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**RULES OF THE CIRCUIT COURT OF THE FORTY-FIRST JUDICIAL CIRCUIT
MACON AND SHELBY COUNTIES**

**ADMINISTRATION
RULE 1. DIVISIONS OF COURT**

There shall be six divisions of court which shall be divided as follows:

Macon County:

Division One: Circuit, Juvenile and Probate
Division Two: Associate and Small Claims
Division Six: Municipal

Shelby County:

Division Three: Circuit and Juvenile
Division Four: Associate, Probate and Small Claims
Division Five: Municipal

[Eff. Jan. 2, 1981.]

**ADMINISTRATION
RULE 2. HOURS AND TERMS OF COURT**

RULE 2.1 HOURS OF COURT

A. All sessions of Court shall convene at 9:00 a.m., unless a different time is ordered by the court.

B. The Court will observe the following holidays: All state holidays and other days on which the Supreme Court or the Circuit Court declares that the Courts shall be closed.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 2.2 TERMS OF COURT

A. The Circuit Court of each County of the Circuit shall be in continual session as provided by Section 478.205, RSMo 2000. 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, II, III and IV shall be considered as commencing on the dates as hereafter stated:

(1) In Macon County on the second Wednesday in the months of January, April, July and October; and

(2) In Shelby County on the second Thursday in the months of February, June and October.

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.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 2.3 LAW DAYS

A. The Law Days for Division I and III will be held as follows unless otherwise directed by the Court:

(1) In Macon County Circuit Criminal Law Days on the second and fourth Wednesday of each month; and

(2) In Macon County Circuit Civil Law Days on the second and fourth Wednesdays of each month at 8:00 a.m.; and Macon County Felony Child Support at 1:00 p.m.; and

(3) In Macon County there shall be a Juvenile Law Day on the second and fourth Monday of each month; and

(4) In Shelby County Circuit Criminal and Civil on the fourth Thursday of each month; and

(5) In Shelby County there shall be a Juvenile Law Day on the Second Tuesday of each month.

B. The Law Days for Divisions II and IV will be held as follows unless otherwise directed by the Court:

(1) In Macon County Treatment Court on Tuesday of each week and Associate Criminal matters on the first four Thursdays of each month (if Tuesday or Thursday is a legal holiday, then that Court shall cancel) Associate Civil matters on the first and third Mondays of each month beginning August 2019 (if Monday of that week is a legal holiday, then that Court shall cancel).

(2) In Shelby County on Wednesday of each week, except the fourth Wednesday of each month, which is reserved as a conflict day, and on those days the Court shall cancel.

C. Law Days as set forth above shall not be changed except by the Court En Banc. Judges may schedule additional law days as each Judge deems appropriate.
[Eff. Jan. 2, 1981. Amended Sept. 18, 1991; Jan. 1, 2002; Jan. 1, 2003; Jan. 1, 2005; Jan. 1, 2006; Jan. 2, 2007; Dec. 3, 2010; Mar. 1, 2016; May 6, 2019; Nov. 26, 2024.]

RULE 2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

A. All Motions and other law matters preliminary to the trial or other disposition of a case, may be heard on any Law Day or Term Day occurring at least five (5) days after notice in writing to all counsel of record, or parties if not represented by counsel, that they are to be present at such time, or at any time by consent of parties. Motions and other matters of law in any case may be heard by the Judge when in attendance or trials, by consent of parties, during any recess in the trial (consent of the Judge having theretofore been obtained).

B. At any time when counsel for all parties are present in Court, unless good cause be shown to the contrary, any case then at issue shall, at the request of either party, be set for trial at such time as may be mutually agreeable to counsel in the case and the Court; or, in the absence of such agreement, at such time as may be designated by the Court. A case may be set in the absence of opposing counsel, provided the party demanding trial shall have given the said opposite party reasonable notice of his intention to request a setting.

C. Cases in default may be prosecuted to final judgment on any Law Day; or on any day the Judge is present after such default.

D. Pretrial conferences, when ordered by the Court, shall be held as ordered by the Court.

E. Defendants requiring foreign language interpreter services shall be scheduled on the 4th Thursday of each month and the Circuit Clerk shall arrange for an interpreter.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002; Jan. 1, 2005; Nov. 26, 2024.]

ADMINISTRATION

RULE 4. FILING OF CASES

RULE 4.1 CRIMINAL CASES

A. Since the consolidation of the Clerk's Office in both counties in the circuit, all cases, except Municipal Division cases in cities having municipal courts, shall be filed in the Circuit Clerk's Office, and assigned to the appropriate division.

B. In all criminal actions, including post conviction motions filed pursuant to Missouri Supreme Court Rules, the Clerk shall accept for filing any eFile transmission of motions, pleadings, and the like, and the motion, pleading or other transmitted document shall be deemed filed as of the date of the eFile transmission is received by the Clerk, and shall have the same effect as the filing of an original document. This Rule shall apply to all motions, including those required to be verified or submitted by affidavit. The electronic copy shall be the official record effective 5/2/16.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002; Jan. 1, 2003; Jan. 6, 2010; Mar. 1, 2016.]

