek such sanctions as authorized by Supreme Court or local court rule.
- (2) A certificate of compliance shall include the following:
 - a. proof of compliance with Local Rules 68.4 and 68.6(1), (Domestic Education Relations);
 - b. a statement that the forms required by Local Rule 68.20 have been filed with the Circuit Clerk and served on the opposing party;
 - c. in any case where child support is in issue, a statement that a Supreme Court Civil Procedure Form 14 has been filed with the Circuit Clerk and served on the opposing party;
 - d. if no guardian ad litem has been appointed, in cases where custody or visitation is in issue, a statement that counsel is unaware of any allegation of abuse or neglect of a child by one party against the other party which is likely to be made at trial.
- (3) Any domestic relations case not set for trial within 90 days after the filing of an answer or the time for filing an answer has passed, whichever is shorter, shall be assigned to the inactive docket automatically and handled according to Local Rule 37.1.
- (4) Trial settings may be obtained after certificate of compliance has been received by the Circuit Clerk, by scheduling a trial setting hearing with notice to opposing counsel at an available time on a “Zippy” day docket (417-859-2006), or by arranging a conference call among the following:

- a. opposing counsel,
- b. guardian ad litem (if any), and
- c. appropriate judge (if available), clerk (if available), or any associate division deputy clerk

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI	
Petitioner,	
v.	Case No.
Respondent.	

Family Law Interim Order
Form 68-1

Until further order of the court and so long as the above case is pending IT IS ORDERED:

1. All parties are restrained from stalking, abusing, threatening, harassing, or interfering with the personal liberty of any other party. No party shall enter upon the premises of the dwelling of any other party, unless invited by the resident party, if the parties are living in separate residences.
2. No party shall remove, cause to be removed or permit the removal of any minor children of the parties from the State of Missouri without written permission from the other party or order of the Court.
3. No party shall incur unreasonable or unnecessary debts hereafter. Any unreasonable or unnecessary debt incurred after the date of the filing of this action shall presumptively be assessed against the party incurring any such debt. The Court specifically reserves the right to reallocate the income and expenses of the parties, and the costs connected with this action.
4. No party shall cause any other party or the children of the parties to be removed from any existing insurance coverage, including but not limited to medical, hospital, dental, automobile, or disability insurance and each party shall maintain all such insurance coverage in full force and effect.
5. No party shall change the beneficiaries on any existing life insurance policies, and each party shall maintain the existing life insurance policies in full force and effect without change.
6. No party shall conceal or damage any property, real or personal. No party shall dissipate, sell, remove, assign, transfer, dispose of, lend, mortgage, or encumber any property, real or personal, except in the ordinary course of business, or for the necessities of life. In the case of transactions made in the ordinary course of business in all cases wherein award of property or division of debt is at issue, an itemized written accounting shall be made at least quarterly to the other party. In the case of dispositions made for the necessities of life in all cases wherein award of property or division of debt is at issue, an itemized written accounting shall be made to the other party within thirty (30) days.
7. In the event the parties are living in the same residence at the time of the service of this Order, the parties shall attempt to decide between themselves if one party should move from

the family residence and, if so, which party should move from the family residence. This order does not imply that any party is required to move from the family residence.

8. If there are minor children and one of the parties has moved from the family residence, the parties shall attempt to work out a parent-child contact schedule pending further Order of the Court. Failure to reach agreement on this issue will result in a minimum contact visitation Order at the first scheduled case management conference.
9. Any party moving from the family residence may return to pick up personal belongings and effects at a reasonable time if the parties agree. If the parties cannot agree on the times in this paragraph, the Court will decide these issues at a hearing for temporary relief.
10. Any party receiving personal mail or packages addressed only to another party shall not open such mail, but shall forward or arrange to have such mail or packages delivered promptly to the addressed party. The person, who receives personal mail addressed to both parties or concerning the children or related to any of the other parties; income, debts, or property, may open the same, but any party receiving such mail shall promptly send a copy to the other party. No party shall take any action to divert the delivery of mail addressed solely to any other party from the address designated by the other party to the United State Postal Service or other parcel delivery service.
11. This order shall continue in effect so long as this case is pending in court except as modified by written agreement of the parties and filed with the court or as modified by further Order of the Court.
12. All parties are advised of the applicability of Local Court Rule 68 to this case. A complete copy of Rule 68 is available to the public at the Circuit Clerk's office. All parties shall fully comply with such Rule.
13. Disobedience of this Order may constitute contempt of court and subject the violator to fine, imprisonment, or other sanction as allowed by law, plus payment of attorney's fees and costs to the other party.
14. If either party is aggrieved by this Family Law Interim Order, a court hearing may be requested, however, the court urges the parties to attempt to resolve their dispute through mediation before requesting a hearing.
15. This Order does not supercede any temporary or final Order of Protection that may already be in effect. Such Order of Protection remains in full effect.

