

25th JUDICIAL CIRCUIT OF  
MISSOURI

**LOCAL COURT RULES**

**CIRCUIT COURT**

HONORABLE WILLIAM E HICKLE  
PRESIDING JUDGE

Revised February 2024

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

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

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

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

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

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

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

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

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

#### **2.1      HOURS OF COURT**

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

#### **2.2      TERMS OF COURT**

The Circuit Court of each county shall be in continual session as provided by Section 478.205 RSMo. To the extent that a term of Circuit Court may be required, the terms of

court for all divisions of the Circuit Court in each county shall be for six months considered commencing on the first Monday of the months of January and July. No court shall be required to hold court on the first day of any such term because of this rule.

### **2.3 LAW DAYS**

I. Division I Law Days shall be held as follows:

In Maries County on the first Monday of each month beginning at 9:00 a.m.; In Phelps County on the first Monday afternoon beginning at 1:00 p.m.

In Texas County on the Tuesday of each month after the first Monday, beginning at 9:00 a.m.

In Pulaski County on the Wednesday of each month after the first Monday, beginning at 9:00 a.m.

In Phelps County on the Thursday of each month after the first Monday, beginning at 9:00 a.m.

II. Division II Law Days shall be held as follows:

In Maries County on the third Monday of each month beginning at 9:00 a.m.;

In Phelps County on the third Monday of each month beginning at 1:00 p.m.

In Texas County on the Tuesday of each month after the third Monday, beginning at 9:00 a.m.

In Pulaski County on the Wednesday of each month after the third Monday, beginning at 9:00 a.m.

In Phelps County on the Thursday of each month after the third Monday, beginning at 9:00 a.m.

III. In the event that a Law Day falls on a holiday, such Law Day shall be held the Friday of that week.

IV. Each Circuit Judge may, from time to time, designate additional Law Days for

their division which may be accessed by contact with the Circuit Clerk's office (and/or website where applicable).

- V. The Circuit Clerk shall prepare a docket for Law Day listing all matters to be heard and the cases to be set for trial. The docket shall include arraignments, pleas of guilty, sentencing of defendants and related criminal matters.

## **RULE 3     PLEADINGS**

### **3.1     CAPTION**

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

- a. Pleadings to be filed in the circuit court shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri."
- b. Pleadings to be filed in the juvenile division shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri, Juvenile Division."
- c. Pleadings to be filed in the probate division shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri, Probate Division."
- d. Pleadings to be filed in any associate division shall be captioned: "In the Circuit Court of \_\_\_\_\_ County, Missouri, Associate Division." If more than one division, the division number should be indicated.
- e. Pleadings to be filed subsequent to the first pleading shall contain, in addition to the caption, the case number and the division to which it has been assigned.
- f. In all pleadings, the parties shall be designated as "plaintiff" and "defendant." It is suggested that the terms "petitioner," "relator," "movant" and "respondent" not be used.
- g. The following caption is suggested:

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

	)	_____ DIVISION NO. _____
_____ (name)	)	
_____ (address)	)	
_____ (city)	)	
Plaintiff,	)	
vs.	)	CASE NO. _____
_____ (name) *	)	
_____ (address) **	)	
_____ (city)	)	
Serve: *	)	
Registered Agent	)	
_____ (address)	)	
Defendant.	)	
(DESIGNATION OF PLEADING)		

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

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

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

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

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

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

## **RULE 4      FILING OF CASES**

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

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

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

#### **4.6 MUNICIPAL CASES**

Municipal ordinance violation cases shall be filed with the clerk of the appropriate municipal division when that municipality has made provisions for a municipal judge as provided by law. If the municipality has not made such provisions, the filing shall be with the clerk of the appropriate division presided over by the associate circuit judge. The cost of a jury trial or a trial de novo from a municipal court shall be taxed to the municipality.

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

##### **Authority for Rule**

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

##### **Facsimile Filing Authorized**

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

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

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

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

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

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

#### When Filing Fee or Deposit Required and Waiver

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

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

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

#### Court Orders Transmitted by Facsimile Transmission

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

#### Service by Facsimile Transmission

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

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



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

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

#### Service - How Shown

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

#### Facsimile Archive

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

#### Costs for Receipt of Transmission by Facsimile

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

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

The clerk of a division maintaining a device to receive or send facsimile transmissions may charge the person or entity filing by facsimile up to 50 cents per 8 ½ X 11 inch page for receiving and processing such document, and up to \$1.00 per 8 ½ X 11 inch page for document transmission.

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

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

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

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

#### Business Day Defined

A business day is any day, not a Saturday, Sunday, or holiday recognized as such by the Missouri Supreme Court through the office of the State Courts Administrator.