RULE 4.2 ALL CASES

A. All civil cases, pleadings, motions and papers relating thereto shall be filed with the Circuit Clerk's Office and assigned to the appropriate division by eFile. Paper documents shall be accepted for filing in all cases in a particular county or division until the case type is designated by the Presiding Judge as one that shall be filed electronically. The Presiding Judge shall designate a case type to be filed electronically by administrative order. The administrative order shall specify the date by which a case type shall no longer be filed by paper. The case types shall be all probate, excluding mental health cases; all municipal cases including municipal trial de novo cases, traffic, infractions, watercraft and conservation cases; all domestic relations case types, including paternity, except for orders of protection; all associate civil cases and all circuit cases. All attorneys who attempt to file a document with the court shall be a registered user of the electronic filing system established by the Office of the State Court Administrator. The following subsections of the rule shall become effective once designated by the Presiding Judge that the case type shall be electronically filed. Once the case type has been designated for electronic filing, no paper in that case shall be accepted unless provided by Rule 4.2B or order of the court. All paper not covered by Rule 4.2B or order of the court shall be returned by the clerk to the filing party and shall not be deemed filed. [Effective May 2, 2016]

B. An exception to the electronic filing is that paper documents shall continue to be allowed to be filed in small claim cases, cases filed under Chapter 455, in any cases by a self-represented litigant, for any documents prepared within a courtroom during a hearing or trial and by specific court order. [Effective May 2, 2016]

C. No eFiling Supreme Court Rule or Local Court Rule circumvents the five day service requirement of Motions in Rule 44.01(d) or any other time computation requirement in Rule 44.01.

In order to be considered in any hearing or court proceeding, a document must be submitted to the electronic filing system at least one (1) court business day (24 hours long) prior to the hearing or proceeding, calculated as provided in Supreme Court Rule 44.01(a), unless good cause for failing to do so is shown, which determination of good cause shall be the sole discretion of the judge.

Documents prepared during trials and hearings which either or both parties may wish to rely upon are subject to the eFiling requirements of Missouri Supreme Court Rule 103, Court Operating Rule 27 and Local Court Rules. While memorandums, motions, guilty plea petitions, plea agreements, misdemeanor criminal forms, and amended petitions or amended charging documents, etc. may be tendered for filing in court, the court has discretion whether to accept them. Counsel is encouraged to limit the use of this exception to those documents that are actually prepared in court or during trial like, out of necessity, motions typically filed during trial (e.g. motions for directed verdict, motion for judgment of acquittal, etc.). Every effort should be made by counsel to electronically file, for example, entries of appearance or any document counsel knows need be electronically filed prior to court rather than tendering those in court.

[Effective May 2, 2016]

D. Attorneys, when filing suits, will furnish the Clerk with a sufficient number of copies of the petition or other initial pleadings, for use in the issuance of process. Attorneys will also instruct the Clerk as to the method of service desired, giving the post office address and street number of each defendant to be served, when applicable. When service is by mail or by publication, affidavits for same must be filed; and, in service by publication, form of Order of Publication of Notice, in duplicate, must accompany the petition and affidavit when filed.

E. In all civil actions, including post conviction motions filed pursuant to Missouri Supreme Court Rules, the Clerk shall accept for filing any facsimile transmission of motions, pleadings, and the like, and the motion, pleading or other transmitted document shall be deemed filed as of the date of the facsimile transmission is received by the Clerk, and shall have the same effect as the filing of an original document. The party utilizing the facsimile transmission of the aforesaid document shall retain the original and make it available upon order of the Court. This Rule shall apply to all motions, including those required to be verified or submitted by affidavit.

F. All civil cases filed under Section 517.011 RSMo 2000 limit shall be filed with the Division II or Division IV Clerk, unless the attorney for the plaintiff, at the time of filing the case, files a written election that the case be disposed of in Division I or Division III.

G. In all civil cases in all Divisions, on a form supplied by the Clerk, the parties shall file with the court a Civil Case Party Information Sheet.

H. In all civil cases where the appointment of a next friend for a minor is sought under Civil Rule 52.02(a) through (d) of the Missouri Rules of Civil Procedure, the petition for appointment must state the name and address of the person with whom the minor resides.

I. Civil judgments must have current addresses as of date of the judgment.

J. All of the following cases are automatically assigned to the Judges of Division II or Division IV, respectively, for disposition:

(1) Dissolution of marriages or legal separation proceedings; and

(2) Motions to modify decrees of dissolution, maintenance, child custody and child support.

[Eff. Jan. 2, 1981. Amended Oct. 1, 1990; Sept. 18, 1991; Jan. 1, 2002; Jan. 1, 2003; Jan. 1, 2009; Jan. 6, 2010; Mar. 1, 2016.]

RULE 4.3 PROBATE CASES

A. All cases pertaining to the Probate Laws of this State shall be filed in the Probate Division of respective county.

B. All Trust Estates are automatically assigned to Probate Division of respective county.

C. Decedent estates must include copy of death certificate.

F. Guardianships of multiple minor siblings will be filed with separate petitions for each child. The filing fee will be required for the first minor guardianship petition and additional filing fees will be waived for the sibling guardianship petitions.

G. Full decedent estates (independent or supervised) containing tracts of real estate shall require the filing of a notarized Affidavit of Broker's or Auctioneer's Price Opinion determining the fair market value of the real estate.

[Eff. Jan. 2, 1981. Amended Mar. 1, 2016. Nov. 26, 2024.]

RULE 4.4 JUVENILE CASES

All cases and pleadings pertaining to juveniles will be filed with the Circuit Court except:

(a) Juvenile proceedings where juvenile is ward of Probate Court, and all cases on written request of Juvenile Officer shall be filed in Division II or Division IV, respectively; and

(b) Uncontested proceedings for the approval of settlements of suits involving claims of or for minors shall be filed in Division II or Division IV, respectively.

