

RULES OF THE CIRCUIT COURT OF THE THIRTY-THIRD JUDICIAL CIRCUIT [Mississippi and Scott Counties]

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ADMINISTRATION

RULE 1. DIVISIONS OF COURT

There shall be these divisions of court:

Division I. The Circuit Judge and his successor shall serve as judge of Division I. Division I encompasses that jurisdiction granted to the Circuit Court and is located in Mississippi County. All actions to be filed in the Circuit Court of Mississippi County, other than hereinafter provided, shall be referred to this division, including juvenile matters arising in Mississippi County.

Division II. The judge of Division II shall be the Associate Circuit Judge elected in Mississippi County. Division II shall encompass all actions to be filed in the Associate Circuit Court of Mississippi County except those actions provided for in Division VI.

Division III. The judge of Division III shall be the Circuit Judge of the 33rd Circuit and shall encompass all matters to be filed in the Circuit Court from Scott County, including all juvenile matters.

Division IV. The judge of Division IV shall be the Associate Circuit Judge elected in Scott County having jurisdiction over probate matters in Scott County.

Division V. The judge of Division V shall be the Associate Circuit Judge elected in Scott County having the same jurisdiction as the former magistrate's jurisdiction.

Division VI. The judge of Division VI shall be the Associate Circuit Judge elected in Mississippi County and shall encompass all probate matters from Mississippi County.

Municipal Divisions. The municipal judge appointed or elected by the respective municipalities within the 33rd Circuit shall serve as judges of the respective municipal divisions and shall be designated by the name of said municipality being utilized by the municipal division of (municipality name).

[April 1, 1981.]

RULE 2. HOURS AND TERMS OF COURT

Rule 2.1. Hours of Court

1. All sessions of court shall begin at 9:00 a.m.
2. Pretrial conferences for jury trials shall begin at 8:30 a.m. unless otherwise directed by the Court.
3. The following hours are established for the clerk's office in Mississippi County: 8:30 a.m. to 4:30 p.m.
4. The following hours are established for the clerk's office in Scott County: 8:30 a.m. to 5:00 p.m.
5. The court is open Monday through Friday. For the purpose of filing papers the clerk's office is deemed always open.
6. The court will observe the state holidays as set forth in RSMo 9.010, to-wit: the 1st day of January, the 12th day of February, the 3rd Monday in February, the 8th day of May, the last Monday in May, the 4th day of July, the 1st Monday in September, the 2nd Monday in October, the 11th day of November, any General or Primary Election Day, any State Election Day, the 4th Thursday in November, and the 25th day of December. When any of such holidays falls upon Sunday, the Monday next following shall be considered the holiday, unless otherwise notified.

[April 1, 1981.]

Rule 2.2. Terms of Court

1. The circuit court of each county of the circuit shall be in continual session as provided by Section 478.205, RSMo. To the extent that a term of circuit court may be required or specified by these rules or by any provisions of law, the "terms" of court for Divisions I and III shall be considered as commencing on the dates as hereafter stated:
 - A. In Scott County Division III the terms of court shall be on the first Monday of March, July and November.
 - B. In Mississippi County Division I the terms of court shall be on the first Monday in February, June and October.
2. In case any of these days fall on a holiday, court will be held on the day following. For a list of holidays, see Rule 2.1(6).
3. The court shall not be required to convene in any county in the circuit on the first day of any "term" solely because of this rule.

[April 1, 1981.]

Rule 2.3. Law Days

The law days for Divisions I and III will be held as follows unless otherwise directed by the Court:

1. The second and fourth Thursdays of each month shall be law and motion days in Scott County.

2. The second Tuesday of each month shall be law and motion days in Mississippi County.
3. Division IV of Scott County shall hold law days on the second and fourth Thursdays of each month. [April 1, 1981.]

Rule 2.4. Particular Matters on Particular Days

The following matters may be heard and determined on the type of day designated:

1. "Term Day." Jury trials shall be scheduled for jury days at the call of the docket or as scheduled by the Court. Jury trials will be given preference on "jury days" but non-jury matters may be heard and determined on jury days if directed by the Court.
2. "Law Day." The following matters may be heard on "law day:"
 - A. Pretrial motions requiring no testimony;
 - B. Uncontested matters;
 - C. Adoptions;
 - D. Criminal matters:
 - a. Arraignments;
 - b. Sentencing and other matters which require no testimony other than that of the defendant.
3. "Non-jury Day" in Scott County Only. Non-jury days shall be the first and third Thursday of each month. Non-jury trials shall be scheduled for non-jury days at the call of the docket or as scheduled by the Court. Contested matters and motions requiring testimony will be heard on non-jury days.

[SCHEDULING OF MATTERS]

1. ["Law Days" and "Non-jury Days"—Scott County Only.] An attorney desiring to have a matter heard on a law day or non-jury day must request a "setting" either by a phone call or a letter directed to the secretary to the Circuit Judge at least seven days in advance of the law day or non-jury day. The attorney shall furnish the following information to the judge's secretary:

- A. The name of the case;
- B. The number of the case;
- C. What the nature of the matter is they wish taken up on that day;
- D. Name or names of all attorneys involved in the case;
- E. Time required for the deposition of the matter.

The secretary shall prepare a schedule for the law day or non-jury day, furnishing a copy thereof to each attorney who has a matter to be heard.

2. ["Law Days"—Mississippi County Only.] In Mississippi County, law day matters shall be taken up in no scheduled order but as presented by the respec-

tive parties after compliance with all notices required by law or by agreement of the attorneys.

Discretion is vested in the judge for hearing any matter on a day other than these specified.

JUVENILE MATTERS

Juvenile matters and adoptions shall be scheduled in Scott County on non-jury days which are the first

and third Thursdays. The juvenile officer shall schedule such hearings with the secretary to the Circuit Judge and the attorneys representing the parties in adoption matters shall schedule their matters with the secretary to the judge on said days.

[April 1, 1981.]

RULE 3. PLEADINGS

Rule 3.1. Caption

The following caption is required:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
DIVISION NO. _____

(Name) _____,)
)
Plaintiff—,)
)
vs.) No. _____
)
(Name) _____,)
)
Defendant—.)