#### Length of Facsimile Transmission

#### Effect of Facsimile Signature

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

#### Effective Date of this Rule

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

### **RULE 5      FEES AND COSTS**

#### **5.1      FILING FEE AND COST DEPOSIT**

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

Circuit Court Petition	\$100.50	\$83.50 std court costs, \$15 law library, and \$2 Domestic Violence
Family Court Petition	\$132.50	\$83.50 std court costs, \$15 law library, and \$2 Domestic Violence, \$30 Family Court fee and \$2 CASA
Associate Court Petition	\$48.50	\$33.50 std court costs and \$15 law library
Small Claims Petition	\$20.50	\$20.50 std court costs
Adoption	\$180.50	\$83.50 std court costs, \$15 law library, \$50 putative father registry, \$2 Domestic Violence, \$30.00 Family Court fee
Juvenile	\$ 30.00	All original juvenile cases under 211.031 RSMo
	\$150.50	All original juvenile cases under 211.034 RSMo

Probate basic costs will need to be paid in advance rather than upon Final Settlement.

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

Notwithstanding the above, and in furtherance of the purposes, goals and principles of the establishment of a Family Court for the 25th Judicial Circuit, the filing fee for all petitions for dissolution of marriage, legal separation, paternity, motions to modify, and family access motions, shall be \$132.00.

With the establishment of a Family Court, collection of an additional \$30.00 filing fee shall be collected pursuant to Section 487.170 RSMo. Each Circuit Clerk shall be responsible for collecting an additional \$30.00 fee on all matters filed within the original jurisdiction of the Family Court as provided by Section 487.170 RSMo, including Marriage Waiver petitions filed under Chapter 451, RSMo. The fee may be charged in juvenile proceedings under Chapter 211 RSMo. The fee may be assessed against the child, parent, or custodian of the child, in addition to other amounts authorized by law, in informal adjustments made under provisions of Section 211.081 and 311.083 RSMo., and in an order of disposition or treatment under provisions of Section 211.181 RSMo. Notwithstanding the above, the Circuit Clerk shall not be required to collect the additional \$30.00 fee in Change of Name cases.

All funds collected through the \$30.00 filing fee for domestic cases shall be expended to provide enhanced services to parties in domestic cases. Disbursement shall be made

under order of the Presiding Judge or under Circuit Rule adopted by the Court En Banc. Said funds shall not replace or reduce the current and ongoing responsibilities of the counties of the twenty-fifth circuit to provide funding for the courts as required by law.

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

## **5.2 COSTS**

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

The attorney or attorneys for any party filing a suit in all divisions of the Circuit Court, at the time of filing the suit, shall deposit with the clerk of the court a law library fee of \$15.00, and no summons shall issue until a deposit has been made. No such monies shall be collected on actions sent to the county on change of venue, cases filed under small claims procedures, applications for trial de novo, or to suits, civil or criminal, filed by the county or state or any city. Said law library fee of \$15.00 shall be collected for cases filed under Chapter 517, RSMo. and Probate Cases, with \$5.00 of this fee being disbursed to the Family Services and Justice Fund. Reference: Section 488.426, RSMo.

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

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

### **5.2.3 SHOCK TIME COSTS**

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

## **5.5 MOTION FOR SECURITY**

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

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

## **5.6 FORMS OF PAYMENT**

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

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

### **6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES**

#### **6.1.1 BY LOCAL COURT RULE OR ORDER**

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

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

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

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

### **6.1.2 FAMILY LAW CASES**

Each associate judge shall also have jurisdiction to hear family law matters pursuant to Local Court Rule 68.5.

### **6.1.3 SPECIAL ASSIGNMENT**

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

### **6.1.4 PHELPS COUNTY AND PULASKI COUNTY CRIMINAL, TRAFFIC AND CIVIL CASES IN THE ASSOCIATE DIVISION OF THE CIRCUIT COURT**

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

### **6.2 ASSIGNMENT TO CIRCUIT JUDGES**

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

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

Notwithstanding the above, any case which includes a claim for post-conviction relief under Missouri Supreme Court rule 24.035 or 29.15 shall be assigned to the judge who sentenced the Movant. If such judge is no longer serving as judge, then the case shall be assigned by docket number as set forth in the first paragraph of this Rule 6.2.

#### Matters heard on Law Day

All default matters, uncontested matters, pleas of guilty in criminal cases, motions, objections to interrogatories and requests for admission may be heard on any law day by either circuit judge regardless of the division in which the case is pending. However, if the case is set for trial and the matter to be ruled upon is contested, then only the judge before whom the case is pending for trial shall hear such matter unless all parties otherwise agree.

### **6.3 CONCURRENT JURISDICTION**

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

- a. All juvenile matters, including adoptions.
- b. All matters that arise in connection with Sections 631 to and including 632.475, RSMo., notwithstanding the county in which the case arises;
- c. All adult abuse and child protection matters that arise in connection with Chapter 455, RSMo.