(c) TPR and adoption cases will be assigned to Associate Judge that is not the appointing authority for the Juvenile Office.

(d) Modifications on dissolution cases involving children in Juvenile Proceedings shall remain with the original Judge of the modification or dissolution.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002; Aug. 24, 2021.]

RULE 4.5 SMALL CLAIMS CASES

All Small Claims shall be filed in Division II or Division IV. Execution on Judgments in Small Claims shall be filed in Small Claims Court.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

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. Municipal traffic violation cases may be disposed of in the Municipal Traffic Violations Bureau in the city of Clarence, in accordance with Section 479.050, RSMo 2000.

[Eff. Jan. 2, 1981.]

RULE 4.7 PRO-SE LITIGANT

Any person who is not represented by a licensed attorney and who desires to file a case in a division of this Court, except a case to be filed in the Small Claims Division of the Court and except a petition for a Protective Order under Chapter 455.RSMo., shall be required to view and familiarize themselves with the web site entitled “Representing Yourself in Missouri Court” which is accessible at www.selfrepresent.mo.gov. Before being permitted to file a case, a pro-se litigant shall execute a certificate that he or she has viewed such web site, has taken the “self assessment exercise,” has read and understood the warning about proceeding without legal representation and understands that the court clerks are prohibited from assisting them or giving legal advice. If such site contains forms applicable to the type of case which the pro-se litigant desires to file, usage of such forms is mandatory.

[Adopted Jan. 2, 2008, eff. Mar. 1, 2008.]

ADMINISTRATION
RULE 5. FEES AND COSTS

RULE 5.1 FILING FEE AND COST DEPOSIT

In all cases filed in this Circuit there shall be deposited with the appropriate Clerk, for which he shall give his receipt, the following sums (and the same shall represent costs):

Circuit Civil Costs

Adoption.....\$ 148.50

(An additional \$30.00 per child will be collected at end of the case
for payable to Vital Records)

All original Civil cases \$ 98.50

Domestic cases \$ 100.50

Civil cases filed under Chapter 517 \$ 48.50

Trial de Novo from Associate Division. \$ 45.00

Execution. \$ 30.00

(which includes applicable Sheriff's fees plus mileage paid to Sheriff)

Garnishment clerk fee \$
10.00

Mechanic Liens. \$ 5.00

Trial de Novo (from Municipal Court). \$ 30.00

Small Claims \$ 20.50

Additional costs in criminal cases per County Court Order and \$ 2.00

HB 879 & 899, 1978 for law enforcement training

Library fee in all civil cases initiated in Circuit Court \$ 15.00

Library fee in all cases initiated in Associate Court under Section 517. \$ 15.00

Appeal to Appellate Court (payable direct to Appellate Court) \$ 70.00

Registering Foreign Judgements-Specific Division -0-

Probate: The deposit required for Probate cases shall be in an amount as set out in Section 488.012 RSMo 2000 and Court Operating Rule 21.01.

[Eff. Jan. 2, 1981. Amended Aug. 28, 1991; Nov. 1, 1993; Nov. 1, 1994; June 26, 1997; Dec. 11, 1998, Eff. Jan 1, 1998; Oct. 1, 1999; Jan. 1, 2002; Jan. 1, 2005; Jan. 1, 2006; Jan. 1, 2009; Mar. 1, 2016; May 6, 2019; Aug. 24, 2021.]

Probate Court Costs and Other Fees

Decedent's Estate w/o Will	\$148.50
Decedent's Estate w/Will.	\$183.50
Additional clerk fee based in final inventory value:	
\$ 50,001 - \$100,000	\$ 50.00
\$100,001 - \$150,000	\$100.00
\$150,001 - \$200,000	\$150.00
\$200,001 - \$250,000	\$200.00
\$250,001 - \$300,000	\$250.00
\$300,001 - \$350,000	\$300.00
\$350,000 - \$400,000	\$350.00
\$400,001 - \$450,000	\$400.00
\$450,001 or more	\$450.00
Incapacitated/Disabled Estate	\$108.50
Minor Incapacitated/Disabled Estate	\$ 93.50
Annual Clerk Fee – Decedent's Estate	\$ 30.00
Incapacitated/Disabled Estate (Adult)	\$ 30.00
Minor's Estate	\$ 25.00
Admit a Will to Probate	\$ 68.50
Chapter 145 Proceedings (estate taxes), including one certified copy.	\$ 68.50
Dispense with Administration, including one certified copy.	\$ 35.00
Dispense with Conservatorship, including one certified copy.	\$ 35.00
Heirship, including one certified copy.	\$ 68.50
Involuntary Hospitalization (except DMH billed cases), including one one certified copy	\$ 35.00
Sale of Real Estate by Non-Resident Conservator, including one certified copy	\$ 35.00
Refusal to Grant Letters to Creditor, Spouse of Unmarried Minor Minor Child, including one certified copy	\$ 68.50
Small Estate Affidavit, including one certified copy.	\$ 68.50
with Will.	\$103.50
Receiving or Keeping a Will during Testator's Lifetime	\$ 3.00

Certified copies (not provided above) - \$1.00/page and \$1.50 certification

RULE 5.2 COSTS

A. All costs, fines, fees or any moneys paid into Court shall be paid by cash, credit cards, money order or bank draft. Personal checks will only be accepted by approval of the Court.

B. Costs for photocopying shall be \$.25 per page. Costs for faxes shall be \$1.00 for the first page and \$.25 for each page thereafter.

C. Costs for copying a CD of a court proceeding shall be \$25.00 per CD; this rule shall not be construed to authorize the release of a recording of any court proceeding which is closed to the public by statute, court rule or court order.