(Cause)

(Attorney's signature) _____
(Type name of attorney) _____
(Street address) _____
(P.O. Box No.) _____
(City, State and Zip Code) _____
(Telephone No.) _____
Attorney for () _____

[April 1, 1981.]

RULE 4. FILING OF CASES

Number of Copies of Pleadings. All pleadings filed which require summons to issue and service on other parties shall be filed with sufficient number of copies to permit service thereof upon all adversary parties.

[April 1, 1981.]

Rule 4.1. Criminal Cases

1. Circuit Clerk. Civil cases other than those specified hereafter as required to be filed in Associate Circuit Judge Divisions shall be filed with the Circuit Clerk and shall be determined by a Circuit Judge or by an Associate Circuit Judge upon special assignment.

2. Division Clerk No. V, Scott County. The following civil cases shall be filed in the office of the division clerk of the Associate Circuit Judge for Scott County within the 33rd Circuit and shall be heard and determined in that division by an Associate Circuit Judge unless otherwise transferred as provided by these rules or applicable statute:

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cases;

A. All civil actions and proceedings for the recovery of money when the sum demanded, exclusive of interest and costs, does not exceed \$15,000;

B. All actions for replevin, in which the recovery sought is less than \$15,000;

C. Actions for unlawful detainer, actions for rent and possession, petitions for review of driver's license revocations;

D. All trial de novo proceedings from municipal divisions; municipal ordinance violation cases of any municipality in the county for which municipality no municipal judge is provided;

E. Preliminary hearings in felony cases;

F. All actions seeking hardship driving privileges;

G. Such other cases that could be heard and determined by an Associate Circuit Judge without assignment as an Acting Circuit Judge under provisions of law in effect on January 1, 1979;

H. All requests for jury trial of municipal cases;

I. Upon application for a Change of Judge from a municipal court;

J. All traffic citations; felony and misdemeanor cases;

K. Small claims cases (jurisdiction \$3,000).

3. Division Clerk No. II, Mississippi County. The following civil cases shall be filed in the office of the division clerk of the Associate Circuit Judge for Mississippi County within the 33rd Circuit and shall be heard and determined in that division by an Associate Circuit Judge unless otherwise transferred as provided by these rules or applicable statute:

A. All civil actions and proceedings for the recovery of money when the sum demanded, exclusive of interest and costs, does not exceed \$15,000;

B. All actions for replevin, in which the recovery sought is less than \$15,000;

C. Actions for unlawful detainer, actions for rent and possession, petitions for review of driver's license revocations;

D. All trial de novo proceedings from municipal divisions; municipal ordinance violation cases of any municipality in the county for which municipality no municipal judge is provided;

E. Preliminary hearings in felony cases;

F. All actions seeking hardship driving privileges;

G. Such other cases that could be heard and determined by an Associate Circuit Judge without assignment as an Acting Circuit Judge under provisions of law in effect on January 1, 1979;

H. All requests for jury trial of municipal cases;

I. Upon application for a Change of Judge from a municipal court;

J. All traffic citations; felony and misdemeanor cases;

K. Small claims cases (jurisdiction \$3,000).

[April 1, 1981. Amended April 14, 1988; Aug. 28, 1995.]

Rule 4.3. Probate Cases

1. Division Clerk No. IV, Scott County.

A. All pleadings, motions, claims and papers in a probate matter from Scott County should be filed and maintained in the office of this division.

2. Division Clerk No. VI, Mississippi County.

A. All pleadings, motions, claims and papers in a probate matter from Mississippi County should be filed and maintained in the office of this division.

[April 1, 1981.]

Rule 4.4. Juvenile Cases

1. All juvenile proceedings shall be filed in the office of the Circuit Clerk of the appropriate county in the 33rd Circuit.

2. All adoption proceedings shall be filed in the office of the Circuit Clerk of the appropriate county within the 33rd Circuit.

3. All proceedings for the approval of the settlement of suits involving claims by persons under eighteen (18) years of age shall be filed in the Circuit Clerk's office of the appropriate county of the 33rd Circuit.

[April 1, 1981.]

Rule 4.5. Small Claims Cases

"Small claims" cases as referred to in Section 482.300 through 482.356, RSMo shall be filed in the office of the division clerk of Division V when said cases arise in Scott County and shall be filed in the office of division clerk of Division II when said cases arise in Mississippi County.

[April 1, 1981.]

Rule 4.6. Municipal Cases

Municipal ordinance violation cases shall be filed with the clerk of the appropriate municipal division when that municipality has made provisions for a municipal judge as provided by law. If the municipality has not made such provisions, the filing shall be with the clerk of the appropriate division presided over by the associate circuit judge, which in Scott County is Division V and in Mississippi County, Division No. II.

[April 1, 1981.]

Rule 4.7. Facsimile Filing and Service

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

(2) Facsimile Filing Authorized

(a) Any pleading or other document including an original filing, may be filed in any division of this

Court having, maintaining or designating a facsimile machine for the receipt of such transmissions, by transmission of the same to such facsimile machine or a facsimile machine.

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

(c) The pleading or document shall be deemed filed, subject to subparagraphs (3) and (4) of this rule, on the date and at the time actually received at the place of filing.

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

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

(f) Subject to subparagraph (3) of this rule, the person filing a pleading or other document by facsimile or digital transmission shall retain the original, and make it available upon order of the Court.

(3) When Filing Fee or Deposit Required and Waiver

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

(b) If the provisions of the preceding subparagraphs (a) and (b) 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.

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

(4) Court Orders Transmitted by Facsimile Transmission. Court orders, judgments or decrees, including warrants and search warrants, may be transmitted to the Clerks of the various divisions or others by facsimile transmission, and until receipt of the originally signed order as herein provided, they shall have the same effect and be acted upon by all persons as if they were the original executed by the Court and shall in all instances be considered the original.

(5) Service by Facsimile Transmission

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

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

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

(d) The document faxed is presumed delivered and served, unless otherwise indicated by the readout of the senders device, to the phone number indicated by the sender's readout, and at the date and time of the end of transmission. The sender shall maintain a printout of such readout, and file the same if ordered by the Court.