Date: _____

Judge

**MEDIATION REPORT TO THE COURT
FAMILY LAW (FORM 68-2)**

In Re: _____ Case Number: _____

Family Court Judge: _____

Date Case Referred for Mediation: _____

Mediator Assigned/Chosen: _____ Date: _____

REPORT OF THE MEDIATOR

Date of Mediation Session: _____ Number of hours: _____

(Check One or More)

- Both parties appeared for initial mediation session.
- One or both parties failed to appear for initial mediation session.
- Parties reached a tentative resolution of all/ some issues. Memorandum of Understanding (MOU) prepared by mediator and signed by the parties. Parties were instructed to immediately contact and give their attorneys, if any, a copy of the MOU.
- No further mediation is scheduled/ would be beneficial.
- By agreement of the parties, next mediation session scheduled for: _____.

Other, explain: _____

Signature: _____ Date: _____
(Mediator)

Signature: _____ Signature: _____
(Party 1) (Party 2)

69. Municipal Division

When a municipality has made provisions for its municipal ordinance violation cases to be heard before a Municipal Judge, such cases shall be filed in the office of the Clerk of the Municipal Division which has been provided by the municipality.

When a municipality has not made provision for its municipal ordinance violation cases to be heard before a Municipal Judge, such cases shall be filed in Associate Division of the respective county. If a judge has established a traffic violations bureau, the case need not be so filed if disposition of the case is made in the traffic violation bureau in accordance with procedures provided by law or court rules for the operation of traffic violations bureaus.

69.1 Jurisdiction and Administrative Authority

Pursuant to Section 479.010, RSMo., all violations of municipal ordinances heard in Benton, Dallas, Hickory, Polk and Webster Counties shall be tried before divisions of the 30th Judicial Circuit Court.

Judges selected under the provisions of Chapter 479 shall be municipal judges of the 30th Judicial Circuit Court. The Presiding Judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

69.2 Selection Tenure and Compensation of a Municipal Judge

Any municipality choosing to establish a municipal division of the circuit court with a Municipal Judge presiding shall provide, by ordinance, for the selection, tenure and compensation of a Municipal Judge. A copy of said ordinance shall be filed with the Presiding Judge of the circuit court. Any amendments to this ordinance shall be submitted to the Presiding Judge of circuit court within fifteen (15) days of passage.

69.3 Ordinance Violations Bureau

- A. The Municipal Judge or the Associate Judge presiding over the municipal division may establish an ordinance violations bureau.
- B. An ordinance violations bureau shall be established when a request is made by governing body of the municipality.
- C. The ordinance violations bureau shall operate under the supervision of the circuit court and Judge of the Municipal Division.
- D. The Judge of the Municipal Division shall by order designate a violations clerk and shall designate the ordinance offenses under the authority of the violation clerk and the amount of

finances to be imposed for each offense. A copy of said order shall be filed with the Presiding Judge of the Circuit Court within fifteen (15) days of its issuance.

69.4 Bond Schedule

Each judge presiding over a municipal division shall issue a bond schedule for all offenses for which a bond can be posted for the defendant's release. Said bond schedule may be incorporated into the Ordinance Violations Bureau order. The bond schedule shall be submitted to the Presiding Judge of the Circuit Court.