[Eff. Jan. 1, 2002, Amended Jan. 1, 2005, Jan. 1, 2009.]

RULE 5.3 WITNESS FEE

Witness fees shall not be allowed unless claim for same is made to the Clerk on date of appearance. The attorney causing any witness to be subpoenaed is requested to see that proper claim is made. Witness fees shall be assessed as costs.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

ADMINISTRATION

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

RULE 6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

A. By Local Court Rules or Order. The following cases will be heard by an Associate Circuit Judge:

(1) Civil actions where the sum demanded, exclusive of interest and costs, does not exceed the limit in Section 517.011 RSMo 2000;

(2) Actions against any railroad company to recover damages for killing or injuring animals;

(3) Replevin, attachment and mechanic's lien action where the recovery sought is under the limitation of RSMo. 533.240;

(4) Actions for unlawful detainer authorized by Chapter 534, RSMo 2000;

(5) Actions for rent and possession authorized by Chapter 535, RSMo 2000;

(6) Petitions for review of driver's license revocations and for hardship driving privileges.

(7) Actions under Adult Abuse Law and Child Protection Law; and

(8) Such other cases that could be heard and determined by an Associate Circuit Judge without assignment as an acting Circuit Judge under provisions of the law in effect on January 1, 1979.

B. In addition to the above cases, an Associate Circuit Judge shall hear and determine the following cases:

(1) Cases of misdemeanor or infraction, except as otherwise provided by law;

(2) Felony cases prior to the filing of an information;

(3) Municipal ordinance violation cases of the following municipalities: Shelbyville, Shelbyville, Clarence and Hunnewell;

(4) "Small Claims" cases as provided in Chapter 482 RSMo 2000; and

(5) Cases that a Circuit Judge can hear in chambers when a Circuit Judge is absent from the County.

C. The Associate Circuit Judges of this Circuit shall hear and determine the following cases on the record under procedures applicable before Circuit Judges:

(1) Cases arising under the Uniform Reciprocal Enforcement of Support Act;

(2) Cases arising under Chapters 207 and 208, RSMo 2000;

(3) Contempt actions for child support enforcement in addition to those arising under paragraphs (1) and (2) above;

(4) Approval of settlements in actions involving claims by or on behalf of minors;

(5) Change of name proceedings;

(6) Appeals from the Municipal Division;

(7) Dissolution of marriage, legal separation or separate maintenance proceedings;

(8) Actions involving the title to real estate;

(9) Cases assigned to an Associate Circuit Judge by the Presiding Judge;

(10) Adversary proceedings in the Probate Division; and

(11) Modification of Judicial Order as to child support.

[Eff. Jan. 2, 1981. Amended Dec. 31, 1996; Jan. 1, 2002; Jan. 2, 2007.]

RULE 6.1.2 SPECIAL ASSIGNMENT

Upon the filing of any felony case in Division II or IV of this Court wherein a preliminary hearing is waived, the judge before whom said preliminary hearing was waived may, upon written consent of the defendant, counsel for defendant and counsel for the state, and upon the filing of an information by the prosecutor, proceed to dispose of the case upon a plea of guilty on the record with procedures applicable before a judge of the circuit division. Nor formal assignment by the presiding judge shall be required to accept such plea, but thereupon said case is assigned for all purposes, including, but not limited to, post-conviction proceedings and probation revocation.

Preliminary hearings which are not waived will continue under procedures currently applicable for such preliminary hearings.

[Eff. Jan 2, 2003.]

RULE 6.5 DISQUALIFICATION OF JUDGE

A. Upon the disqualification of the Presiding Judge, either on his own motion or motion of a party, the Associate Circuit Judge in the county is hereby assigned to hear the case.

B. Upon the disqualification or unavailability of either Associate Judge, either on his/her own motion or motion of a party, the Associate Judge from the other county within the Circuit is hereby assigned to hear the case. Should both Associate Circuit Judges be disqualified, the Circuit Clerk's Office shall request the Supreme Court to appoint a Judge to preside over all Associate Circuit Court matters. Upon the disqualification of an Associate Circuit Judge, the Clerk shall immediately notify the other Associate Circuit Judge of his/her assignment under this Rule to hear the case. Should both Associate Judges be disqualified, the Clerk shall request the Supreme Court to appoint a Judge to preside over all Associate Circuit Court matters.

[Eff. Jan. 2, 1981. Amended May 6, 2019.]

RULE 6.6 ABSENCE OF JUDGE

In the absence of any Judge from the Circuit any Judge of the Circuit may sit as the Judge of the Division and perform all duties of the absent Judge.

[Eff. Jan 2, 1981.]

ADMINISTRATION
RULE 9. WEAPONS

RULE 9.6 WEAPONS

Weapons of any kind are prohibited in any courtroom, in any room or hall adjacent to any courtroom, or any office or room occupied by any employee of the Circuit Court, including the Juvenile Office; this prohibition shall not apply to uniformed law enforcement personnel or to certified law enforcement personnel who may be in civilian clothing; provided, however, that any law enforcement personnel carrying a concealed weapon shall not enter the courtroom while court is in session without notifying the bailiff that such person has a concealed weapon.

[Eff. Jan. 1, 2004. Amended Sept. 22, 2003.]