(6) Service—How Shown. Proof of service by facsimile machine shall be made by the person causing the paper to be transmitted. Such proof of service shall indicate the telephone number to which the paper was transmitted and the method of confirmation that the transmission was received.

(7) Facsimile Archive. All facsimile motions, petitions, writs, orders, etc. must be on archivable paper. Those Clerks' Offices utilizing facsimile machines with thermal facsimile paper must make a copy of the facsimile paper or document transmitted and file the copy of the facsimile transmission as the original document in the file.

(8) Costs for Receipt or Transmission by Facsimile

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

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

(b) The Clerk of a division maintaining a device to receive or send facsimile transmissions may charge the person or entity filing by facsimile up to 50-cents per 8-1/2/ x 11 inch page for receiving and processing such document, and up to \$1.00 per 8-1/2/ x 11 inch page for document transmission.

(c) Nothing in is rule shall require a Clerk of any division to maintain a devise for or require them to transmit any document by this method.

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

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

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(i) be paid upon receipt by the person or entity; or

(ii) be subject to additional filing deposit by the Clerk as provided in these rules; or

(iii) be taxed as costs by the Court or Clerk to the party for whom the facsimile charge was incurred.

(9) **Business Day Defined.** A business day is any day, not a Saturday, Sunday or holiday recognized as

such by the Missouri Supreme Court through the office of the State Courts Administrator.

(10) **Length of Facsimile Transmission**

(11) **Effect of Facsimile Signature.** A facsimile signature shall have the same effect as an original signature.

(12) **Effective Date of this Rule.** This rule shall be effective when filed with the Supreme Court.

[Adopted eff. Aug. 31, 2007.]

RULE 5. FEES AND COSTS

Rule 5.1. Filing Fee and Cost Deposit

In all Civil cases filed in Divisions I, II, III, IV & V of the 33rd Circuit there shall be a deposit made with the Circuit Clerk of the respective county, for which the Clerk shall give his receipt.

Division I (Mississippi County) Division III (Scott County)

All Civil cases with one defendant	100.00
Each additional defendant	10.00
Publication Notice (additional)	50.00
Guardian Ad Litem fee (additional)	75.00
Application for Trial De Novo or appeals from Associate Court	55.00
Appeal to Missouri Court of Appeals Supreme Court Rule 81.04(C)	50.00
Executions	20.00
Mechanics Liens	1.65
Transcript Judgments	2.00
Certified copies: Decrees of Judgment	1.50
Decree with Sep. Agreement	3.00
Three-Way Certificate	5.00

Associate Division II (Mississippi County) Division V (Scott County)

All Civil cases with one defendant	40.00
Each additional defendant	5.00
Small Claims where service by Sheriff	35.00
Each additional defendant	5.00
Small Claims by Registered mail Up to \$100.00	10.00
\$100.00 to \$500.00	15.00
Executions	20.00

Associate Division VI (Mississippi County) Division IV (Scott County)

Where the fair market value at date of death of the probate assets, including both real and personal property, less liens and encumbrances, but before claims and costs of administration is:	
Not Over \$5,000.00	\$ 65.00

Over \$5,000.00 but not over \$10,000.00	75.00
Over \$10,000.00 but not over \$15,000.00	85.00
Over \$15,000.00 but not over \$20,000.00	95.00
Over \$20,000.00 but not over \$25,000.00	105.00
Over \$25,000.00 but not over \$30,000.00	115.00
Over \$30,000.00 but not over \$35,000.00	125.00
Over \$35,000.00 but not over \$40,000.00	135.00
Over \$40,000.00 but not over \$45,000.00	145.00
Over \$45,000.00 but not over \$50,000.00	155.00
Over \$50,000.00 but not over \$55,000.00	165.00
Over \$55,000.00 but not over \$60,000.00	175.00
Over \$60,000.00 but not over \$65,000.00	185.00
Over \$65,000.00 but not over \$70,000.00	195.00
Over \$70,000.00 but not over \$75,000.00	205.00
Over \$75,000.00 but not over \$80,000.00	215.00
Over \$80,000.00 but not over \$85,000.00	225.00
Over \$85,000.00 but not over \$90,000.00	235.00
Over \$90,000.00 but not over \$100,000.00	245.00
Over \$100,000.00 but not over \$125,000.00	255.00
Over \$125,000.00 but not over \$150,000.00	265.00
Over \$150,000.00 but not over \$175,000.00	270.00
Over \$175,000.00 but not over \$200,000.00	275.00
Over \$200,000.00 but not over \$250,000.00	280.00
Over \$250,000.00 but not over \$300,000.00	285.00
Over \$300,000.00 but not over \$350,000.00	290.00
Over \$350,000.00 but not over \$400,000.00	295.00
Over \$400,000.00 but not over \$450,000.00	300.00
Over \$450,000.00 but not over \$500,000.00	305.00
Over \$500,000.00 but not over \$550,000.00	310.00
Over \$550,000.00 but not over \$600,000.00	315.00
Over \$600,000.00 but not over \$650,000.00	320.00
Over \$650,000.00 but not over \$700,000.00	325.00
Over \$700,000.00 but not over \$750,000.00	330.00
Over \$750,000.00 but not over \$800,000.00	335.00
Over \$800,000.00 but not over \$850,000.00	340.00
Over \$850,000.00 but not over \$900,000.00	345.00
Over \$900,000.00 but not over \$950,000.00	350.00
Over \$950,000.00 but not over \$1,000,000.00	355.00
Over \$1,000,000.00	365.00

Notwithstanding any other provision of this act the following schedule shall apply in any city not within a county of over 600,000 population:

Not over \$10,000	\$ 75.00
Over \$10,000 but not over \$25,000	115.00
Over \$25,000 but not over \$50,000	155.00

6.2.2. Stipulation for Plea. If immediately after conducting a preliminary hearing or accepting a waiver of preliminary hearing, the Prosecuting Attorney, Defense Counsel, and the Defendant all sign a stipulation: a) requesting that the Associate Circuit Judge take the felony plea, and b) waiving in writing all objections thereto, then said Associate Circuit Judge may take said felony plea without further assignment.