69.5 Financial Recordkeeping Procedures

- A. A receipt shall be written for each bond received. All money collected for bonds shall be turned over to staff of the municipal division the next working day. A bond ledger must be retained, indicating each bond posted (date, receipt number, case number) and the disbursement of each bond (date, how disbursed).
- B. Adequate records must be maintained to account for the receipt and disbursement of any fines, costs, penalties, bond forfeitures and miscellaneous fees. Pre-numbered receipts must be written for all funds accepted in the municipal division.
- C. Municipalities shall use the pegboard receipts system designed by the Office of State Courts Administrator or shall submit in writing an alternate bookkeeping method for approval by the Circuit Court. A copy of the receipts ledger must be forwarded to the Presiding Judge within ten days of the close of the month.
- D. The Ordinance Violations Bureau clerk and other municipal employees with access to municipal division funds shall be bonded. This bond may be a blanket bond covering all municipal employees.
- E. Each municipality that chooses to provide staff for the municipal division shall provide for an annual independent audit of the municipal division's funds. Such audit may be in conjunction with the audit of other municipal records. A copy of said audit shall be filed with the Presiding Judge of the Circuit Court.
- F. When receipts exceed one hundred dollars (\$100.00), all funds received by the Municipal Division shall be deposited, not later than the next working day, in a bank to be designated by the Judge of such Municipal Division. The bank deposit shall be reconciled by method of payment (cash or check) to the receipts ledger.
- G. All unclaimed bonds, that can not be forfeited, shall be paid over annually to the state's unclaimed property section.
- H. All fines and costs are to be paid to or deposited with the city treasury at least monthly.

69.6 Case Recordkeeping

- A. Each municipal division shall use the case numbering system established by the Circuit Court.
- B. Each municipality shall maintain an alphabetic or electronic card index of all cases filed. When the case is disposed the judgment shall be entered on the index card and filed alphabetically or electronically.
- C. All records of municipal divisions of the Circuit Court shall be maintained separate and apart from law enforcement and administrative records of the municipal government. Records of the municipal divisions of the Circuit Court that are closed to the public pursuant to 610.105, RSMo., shall be available only to the staff of the municipal divisions, except as provided in 610.120, RSMo.
- D. Each municipal division shall file a report of all cases heard before the court with the clerk of the municipality in accordance with 479.080.3, RSMo. A copy of the report shall also be forwarded to the Presiding Judge by the tenth of the following month. The report so described shall also fulfill the requirements of 479.070, RSMo.
- E. Records of ordinance violation convictions shall be forwarded to the Missouri State Highway Patrol with ten (10) days as required by 302.255, RSMo.

69.7 Records Retention and Destruction

Records of the municipal divisions may be destroyed or transferred pursuant to Missouri Supreme Court Administrative Rule No. 8, provided that Circuit Court procedures for review of the records are followed and provided that, prior to destruction or transfer, the Presiding Judge of the Circuit Court issues an order approving the destruction or transfer of such records.

69.8 General Administration

The municipality shall apprise the Presiding Judge of the Circuit Court in writing as to changes made in the positions of Municipal Division Judge, City Prosecutor, Municipal Division Clerk or Ordinance Violations Bureau Clerk.

- 70. Partition. (No Local Rule)
- 71. Administrative Reviews. (No Local Rule)
- 72. Probate. (No Local Rule)

73. Small Claims

The following Judges are assigned for initial trial of all small claims cases filed in said counties:

· POLK COUNTY	JUDGE CODY A. HANNA
· WEBSTER COUNTY	JUDGE JOHN C. PORTER
· DALLAS COUNTY	JUDGE DONALD G. CHEEVER
· HICKORY COUNTY	JUDGE MARK B. PILLEY
· BENTON COUNTY	JUDGE MICHAEL O. HENDRICKSON