ADMINISTRATION
**RULE 9.7 USE OF COURTROOM OR OTHER COURT FACILITY BY ATTORNEYS
OR THE PUBLIC**

The facilities occupied by the Circuit Court and its divisions may be used by attorneys or the public for purposes of taking depositions or meetings when not in use by court personnel in limited circumstances. Use of the courtrooms or the jury room shall be reserved in advance and may be used by attorneys or the public only when not being used by court personnel. Any person wishing to use court facilities shall contact the secretary to the Presiding Judge (in Macon County) or the Shelby County Circuit Clerk (in Shelby County) to determine if the court facilities are scheduled for use. The right to use such facilities is subject to immediate termination if the facilities are needed for any court related purpose. The jury room may not be reserved on Law Days.

[Eff. Jan 1, 2006. Amended May 6, 2019.]

ADMINISTRATION
RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

A. 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.

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

C. 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. It is the responsibility of the appellant to pay this amount upon being presented with a bill by the Circuit Clerk.

[Eff. Jan 2, 1981.]

ADMINISTRATION

RULE 11. RECORD IN ASSOCIATE CIRCUIT

All proceedings before the Associate Judge of either county, when a record is required or requested, shall be recorded electronically, unless the Presiding Judge orders otherwise.

[Eff. Jan. 1, 2002.]

GENERAL RULES

RULE 21. ATTORNEYS

RULE 21.6 APPOINTMENT OF ATTORNEYS

A. All appointments of counsel to represent indigent defendants shall continue throughout the defense of the case, including appeal, unless sooner relieved by the Court.

B. The Clerk of the Court in which any attorney is appointed to represent an indigent shall, at the time the attorney is notified of the appointment, provide to the attorney a copy of the initial Complaint and any amendments thereto filed by the State, and, if the defendant is incarcerated, shall inform the attorney of the place of incarceration.

C. Forms of Request for Payment of Fees for Court-Appointed Counsel must be itemized as to dates and hours spent in handling of each case, and must show his social security number in the blank area adjacent to the line provided for his telephone number. No form will be certified for payment by the Court if this procedure is not followed. After preparation, counsel should present the Request to the Judge who heard the case on final disposition.

D. GAL deposits shall be required within 30 days of ordered by the court or the parties risk being held in contempt of Court for failure to comply with the Court's order. Guardians Ad Litem paid through the indigent fund of the County shall be paid at the current standard rate of attorney fees of \$250.00 per hour.

[Eff. Jan. 2, 1981. Amended Nov. 26, 2024.]

SPECIAL PROCESS SERVERS

RULE 28.

A. The Court or the Circuit Clerk may appoint a special process server in any case upon application of any party, or where the Court or the Circuit Clerk deems such appointment necessary for the prompt service of any process.

B. Any party seeking to obtain service of process through a special process server shall confirm that the process server is on the Court's "approved list" or obtain an Annual Application for Special Process Server to be completed by the proposed Process Server and submitted to the Presiding Judge for approval.

C. No individual shall be appointed to serve process unless such person is on an "Annual Approved List" to be maintained by the Circuit Clerk; no individual shall be approved by the Court unless such individual meets all of the qualifications set forth in paragraph D of this Rule 28.

D. In order to be approved as a special process server, an individual must meet all of the following qualifications:

- a.) Be at least 18 years of age.
- b.) Be a citizen of the United States.
- c.) Have a high school diploma or equivalent.
- d.) Not have been convicted of a felony or misdemeanor involving moral turpitude.
- e.) Not be a fugitive from justice or currently charged with a felony or misdemeanor involving moral turpitude.
- f.) Not be related to or employed by any party in the action.
- g.) Be of good moral character.
- h.) Not have been disqualified to act as a process server within the preceding three years.

E. An individual seeking to be on the “Annual Approved List” shall file a notarized affidavit stating that the individual meets all of the qualifications set forth in paragraph D of this rule; if the Presiding Judge approves such affidavit, such individual shall be listed on the “Annual Approved List” for the calendar year on which approval is granted.

F. An individual shall not be appointed to serve process if that individual is deemed ineligible by a judge of this circuit; a person may be deemed ineligible and may be disqualified for any of the following reasons:

- a.) Making a false return of service.
- b.) Serious and purposeful improper service of process.
- c.) Failing to meet the criteria set forth in paragraph D hereof.
- d.) Other good cause.

G. No special process server shall be appointed to serve any other writ or other process which requires any levy, seizure, sequestration, garnishment or other taking by an officer.

[Adopted Sept. 22, 2003; eff. Jan. 1, 2004; Amended Aug. 24, 2021.]

RULE 29. SERVICE OF PROCESS

It is the responsibility of any party requesting service of process to ascertain through Case.net whether service of process has been returned unserved, or “non-est.” Upon the return of process unserved, the party originally requesting service shall promptly request “Alias Summons” or other method of service. If process is returned “non-est” and the party does not request “Alias Summons,” designate another method of service, or request additional time for service within thirty (30) days, the case may be dismissed without prejudice at the Court’s discretion.

[Effective Jan. 1, 2006.]

PRETRIAL MATTERS

RULE 32. DISCOVERY

RULE 32.2 INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. In all actions for Dissolution of Marriage or Legal Separation or Motions to Modify, the Court En Banc approved standard sets of opening Interrogatories and standard Request for Production of Documents which shall first be used and **automatically answered by both parties unless both parties stipulate in writing the case is not contested.**

- a. Within sixty (60) days of the date of service of the Petition, each party shall serve a copy of the answers to the Interrogatories and Request for Production of Documents to the other party and a Certificate of Service to the Court without either party being required to have actually served a copy of said Interrogatories and Request for Production of Documents on the other party. The original Interrogatory Answers and Responses to Request for Production of Documents shall be maintained by the party.
- b. All information requested in the above Interrogatories and Request for Production of Documents shall be updated within 15 days prior to trial if any changes occur prior to the trial date except significant changes such as employment, income or expert witnesses which should be updated immediately.
- c. Failure to timely comply with this rule shall at the discretion of the judge, result in sanctions including but not limited to the noncompliant party being prevented from presenting affirmative evidence as to the matters inquired into in the Interrogatories, document requests and releases.