If sometime after the Preliminary Hearing stage the Prosecuting Attorney, Defense Counsel, and the Defendant all sign a stipulation: a) requesting that an Associate Circuit Judge take the felony plea, and b) waiving in writing all objections thereto, then said Associate Circuit Judge may take said felony plea upon assignment by the Presiding Judge.

[April 1, 1981. Amended eff. Jan. 26, 2007.]

Rule 6.3. Special Assignment

The Presiding Judge may assign judges to hear such cases or classes of cases as the Presiding Judge may designate, and to assign judges to division. Such assignment authority shall include the authority to authorize particular Associate Circuit Judges to hear and determine cases or classes of cases in addition to those authorized in Section 478.225, RSMo. By this subsection the Presiding Judge shall not, however, be authorized to make the following assignments: a) Assign a municipal judge to hear any case other than to initially hear a municipal ordinance violation case of another municipality which makes provisions for its own municipal judge; b) Assign a case to a judge contrary to the provisions of Supreme Court Rules.

6.3.1. For one year beginning January 1, 2007, cases filed before the Division 5 Judge by his former partners or associates in order to avoid the appearance of any impropriety shall be assigned to the judge presiding Division 4 in Scott County, Missouri.

6.3.2. Any matters filed or coming before the Circuit Judge by the spouse, partner or associate of spouse and/or relative spouse within the second degree of affinity or consanguinity, in order to avoid any appearance of impropriety shall be assigned to the judge presiding over Division 4, for matters filed in Scott County; or the judge presiding over Division 2 for matters filed in Mississippi County.

[Adopted eff. Jan. 26, 2007.]

Rule 6.5. Municipal Division Assignment

The Judge of a municipal division may hear and determine only cases that involve the violation of a

municipal ordinance within the municipality for which the judge serves.

In those municipalities which have elected to provide their own municipal court as provided by law, if any municipal judge becomes disqualified to act, other than pursuant to Supreme Court Rules, the case shall be presided over by the associate circuit judge, which in Scott County is Division V and in Mississippi County is Division II.

[Adopted eff. Jan. 26, 2007. Amended eff. March 12, 2007.]

Rule 6.6. Absence of Judge

When the Judge of Division 1 in Mississippi County is absent from the circuit, or is not immediately available, the Associate Circuit Judge of Division 2 shall have full power to hear and determine any matter of any emergency nature pending in Division 1.

6.6.2. When the Judge of Division 3 in Scott County is absent from the circuit, or is not immediately available, the Associate Circuit Judge of Division 4 or of Division 5 shall have full power to hear and determine any matter of any emergency nature pending in Division 3.

6.6.3. When the Associate Judge of any division is absent from the county, or is not immediately available, the other Associate Judge within said county shall have full power to hear and determine any matter of an emergency nature pending in that division.

6.6.4. When both Associate Judges or the only Associate Judge is absent from the county the Circuit Judge shall have full power to hear and determine any matter pending in any division.

[April 1, 1981. Amended eff. Jan. 26, 2007.]

Rule 6.7. Absence of Presiding Judge

6.7.1. Juvenile Matters. In the absence of the Presiding Judge the Associate Circuit Judge in Mississippi County shall exercise administrative jurisdiction over the Juvenile Detention Center located in Charleston, Missouri.

6.7.2. The Judges of the Associate Divisions of the 33rd Judicial Circuits are hereby authorized to hear and determine applications for detention of juveniles throughout the Circuit, pursuant to Supreme Court Rule 111.07 or 111.08.

[April 1, 1981. Amended eff. Jan. 26, 2007.]

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

Rule 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 the office of any division clerk except in the

custody of employees of the circuit court unless written authorization is obtained from the judge of the division in which said file is located. The respective clerk for each division shall establish and maintain a

procedure for accounting for all files removed from his or her office and have acknowledged return of the court files which are removed pursuant to the aforementioned rule and such procedure shall be maintained as part of the official records of the office of said clerk.

[April 1, 1981.]

Rule 7.2. Duplicating Policy

Anything to the contrary in this rule notwithstanding, each clerk may establish procedures whereby

attorneys and abstractors may remove files to other parts of the courthouse for periods of short duration for photocopying or for review. Charges for duplication shall be as follows:

Photocopies for each file, 1st page	\$1.00
All other pages	.25
Certified or Authenticated	.50 per document

[April 1, 1981.]

RULE 8. PUBLICATION OF DOCKETS

Rule 8.1. Trial Docket

The clerk of the court shall prepare a trial docket of all civil and criminal cases that are scheduled to be heard in Divisions I and III. The docket shall be mailed to all attorneys having a case before the court at least five days before the first day of each term or hearing date.

[April 1, 1981.]

determine if the circumstances with respect to such cases are appropriate for dismissal for failure to prosecute, and if the circumstances merit such action, the attorneys in the case shall be advised that unless good cause be shown against said dismissal, the Court shall dismiss such case for failure to prosecute.

[April 1, 1981.]

Rule 8.2. Dismissal Docket

All cases which have been pending in Division I and III for 18 months shall be examined by the Court to

RULE 9. COURTROOMS

Rule 9.1. Assignment of Courtroom

In Scott County the secretary to the Circuit Judge shall maintain a schedule for the Circuit Courtroom located in the main courthouse. Any judge requiring

the use of that courtroom shall first check the availability of said courtroom and then may schedule said courtroom for use on a date certain.

[April 1, 1981.]

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

Preparation of any transcript on appeal by an official court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for 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.

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

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

[April 1, 1981.]

GENERAL RULES

RULE 21. ATTORNEYS

Rule 21.4. Withdrawal of Attorneys

An attorney requesting to withdraw shall file a written motion requesting leave of court to withdraw. A copy of the motion and 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. 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.

[April 1, 1981.]

RULE 24. EXHIBITS

Any attorney who has an exhibit marked is responsible for such exhibit before, during, and after trial. Exhibits should be marked for identification during the pretrial conference.

[April 1, 1981.]