74. Trust Estates. (No Local Rule)

74.1 Inventory. (No Local Rule)

74.2 Reports. (No Local Rule)

74.3 Record. (No Local Rule)

74.4 Audit. (No Local Rule)

POSTTRIAL

81. Execution. (No Local Rule)

82. Garnishment. (No Local Rule)

83. Judicial Sales. (No Local Rule)

INTERNAL ORGANIZATION

100. Court Organization

100.1 Presiding Judge.

100.1.1 Election. (No Local Rule)

100.1.2 Duties of Presiding Judge. (No Local Rule)

100.1.3 Dispute Resolution – Procedure. (No Local Rule)

100.1.4 Court En Banc Meetings

The Court En Banc will meet on April 3, 2009 at 9:30 a.m. and October 2, 2009 at 9:30 a.m. in the Dallas County Courthouse. Court En Banc meetings may be rescheduled by the Presiding Judge.

100.1.5 Open Meetings

- (1) All case records of the 30th Circuit shall be open to the public unless closed by statute, Supreme Court Rule, or specific judicial order.
- (2) All meetings of the Court En Banc, when operating in an administrative capacity, shall be open to the public unless closed by order of the Presiding Judge for reasons consistent with those stated in Section 610.021 RSMo. Meetings and deliberations in an “administrative capacity” shall include those on property and budget matters.
- (3) All meetings and deliberations of the Court En Banc, when operating in a judicial capacity, are closed to the public unless opened by order of the Presiding Judge.
- (4) Notice of the time, date, place and tentative agenda for each open meeting shall be posted in the office of the Presiding Judge at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical.
- (5) Minutes of open meetings shall be kept, including a record of any votes taken, and shall be open to the public for inspection at the office of the Presiding Judge.

100.2 Local Court Rules. (No Local Rule)

100.2.1 Formulation. (No Local Rule)

100.2.2 Publication. (No Local Rule)

100.3 Library Fund. (No Local Rule)

RECORDS AND FILES

100.4 Storage of Records.

100.4.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and Their Contents). (No Local Rule)

100.4.2 Reproduction and Preservation of Court Records Other than Files (and Their Contents). (No Local Rule)

100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes. (No Local Rule)

100.4.4 Identification of Reporter’s Notes. (No Local Rule)

100.4.5 Index. (No Local Rule)

- 100.4.6 Storage of Notes. (No Local Rule)
- 100.4.7 Notes of Substitute Reporters. (No Local Rule)
- 100.4.8 Storage of Notes upon Retirement, Termination or Death of Court Reporter. (No Local Rule)
- 100.4.9 Boxing and Storing of Old Notes. (No Local Rule)
- 100.4.10 Responsibility for Furnishing Materials and Space for Storage of Court Reporter Notes. (No Local Rule)
- 100.4.11 Procedure for Examination of Criminal Records. (No Local Rule)
- 100.4.12 Procedure for Expunging and Closing Criminal Records. (No Local Rule)

100.5 Clerk’s Duties.

Effective January 1, 2004, Clerks of the 30th Judicial Circuit are hereby directed to sign misdemeanor summons as allowed by new Supreme Court Rule 21.05 (d).

100.5.1 Monies Paid Into Court.

FUNDS IN INTEREST BEARING ACCOUNTS

Income derived in accordance with 483.310, V.A.M.S., from investments by any Circuit Clerk or by any Judge or Clerk of any Associate Division of funds which were paid into the registry of the court may be expended or designated to be expended only upon written authorization by the Presiding Circuit Judge. The balance of the accumulated income not designated to be expended may be paid into the general revenue funds of the respective counties by each Circuit Clerk or Associate Circuit Judge at any time with the written authorization of the Presiding Circuit Judge.

100.6 Selection of Veniremen. (No Local Rule)

JOHN W. (BILL) SIMS	Presiding Judge 30 th Circuit
CODY A. HANNA,	Associate Judge Dallas County
KENNETH F. THOMPSON,	Associate Judge Webster County
JOHN C. PORTER,	Associate Judge Polk County
DONALD G. CHEEVER,	Associate Judge Webster County
MICHAEL O. HENDRICKSON,	Associate Judge Hickory County
MARK B. PILLEY	Associate Judge Benton County

Effective January 1, 2009