2. Each party shall be limited to propounding a total of ten (10) additional, case-specific interrogatories. Each such interrogatory may include no more than six (6) subparts and each subpart shall relate directly to the subject matter of the interrogatory. With consent of the opposing party or with leave of Court, upon good cause shown, additional interrogatories may be propounded. Each party shall be limited to a total of three (3) additional, case-specific Requests for Production of Documents.

3. Interrogatories and Requests for Production of Documents are not to be filed with the Court except as provided by paragraph (5) herein. The interrogating party shall show on the interrogatories and Request for Production of Documents the Certificate of Mailing and shall file with the Court at the time they are mailed a Certificate of Mailing of the interrogatories and requests which shall include the following:

- (1) The party to whom mailed;
 - (2) The date of mailing;
 - (3) Designation of pleading as first interrogatories, second interrogatories, etc.;
- and
- (4) The signature of attorney or party mailing interrogatories.

4. The interrogated party shall retype the interrogatory or request before each answer, using the same interrogatory number or request number as in the interrogatories or requests propounded by the opponent. The interrogated party shall prepare the affidavit to be signed by the appropriate party and attach it as a last page of the interrogatories and Request for Production of Documents.

5. Interrogatories and answers shall not be filed with the Court except upon court order or contemporaneously with a motion placing the interrogatories in issue.

6. Where a party files objections to any interrogatories, the interrogatory objected to shall be set out in full before the stated objections.

[Eff. Dec. 31, 1996. Amended Jan. 1, 2005; May 6, 2019; Nov. 26, 2024.]

PRETRIAL MATTERS

RULE 33. PRETRIAL MOTIONS

RULE 33.1 HEARING DATES

See Rule 2.4.

[Eff. Jan. 2, 1981.]

RULE 33.4 MOTIONS IN LIMINE

Motions in Limine and other pre-trial motions shall be filed not later than one week before trial, unless the grounds for the motion were then unknown to the moving party and were not reasonably discoverable by the moving party; Motions in Limine and other pre-trial motions based upon grounds not known or reasonably discoverable one week prior to trial shall be filed immediately upon discovery of the grounds for the motion.

[Eff. Jan. 1, 2005.]

RULE 34. CONTINUANCES

All motions or requests for a continuance will only be considered by the Court in chambers as long as the motion or request includes a consent by the opposing party. Any request for a continuance that is general in nature and does not include a consent by the opposing party will not be ruled on in chambers unless specifically authorized by the Judge in charge of the case.

[Effective Jan. 1, 2002; May 6, 2019.]

RULE 36. SETTING CASES FOR TRIAL

RULE 36.1 REQUEST FOR TRIAL

At any time when counsel for all parties are present in Court, unless good cause be shown to the contrary, any case then at issue shall, at the request of either party, be set for trial at such time as may be mutually agreeable to counsel in the case and the Court; or, in the absence of such agreement, at such time as may be designated by the Court. Other than a setting designated by the Court, a case may be set in the absence of opposing counsel, provided the party demanding trial shall have given the said opposite party reasonable notice of his intention to request a setting.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 37. DISMISSALS

RULE 37.1 DISMISSAL DOCKET - GENERAL

A. When so directed by the Judge, the Clerk shall prepare a dismissal docket, consisting of cases in which the claimants, whether plaintiff or defendant, have taken no action to prosecute their claims for a period of forty-five (45) days. The dismissal docket shall be sent to the attorney of record or to the party if not represented.

B. The dismissal docket shall be sent approximately four (4) weeks in advance of the date on which the dismissal docket will be called.

C. If the claimant's attorneys do not contact the Judge of the appropriate division on or before the call of the dismissal docket and secure an order removing their case from the dismissal docket, the cases on the dismissal docket will be dismissed without prejudice for failure to prosecute.

[Eff. Jan. 2, 1981. Amended Dec. 31, 1996; Jan. 1, 2002.]

RULE 37.2 DISMISSAL DOCKET - DISSOLUTIONS

Upon the filing of a petition for dissolution or motion to modify, the Clerk shall at such time set the case for dismissal on a date at least ninety (90) days but no more than one hundred twenty (120) days from the date the petition was filed. The only notice of such dismissal date shall be mailed to the petitioner/attorney upon initial filing.

[Eff. Jan. 1, 2002; Jan. 1, 2003.]

RULE 37.3 DISMISSAL DOCKET – BANKRUPTCY

When a Notice of Bankruptcy is received by the clerk, indicating that a party to a case has filed a Bankruptcy Petition, the clerk shall send the parties a notice that the case will be placed on the dismissal docket and will be dismissed without prejudice if no activity has been taken in the case for a period of six months.

[Eff. Jan. 1, 2011. Amended Dec. 3, 2010]

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

RULE 41.1 NOTICE OF SETTLEMENT

It is the obligation of all counsel of record to promptly notify the Court and the clerk if a case which is set for trial is settled or that a jury will not be needed.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2005.]

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 the findings of fact and conclusions of law are required or properly requested, the parties, through their attorneys, shall submit proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time as directed by the Court.