PRETRIAL MATTERS

RULE 33. PRETRIAL MOTIONS

Rule 33.2. Briefs in Support of Motions, When Required

All motions in civil cases shall be in writing and may be accompanied by a written memorandum setting forth reasons in support thereof with citations and points relied upon. Either party thereafter, upon seven days notice, may call said motion for hearing. If no memorandum is filed, the court may, after 10 days from the filing of the motion, consider the motion

without argument. Time to file written memoranda may be extended by the court for good cause shown.

[April 1, 1981.]

Rule 33.4. Motions In Limine

All motions in limine shall be in writing and accompanied by citations of authority. (See also Rule 33.2.)

[April 1, 1981.]

RULE 35. PRETRIAL CONFERENCE

Cases are subject to be set for pretrial conference by any division in accordance with Supreme Court Rules 62.01 and 24.12.

A pretrial conference shall be held beginning at 8:30 a.m. or as otherwise designated by the Court, on the first day of each jury case. Attorneys for all parties shall be present and shall present all available exhibits for possible admission in evidence. The defendant in a criminal case shall attend the pretrial conference.

[April 1, 1981.]

RULE 36. SETTING CASES FOR TRIAL

Rule 36.1. Request for Trial

On the first day of each term of Divisions I and III, the trial docket shall be called for the purpose of setting all cases thereon for trial. Counsel on each side shall announce whether a jury is required. In the event the court is not advised at the time of setting that a jury trial is required, said case shall be set for trial before the Court without a jury. Failure to request a jury at the time of setting shall be deemed oral consent in court to waive said jury and thereby shall constitute a waiver of trial by jury.

The Court in its discretion may set cases for trial upon written request of all attorneys in said case and

may set cases on any normal Law Day in open court upon proper notice to all parties.

Each of the judges of Divisions II, IV, V and VI, and municipal divisions shall schedule the cases filed within that judge's division, as well as those assigned to them by the presiding judge or by these rules.

[April 1, 1981.]

Rule 36.2. Date of Calendar Call

In Divisions I and III the Calendar Call (formerly known as Docket Call or Term Day) will be held on the following dates:

1. In Scott County, the first Monday in March, July and November. If any such date is a holiday, Calendar Call will be held on the following day or the first day thereafter which is not a holiday.

2. In Mississippi County, the first Monday in February, June and October. If any such date is a holiday, Calendar Call will be held on the following day or the first day thereafter which is not a holiday. [April 1, 1981.]

Rule 36.3. Preparation of Calendar

Prior to the beginning of each term, the clerk shall prepare and distribute a printed docket of pending cases.

[April 1, 1981.]

Rule 36.4. Calendar Call

No Local Rule, but see Rule 36.2.

[April 1, 1981.]

RULE 37. DISMISSALS

Rule 37.1. Dismissal Docket

No Local Rule, but see Rule 8.2.

[April 1, 1981.]

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

Rule 41.1. Notice of Settlement

The Court and the clerk shall be notified promptly by attorneys for all parties if a case is settled.

[April 1, 1981.]

TRIALS

RULE 51. COURT-TRIED CASES

Rule 51.3. Preparation of Findings of Fact and Conclusions of Law

In all court-tried cases in which findings of fact and conclusions of law are required or properly requested,

the parties, through their attorneys, shall submit proposed findings of fact and conclusions of law as directed by the Court.

[April 1, 1981.]

RULE 52. SELECTION OF JURY

Rule 52.1. Jury Questionnaires

The jury questionnaire shall be delivered with the summons together with directions to fill it out and return it to the clerk's office.

Jury questionnaires may be inspected by the attorneys at any time that the court is in session.

Attorneys shall not, as part of the voir dire examination, examine a member of the jury panel as to any matter contained on the jury questionnaire, without the permission of the Court, except as to events that have occurred since the signing of the questionnaire.

[April 1, 1981.]

RULE 53. JURY TRIALS

Rule 53.1. Instructions

1. Criminal Cases. Prior to commencement of any jury trial of a criminal case, the prosecuting attorney shall prepare proposed jury instructions for use by the Court.

2. Civil Cases. The attorney for the plaintiff shall prepare the following instructions for use in jury trials of civil cases; cautionary, explanatory, facts not as-

sumed, burden of proof, number of claims, package explanation and all applicable verdict forms. All parties shall have the proposed instructions they wish to submit prepared for tender to the Court at the close of all evidence in the case including proposed verdict directors, definitions, damages, converse instructions and affirmative defense instructions.

[April 1, 1981.]

RULE 54. JUDGMENT ENTRY

Rule 54.1. Contested Cases

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the form of judgment or decree to the Court for its approval and deliver the same to the clerk of the court within 10 days, with copy to opposing counsel. If opposing counsel objects to any proposed order, judgment or decree, that counsel shall promptly communicate such objection to the judge before whom the case was tried

with a copy of said objection being sent to counsel who prepared the order, judgment or decree within 5 days.
[April 1, 1981.]

Rule 54.2. Default or Uncontested Cases

Counsel for the prevailing parties shall on the day of rendition, present to the Court for approval, the judgment or decree to be entered in the cause.
[April 1, 1981.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION

Rule 61.1. Filing Requirements

At the time of filing the 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 193.360, RSMo 1978.¹
[April 1, 1981.]

¹ Repealed. See, now, section 193.205 RSMo.

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

[April 1, 1981.]

Rule 61.2. Home Study

Unless waived pursuant to Section 453.070, RSMo 1978, upon the filing of a Petition for Adoption, the

RULE 62. DRIVERS' CASES

Rule 62.1. Application for Hardship Driving Privileges

Applications for hardship driving privileges shall be filed with the division clerk of the associate circuit

judge division for the appropriate county as specified by Rule 4.1(2.[F]), (3.[F]).

[April 1, 1981.]

RULE 63. [PROTECTION ORDERS]

Rule 63.1. [Child Protection Cases]

In all Child Protection cases the Security Level shall be set and maintained at 3 (Confidential) to protect the privacy of the children involved.

If any Exhibits are filed, they shall be placed in a confidential envelope in the Court file.

[Adopted Dec. 27, 2002, eff. Jan. 3, 2003.]

RULE 67. CRIMINAL CASES

Rule 67.1. Pretrial Release

67.1.1. Motions to Set Bond and for Bond Reduction. Motions for bond reduction will be addressed to the judge of the division in which the case is pending. Written motions will be filed with the division clerk where the case is pending. If the judge before whom the case is pending is absent or unavailable, the motions shall first be submitted to the presiding judge. If the presiding judge is absent or unavailable, the motions shall then be submitted to the judge who is "on call."

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

[April 1, 1981.]

Rule 67.9. Guilty Plea

67.9.1. Where Entered. (No Local Rule.)

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

be ready to be executed by the defendant and his attorney in open court. Copies of petitions to enter

plea of guilty forms may be secured from the clerk's office.

[April 1, 1981.]

RULE 68. DISSOLUTION OF MARRIAGE

Rule 68.1. Filing Requirements

At the time of filing the petition, the attorneys for the petitioners 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 1978.¹

[April 1, 1981.]

¹ Repealed. See, now, section 193.205 RSMo.

Rule 68.2. Interim Family Law Order

In all proceedings for Dissolution of Marriage or Legal Separation the Court hereby enters the Interim Family Law Order (Form 68-A). In any such proceeding the Clerk of the Court shall attach the Interim Family Law Order (Form 68-A), to the Summons or serve a copy of the Interim Family Law Order (Form 68-A) on the parties at the addresses specified in the petition. Proof of mailing by regular mail or delivery by the clerk shall constitute notice as required in this rule.

[Adopted eff. Jan. 26, 2007.]

Rule 68.4. Filing of Financial Statements in Contested Cases

On a form obtained from the clerk, a statement of marital and non-marital property under oath of the party making the same shall be furnished to the court prior to the date on a contested hearing in all cases filed for dissolution of marriage or legal separation. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value less encumbrances and the name of the party having possession or control. (See Exhibit A attached at the end of these Rules.)

Also, on a form obtained from the clerk, a statement of income and expense shall be filed in all dissolution of marriage and legal separation actions, and in all motions to modify child support or maintenance. The statement shall, to the best of the ability of the party, list income of both parties from all sources and the anticipated separate expenses of the party making the statement together with the expenses of dependent children. (See Exhibit B attached at the end of these Rules.)

In all contested dissolution cases a copy of such statement of property, income and expenses shall be supplied to the opposing attorney not less than five (5) days prior to the date of hearing. Also, an income and expense statement shall be filed and supplied to the opposing attorney not less than five (5) days prior

to the date of hearing a contested motion to modify child support or maintenance.

68.4.1. Consolidated Statement Required. In every contested case in which property and/or debts are in issue, thirty (30) days prior to trial date Form 68-B shall be completed by Petitioner and forwarded to Respondent for completion. Respondent shall complete the original form at least fifteen (15) days prior to trial date and immediately forward a copy to Petitioner. The original form shall be submitted to the Court on hearing date. If either party does not complete Form 68-B in a timely manner then that party shall not be allowed to offer any values for property listed therein.

[April 1, 1981. Amended eff. Jan. 26, 2007.]

Rule 68.12. Entry of Judgments 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 at least one party is represented by counsel and the parties have entered into a written Parenting Plan determining custody, visitation 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 containing, at a minimum, the information in Appendix Form E, setting forth sworn testimony showing the Court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with an original and three copies of the proposed Decree or Judgment, a copy of any written agreement proposed for adoption by the Court, a completed Form 14 (if children are involved), 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) **Notice of Request.** Notice of the intention of either party to request the entry of judgment upon affidavit must be given in writing, unless such notice is specifically waived in writing by the other party, not less than ten (10) days prior to the filing of the affidavit, unless the request for such relief is by agreement of the parties. Notice shall be given to legal counsel for the opposing party or to the opposing party, personally, if not represented, with a copy of

the notice and proof of service being filed with the court. No notice shall be required to be given to a party who is in default unless otherwise required by law.

(d) **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 the pleadings.

[Adopted eff. Nov. 1, 2001. Amended eff. June 21, 2002.]

RULE 72. PROBATE

The division clerk of each associate circuit judge shall accept for filing and shall maintain the court files for all probate cases in the county to be heard by the associate circuit judge division except those files for cases heard by special assignment.

[April 1, 1981.]

POST TRIAL

RULE 81. EXECUTION

Executions shall not be issued by the clerk except upon written application therefor verified by the oath of the judgment-creditor or his 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;
7. Any special instructions to be provided the sheriff performing the execution.

Fifteen (\$15.00) dollars to apply toward sheriff's fees shall be paid to the clerk at the time of filing the application.

[April 1, 1981.]

INTERNAL ORGANIZATION

RULE 100. [INTERNAL ORGANIZATION]

Rule 100.1. Presiding Judge

100.1.1. **Election.** (No Local Rule.)

100.1.2. **Duties of Presiding Judge.** The presiding circuit judge shall exercise the responsibilities prescribed by law. (Reference: Section 478.240 V.A.M.S.)

100.1.3. **Dispute Resolution—Procedure.** (No Local Rule.)

[April 1, 1981.]

Rule 100.3. Library Fund

1. **Scott County.** Pursuant to Section 514.470, RSMo, \$10.00 of the filing fee and cost deposit shall be for the law library fund. Said sum shall be collected in all civil cases, except actions sent to this county on a change of venue, cases within the probate jurisdiction, cases filed under Chapter 517, RSMo procedures, cases filed under small claims procedures, applications for trial de novo, or cases filed by a city, county, or the state.

The presiding judge is designated as treasurer of said library fund. Said fund shall be used for the maintenance and upkeep of the law library.

2. **Mississippi County.** Pursuant to Section 514.470, RSMo, \$10.00 of the filing fee and cost deposit shall be for the law library fund. Said sum shall be collected in all civil cases, except actions sent to this county on a change of venue, cases within the probate jurisdiction, cases filed under Chapter 517, RSMo

procedures, cases filed under small claims procedures, applications for trial de novo, or cases filed by a city, county, or this state.

Associate Circuit Judge Edward Graham is designated as treasurer of said library fund. Said fund shall be used for the maintenance and upkeep of the law library.

[April 1, 1981.]