[Eff. Jan. 2, 1981.]

TRIALS

RULE 52. SELECTION OF JURY

RULE 52.1 JURY QUESTIONNAIRES

A. The jury questionnaire shall be delivered along with directions to fill it out and return it to the Clerk's Office within ten (10) days.

B. At the time a jury panel is selected by the Circuit Clerk, the Circuit Clerk shall mail or deliver a copy of the questionnaires of the jurors drawn; the attorneys in the case for which the panel is drawn shall have the responsibility to make such investigation as the attorneys deem necessary into the litigation history of any panel members prior to the commencement of trial.

C. The information contained on the jury questionnaire shall be kept confidential by the attorneys and their staff and shall not be used or disseminated for any purpose except determining the qualification of the jurors to hear the case scheduled for trial.

D. 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.
[Eff. Jan. 2, 1981. Amended Jan. 1, 2002, Dec. 3, 2010]

TRIALS

RULE 53. JURY TRIALS

RULE 53.1 INSTRUCTIONS

Proposed jury instructions shall be furnished to the Court by counsel one week prior to the commencement of trial.

[Effective Jan. 1, 2005.]

TRIALS

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 entry to the Court for its approval.

[Eff. Jan. 2, 1981.]

RULE 54.2 DEFAULT OR UNCONTESTED CASES

In default or uncontested cases counsel for the prevailing parties shall on the day of rendition present to the Court for its approval the judgment or decree to be entered in the cause. The Court shall then authorize the Clerk to enter judgment as provided therein or as modified by

the Court. If a modification is made affecting the substantial rights of the parties, the parties shall be notified forthwith.

[Eff. Jan. 2, 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 2000.

Petitions for adoption of multiple siblings shall be filed separately for each child. The filing fee shall be assessed on the first petition for adoption and the filing fee on additional sibling petitions filed at the same time shall be waived.

[Eff. Jan. 2, 1981. Amended Nov. 26, 2024.]

RULE 61.2 HOME STUDY

Unless waived pursuant to Section 453.070, RSMo 2000 upon the filing of a petition for adoption, the Children's Division or other agency designated by the Court, shall initiate an investigation as provided in Section 457.070 RSMo 2000. The Clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 67. CRIMINAL CASES

RULE 67.1 PRETRIAL RELEASE

Motions to Set Bond and for Bond Reduction. Motions to set bond and for bond reduction shall be made either orally or in writing addressed to the Judge of the Division in which the case is pending. Such motions shall be filed with the Division Clerk where the case is pending. In the event of the absence or unavailability of the Judge before whom the case is pending, such motions shall be submitted to the Presiding Judge.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 67.2 BOND CONDITION – MAINTAINING CONTACT WITH ATTORNEY

It is the obligation of every defendant who is represented by defense counsel in a criminal case to maintain contact with that attorney. Every recognizance bond for the pretrial release of any defendant shall contain, as a condition of such release, the requirement that the defendant maintain contact with defense counsel. When a case is scheduled for trial, with or without a jury, the Court, in its discretion, may inquire of defense counsel whether or not the defendant has maintained contact with defense counsel. If the Court is advised by defense counsel that the defendant has not maintained such contact, the Court may in its discretion revoke the defendant's bond and order that the defendant be re-arrested and held in custody pending trial.

[Eff. Jan. 1, 2006.]

RULE 67.5 ARRAIGNMENTS

If the plea is not guilty, a date shall be set for the filing and hearing of all pretrial motions. Also, the Judge will set the case for trial.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 67.11 PROBATION AND PAROLE

The bond on parole violation warrants is set at the amount of bond at the time of disposition of the case, but not less than \$500.

[Eff. Jan. 2, 1981.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 68. DISSOLUTION OF MARRIAGE

RULE 68.1 FILING REQUIREMENTS

At the time of filing the petition, the attorney 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 2000.

An updated Confidential Information Form is required upon the entry of a Judgment on all cases in which the Circuit Clerk must enter orders regarding child support and/or maintenance to ensure updated addresses for the parties are entered into the database.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002; Aug. 24, 2021.]

RULE 68.2 SEPARATION AGREEMENT

In all cases where written separation agreements are made under the provisions of Section 452.325, RSMo 2000, a copy of such executed agreement shall be submitted to the Court at least five (5) days prior to the hearing, unless otherwise allowed by the court.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 68.4 FILING OF PROPERTY-FINANCIAL STATEMENTS-INFORMATION

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 or on the date of hearing in all cases filed for dissolution of marriage or legal separation, unless otherwise allowed by the Court. 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. Also, on a form obtained from the Clerk, a statement of income and expense shall be filed prior to or on the date of the hearing in all dissolution of marriage and legal separation actions, all paternity actions and in all motions to establish or 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. In all contested dissolution cases a copy of such statement of property, income and expenses shall be supplied to the opposing attorney. Also, an income and expense statement shall be filed and supplied to the opposing attorney prior to the date of hearing a contested motion to modify child support and maintenance, unless otherwise allowed by the Court. Also, on a form obtained from the Clerk, a circuit case party information sheet shall be filed with the initial pleadings.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002; Jan 1. 2003; Jan. 1, 2005.]

RULE 68.5 PARENT EDUCATION PROGRAM

In actions for dissolution of marriage, legal separation, or motion to modify where there is at least one child under the age of seventeen, and the parties have not previously attended a court-approved parent educational session, both parties shall attend, at separate sessions, FOCUS ON KIDS or any similar parent education program, in-person or online, to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects. In any other case involving modification, paternity, custody, or visitation the court may, at the discretion of the judge, order one or both parties to attend FOCUS ON KIDS or any similar parent education program. Participation of FOCUS ON KIDS, or any similar parent education program, on-line is accepted unless otherwise ordered by Court.