RULE 68 FORMS

Form 68-A. Interim Family Law Order

FORM 68-A

THIRTY-THIRD JUDICIAL CIRCUIT

STATE OF MISSOURI

INTERIM FAMILY LAW ORDER

This dissolution or legal separation is now pending before the Court. In an effort to continue the status quo of the parties and maintain parent-child relationships until a hearing is held, the Court finds that it is in the best interests of the parties and their children, if any, to issue this INTERIM FAMILY LAW ORDER immediately upon commencement of the case. The Clerk of the Court shall attach this Interim Family Law Order (Form 68C), to the Summons or serve a copy of it on the parties at the addresses specified in the petition. Proof of mailing by the clerk shall constitute notice as required in this rule.

IT IS THEREFORE ORDERED, PURSUANT TO LOCAL COURT RULE 68.2, AS FOLLOWS:

1. Neither party shall stalk, abuse, threaten to abuse, molest, or disturb the peace of the other.

2. Under Missouri law, neither parent shall remove any child from the jurisdiction of the court or from any parent with whom the child has primarily resided for the sixty (60) days immediately preceding the filing of the petition for dissolution of marriage or legal separation.

3. Neither party shall remove, cause to be removed, or permit the removal of any unemancipated children of the parties from the State of Missouri for a period longer than ten (10) days without the written consent of the other party, or further order of this Court.

4. Neither party shall cause the 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 insur-

ance coverage in full force and effect. Neither 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.

5. Neither 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 allocate the income and expenses of the parties and the costs connected with this action.

6. Neither party shall cause the utilities to the residence of the other party to be shut off.

7. Neither party shall conceal or damage any property, real or personal. Without written consent of the other party, neither party shall close any bank accounts, certificates of deposit, I.R.A. accounts, etc., nor 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, an itemized written accounting may be requested by the other party and if so requested shall be made within fourteen (14) days of the written request. In the case of disposition made for the necessities of life, an itemized written accounting may be requested by the other party and if so requested shall be made within fourteen (14) days of the written request.

8. Any party moving from the family residence may return to pick up personal belongings and effects at a reasonable time if the parties agree. Personal belonging and effects do not include furniture unless the parties agree.

9. Any party receiving personal mail or packages addressed only to the other party shall not open them, but shall forward or arrange to have such mail or packages delivered promptly to the other party. Personal mail addressed to both parties, or concerning the children, and mail related to the other party's income, debts or property, may be opened by the person who receives it, but any party receiving such mail shall promptly send a copy to the other party.

10. This Order shall continue in effect, except as modified by written agreement of the parties or as modified by further Order of this Court after a hearing.

11. Each party is subject to the provisions of this Order and either party may request a hearing to determine if an appropriate bond should be required.

NOTICE

THE PROVISIONS OF THIS INTERIM ORDER ARE ONLY TO PROTECT THE CURRENT SITUATION OF THE PARTIES AND HAVE NO IMPACT ON THE ULTIMATE DECISION OF THE COURT AS TO CUSTODY, VISITATION, MAINTENANCE, OR PROPERTY AND DEBT DIVISION.

[Adopted eff. Jan. 26, 2007.]

Form 68-B. Consolidated Statement of Marital and Non-Marital Assets and Debts of Petitioner and Respondent

CAPTION

FORM 68-B

CONSOLIDATED STATEMENT OF MARITAL AND NON-MARITAL ASSETS AND DEBTS OF PETITIONER AND RESPONDENT

Instructions: This form must be completed in full. If additional space is required, add a page indicating the section number and supply all information requested. Show only dollar amounts, rounding to the nearest dollar. STATEMENT IS TO BE SUBMITTED TO THE COURT ON THE DATE OF THE HEARING. Failure to submit this form may result in sanctions.

MARITAL PROPERTY

A. Real Estate - List interest in real estate owned by you, including leaseholds. Include street address.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

B. Motor Vehicles. Include all automobiles, boats, trailers, aircraft, recreational vehicles and campers in which you have an interest. List year, make, model, and vehicle identification number.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

C. Bank Accounts. List all checking and savings accounts, time deposits, money market certificates, etc., held in your name alone or with another person. Give the name of the institution, the names on the account and the account number.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

D. Cash on Hand.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

E. Securities. List all stocks, including both public and closely held corporations, bonds, promissory notes, mortgages, money market funds and all other such property in which you have an interest. Give the names in which the securities are held and identification number, if any.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

F. Life Insurance. List the type of policy, name of issuing company, insured, beneficiaries, face value and cash value of any policy in which you have an interest.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

G. Retirement Pension and/or Profit Sharing. List name of the company, the name and the address of the plan administrator, and the present total value of any plan in which you hold an interest.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

H. Interest in trust. List any interest which you hold in a trust.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

I. Interest in contracts made and not performed held by you. List the parties to the contract, your interest to the contract and the expected date of performance, if any.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

J. Interest in pending litigation or suit not yet filed held by you.	II Value	W Value	Court Value	II Debt	W Debt	Court Debt	II Request	W Request	Court Award

K. Interest in farm equipment, crops, animals. List the nature of the property and location held by you.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

L. Debts owed to you by others. List the name of the debtor, any security, date of loan and the date, if any, of any debts owed to you.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

M. Interests in sole proprietorships, partnerships or joint ventures held by you. List the names of all other persons who share an interest in this business with you and the percent interest you hold.	H Value	W Value	Court Value	H Debt	W Debt	Court Debt	H Request	W Request	Court Award

Comes now PETITIONER and being duly sworn on oath states that Affiant has read the foregoing Consolidated Statement, and the answers given there in are true to the best of Affiant's knowledge and belief.

Affiant

Subscribed and sworn to before me on this _____
(Date)

Notary Public

My Commission Expires:

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

Comes now RESPONDENT and being duly sworn on oath states that Affiant has read the foregoing Consolidated Statement and the answers given there in are true to the best of Affiant's knowledge and belief.

Affiant

Subscribed and sworn to before me on this _____
(Date)

Notary Public

My Commission Expires:

[Adopted eff. Jan. 26, 2007.]

EXHIBITS

Exhibit A. Statement of Property

IN RE THE MARRIAGE OF

 PETITIONER,

and

No. _____

 RESPONDENT.