The petitioner or movant shall attend said program within thirty (30) days of filing the petition or motion. The respondent shall attend said program within sixty (60) days of the date

of service of process or of receipt of the petition or motion if service is waived. If the petitioner or movant fails to attend said program within thirty (30) days of the date of filing, the court may dismiss the pending case. If the respondent fails to attend said program within sixty (60) days from the date respondent was so served or waived such service, the Court may strike the responsive pleadings. The Court may impose any other appropriate sanctions provided by law.

This Rule may be waived by the Court upon application of a party showing good cause.

[Adopted Oct. 1, 1999. Amended Jan. 1, 2002. Mar. 1, 2016. Nov. 26, 2024.]

RULE 68.6 PARENT EDUCATION SCHEDULING AND PROGRAM FEE

The Clerk shall furnish the program provider with a list of those persons required to take the parent education program and the program provider shall promptly furnish the Clerk with a list of those persons who have completed the program. The program provider shall collect the fee for such program directly from the participants prior to the participant attending the program.

[Adopted Oct. 1, 1999. Amended Jan. 1, 2005.]

RULE 68.7 SANCTIONS

If a party fails to comply with any of the above rules, the Court may strike that party's pleadings and may impose any other appropriate sanctions provided by law.

[Adopted Jan. 1, 2002.]

RULE 68.8 CHILD SUPPORT

Child Support related court information sheet requires full social security numbers on children.

RULE 68.9 CHILD SUPPORT PAYMENTS

Judgments including more than one child shall have child support amount stated to be paid as each child becomes emancipated.

[Eff. March 1, 2016.]

RULE 68.10 JUDGMENT ON AFFIDAVIT

A. Entry of Judgment upon Affidavit-Requirements. 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 born of husband and wife and the wife is not pregnant, or the parties are represented by counsel and have entered into a written agreement as to custody and child support; and
2. The parties are represented by counsel and have entered into a written agreement as to custody and child support and the affidavit establishes sufficient evidence that the Court can find the custody arrangement is in the best interest of the minor children; and
3. 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
4. There is no genuine issue as to any material fact; and
5. There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property; and
6. All relevant provisions of Local Rule 68 have been complied with.

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

C. Hearing Required -- When. The Court shall not be bound to enter a judgment 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.

[Eff. July 1, 2003. Amended Jan. 1, 2005.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 74. TRUST ESTATES

RULE 74.1 INVENTORY

Repealed.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

RULE 74.2 REPORTS

Repealed.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.]

POST TRIAL RULE 81. EXECUTION

A. Executions shall not be issued by the Clerk except upon written application therefor by 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 (30, 60, 90, 120, 150 or 180 days); and
- (7) Any special instructions to be provided the Sheriff performing the execution.

B. The sum of Forty-five Dollars (\$45.00) (as adjusted from time to time) to apply toward Sheriff's fees and Clerk's fees shall be paid to the Clerk at the time of filing the application.

[Eff. Jan. 2, 1981. Amended Jan. 1, 2002.] [Amended Jan. 1, 2006.]

RULE 82. TREATMENT COURT

Rule 82.01

The 41st Judicial Circuit Treatment Court shall be operated pursuant to the Treatment Court Policy and Procedures Manual as revised on September 17, 2024, or any subsequent amendment thereto.

Rule 82.02

The Treatment Court Judge shall be selected by the majority vote of the Court En Banc.

Rule 82.03

Amendments to the Policy and Procedures Manual may be made from time to time by the Court En Banc.

[Eff. Jan 1, 2011. Amended Nov. 26, 2024.]

RULE 83. COURTROOM SECURITY

Rule 83.01

A. There shall be a bailiff, Sheriff or Deputy Sheriff in the courtroom at all times that the Court is in session, except as indicated herein.

B. The Court, in its discretion, may dispense with security in any of the following proceedings: a) a non-adversarial proceeding; b) a hearing involving only attorneys; c) an exparte probate proceeding; d) an uncontested adoption proceeding.

C. The bailiff, Sheriff or Deputy Sheriff shall screen all persons with metal detecting equipment before admitting any person to any court proceeding for which security is required.

D. Any prisoner or person in custody shall be guarded by a deputy other than the courtroom bailiff.

[Eff. Jan. 1, 2011]

RULE 84. VIRTUAL HEARINGS

A. The link for a virtual hearing option on a case can be located on Case.net under the “Scheduled Hearings” tab. If a case does not have a link available on Case.net, the Judge may require the parties to appear in-person.

B. Circuit Civil cases shall automatically be set up with a virtual hearing link for law day appearances (not bench trials).

C. Circuit Criminal cases will not be set up with a virtual hearing link unless prior approval from the Judge is granted. The Judge expects defendants and their attorney(s) to appear in-person for all court appearances. If an attorney for a defendant requests to appear virtually, written consent from their client must be obtained and filed with the court at least five (5) days in advance of the hearing. A notice for a request of virtual

hearing must be filed with the court at least five (5) days in advance of the scheduled hearing.

- D. All other case types require prior approval from the Judge for virtual hearing requests. A notice for a request for virtual hearing must be filed with the court at least five (5) days in advance of the scheduled hearing.

[Eff. Nov. 26, 2024.]

**Revised 4/10/2025