STATEMENT OF PROPERTY

 Name

 Social Security Number

I. PROPERTY	Present Value	How * Acquired	Date Acquired	Amount Owed
A. Real Estate—list any and all interests held in real estate (include address, legal description and name of mortgagor). _____ _____ _____	\$			\$
B. Motor Vehicles (include all automobiles, boats, trailers, aircraft, recreational vehicles and campers and give year, make, model and serial number and name of each mortgagor). _____ _____ _____				

* How Acquired—state whether the property was purchased, inherited, etc. See also, Section 452.330.2 which defines “marital property” and which lists exceptions to the rule that property acquired by either spouse subsequent to the marriage is “marital property.” For example, property acquired by gift or inheritance is excluded.

	Present Value	How * Acquired	Date Acquired	Amount Owed
C. Bank Accounts—list all checking and saving accounts held whether in your name alone or in your name and that of another person. Give the name of the institution, the names on the account and the account number. Be sure to include here all time deposits and certificates of deposit, etc.	\$			\$
D. Household Goods—include all appliances, furniture, silver, antiques, televisions, stereos, etc. Attach list of each item with a value of at least \$100 or more showing present value, how acquired, date acquired, and amount owed.		XXXX	XXXX	
E. Personal Goods—include jewelry, furs, guns, cameras, coin and stamp collections, fishing and camping equipment, etc. Attach a list of each item with a value of at least \$100 or more showing present value, how acquired, date acquired, and amount owed.		XXXX	XXXX	
F. Cash on Hand—list only that in your possession.				XXXX
G. Securities—list all stocks, bonds, promissory notes, mortgages and all other such property in which you have an interest and give the names in which the securities are held and identification numbers, if any.				

	Present Value	How * Acquired	Date Acquired	Amount Owed
H. Life Insurance—list the kind of policy, name of issuing company, policy number, owner of policy, insured, beneficiaries, face value and cash surrender value of the policy, if any (include any policies furnished by your employer). _____ _____ _____	\$			\$
I. Retirement, Pension and/or Profit Sharing Plans—list name of the company and its present total value and percentage vested. _____ _____				
J. Any Interest in any Trust—give name of the trust, name of the trustee, name of settlor, name of beneficiaries, nature of the interest you have in the trust and attach to this list a copy of the trust instrument. _____ _____				
K. Any Interest in a contract made but not yet performed—list the parties to the contract and the expected date of performance, if any. _____ _____				
L. Any Interest in any Pending Litigation or Suits yet to be filed. _____ _____				
M. Any Interest in any farm equipment, animals, or crops—give the nature of the property and its location. _____ _____				

	Present Value	How * Acquired	Date Acquired	Amount Owed
N. Any debt owed to you by others—list the name of the debtor, any security, date of loan and due date, if any, etc.	\$			\$
O. Future interests—list the interest you hold, the property involved and the present owner.				
P. Partnership Interests—(list the name of partners and percentage interest). Attach a copy of the partnership agreement or set forth its terms with assets and liabilities.				
Q. List any other asset not already listed herein.				

II. DEBTS	Current Balance	Monthly Payment
A. List all loans from any bank or lending institution to you. Show who signed the loan, the date of the loan, and give the name and address of the loan and the outstanding balance.	\$	\$

	Current Balance	Monthly Payment
B. List all credit card balances and store charges—show the name on the credit card.		
_____	\$	\$

C. Other Indebtednesses—Show to whom.		

STATE OF MISSOURI)
) ss.
 COUNTY OF)

Comes now _____, being of lawful age and after being duly sworn, states that affiant has read the foregoing Statement of Property and that the facts therein are true and correct according to the affiant's best knowledge and belief.

 Affiant

Subscribed and sworn to before me the undersigned Notary Public, on this ____ day of _____, 19__.

My Commission expires: _____

 Notary Public

[April 1, 1981.]

Exhibit B. Statement of Income and Expenses

IN RE THE MARRIAGE OF:

PETITIONER

AND

NO. _____

RESPONDENT

STATEMENT OF INCOME AND EXPENSES OF

Name

Social Security Number

I. INCOME

A. Gross Wages or Salary and Commissions each Pay Period. \$_____

PAID: ___ Weekly ___ Bi-Weekly ___ Semi-Monthly ___ Monthly

Payroll Deductions:

F.I.C.A. (Social Security Tax) \$_____

Federal Withholding Tax _____

State Withholding Tax _____

City Earnings Tax _____

Union Dues _____

Others: _____

Total Deductions each Pay Period \$_____

Net Take Home Pay each Pay Period \$_____

B. Additional Income from Rentals, Dividends and Business Enterprises (give monthly average and list sources of income).

_____ \$_____

Average Monthly Total _____

- C. Any other Income—(from social security, AFDC, V.A. benefits, pensions, annuities, bonuses, commissions and all other sources; list the source and MONTHLY average).
- | | |
|-----------------------|----------|
| | \$ _____ |
| | _____ |
| | _____ |
| Average Monthly Total | \$ _____ |
- D. TOTAL AVERAGE MONTHLY INCOME \$ _____
- E. Your share of the gross income shown on last year's Federal Income Tax Return. \$ _____

II. EXPENSES (Give all expenses on a MONTHLY average)

- | | |
|--|----------|
| A. Rent or mortgage payments | \$ _____ |
| B. Utilities | |
| 1. Gas | \$ _____ |
| 2. Water | _____ |
| 3. Electricity | _____ |
| 4. Telephone | _____ |
| 5. Trash Service | _____ |
| C. Automobiles | |
| 1. Gas and oil | \$ _____ |
| 2. Maintenance (routine) | _____ |
| 3. Taxes and Licenses | _____ |
| 4. Payment on the Auto Loan | _____ |
| D. Insurance | |
| 1. Life | \$ _____ |
| 2. Health and Accident | _____ |
| 3. Disability | _____ |
| 4. Homeowners (if not included in mortgage payment) | _____ |
| 5. Automobile | _____ |
| E. Total payment on Installment Contracts | \$ _____ |
| F. Child Support Paid to Others for Children not in your Custody | \$ _____ |
| G. Maintenance or Alimony | \$ _____ |