- d. Counsel status hearings for criminal defendants who are incarcerated within their county of jurisdiction. The judge reviewing counsel status shall set the defendant for appearance before the appropriate division of the circuit court on its next available date.

#### **6.5 CHANGE OF JUDGE**

If a judge is changed in a criminal case, then Missouri Supreme Court Rule 32 shall be followed. If a judge is changed in a civil case, then Missouri Supreme Court Rule 51 shall be followed. If the presiding judge is disqualified in a civil case and no stipulation exists to transfer the case to a particular judge pursuant to Rule 51.05(e), then the case shall be transferred to the other circuit judge of this circuit, but if such other circuit judge is disqualified, the presiding judge shall request the Missouri Supreme Court to transfer a judge.

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

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

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

In the event that the circuit judge who serves as presiding judge pursuant to Rule 100.1.1 is, from time to time, absent from the circuit or is disabled or disqualified from acting in the capacity of presiding judge in any case or matter whatsoever, then, during any such period of absence or disability or as a result of such disqualification, the other circuit judge of this circuit shall be the acting presiding circuit judge and may exercise the responsibilities prescribed by law for presiding circuit judges. Anything herein to the contrary, notwithstanding, this Rule shall not be interpreted as intending to apply to the type of disqualification referred to in subparagraph 1 of Section 478.240, RSMo. Section 24, Missouri Constitution.

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

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



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

### **7.1      WHEN ALLOWED**

The official files of the circuit court or any division thereof shall not be removed from the office of the circuit clerk or the office of any division clerk except in the custody of employees of the circuit court. Files of the circuit court may be removed upon the written order of a circuit judge. Files of an associate division may be removed upon written order of an associate circuit judge.

### **7.2      DUPLICATING POLICY**

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

## **RULE 8      PUBLICATION OF DOCKETS**

### **8.1      TRIAL DOCKET**

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

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

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

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

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

## **RULE 11     RECORDING OF JUDICIAL PROCEEDINGS**

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

## **RULE 13     COMMUNICATIONS WITH COURT**

### **13.2     WRITTEN COMMUNICATIONS WITH THE COURT**

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

## **RULE 14     SPECIAL PROCESS SERVERS**

### **14.1     APPOINTMENT OF SPECIAL PROCESS SERVERS**

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

## **GENERAL RULES**

## **RULE 21     ATTORNEYS**

### **21.3     CONDUCT OF ATTORNEYS**

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

#### **21.4 WITHDRAWAL OF ATTORNEYS**

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4, code of Professional Responsibility, Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. An attorney who desires to withdraw as attorney of record for any party to any action pending in the court shall comply with the following procedures:

The attorney shall file a written motion requesting leave of court to withdraw. (See Rule 33.) If the case is then set for trial, the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the court for hearing.

A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing.

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

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

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

#### **21.7 AGREEMENT OF ATTORNEYS**

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

## **21.8 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM PROCEDURES**

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

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

When the rule as to witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with that rule. If any witness violates the rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court, in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered. (See Rule 9.)

## **RULE 22 GUARDIANS AD LITEM**

### **22.1 APPOINTMENT OF GUARDIANS AD LITEM**

In recognizing that Missouri children have the right to adequate and effective representation in child welfare cases, the 25th Judicial Circuit provides the following as a plan for implementation of the guardian ad litem standards. To develop the implementation plan, the Presiding Judge appointed a committee of attorneys nominated by the different members of the Court en banc. Said committee includes the Circuit Judges as its members.

1. A model and standard form for GAL appointment, as drafted by the committee and approved by the Court en banc, shall be used in all GAL appointments in the 25th Circuit for any cases involving paternity, dissolution, custody, visitation, support or protection orders, and may be used in any appointments in the juvenile or probate courts.
2. The 25th Judicial Circuit shall disseminate the standards on its court website and keep a copy posted in the civil records department of the

circuit court and/or the family court division. Each division that addresses family court division matters shall be provided with a copy of the standards for reference when needed.

3. The Presiding Judge appoints the respective Clerks of each Circuit in the 25th Judicial Circuit for the purpose of maintaining the records and affidavits of GAL training compliance, as well as dissemination of the standards and the model standard appointment form, as stated above.
4. Any licensed attorney practicing in the 25th Judicial Circuit may serve as a Guardian ad Litem, in any case pending pursuant to Chapters 210, 211, 452, 453, 454 & 455, of Revised Missouri Statutes, upon meeting the following conditions:
  - a. The attorney shall complete 8 hours of GAL training, as approved by the Missouri Bar, in compliance with the standards required by Section 484.350 RSMo. (or its successor statute) and as promulgated by the Missouri Supreme Court (any lawyer who has completed at least six hours of GAL training within five years prior to the date of the adoption of these standards shall not be required to complete the initial eight hour course of study. Any lawyer currently approved by the court to serve as a GAL who has not completed any guardian ad litem training within five year period as of September 1, 2011 shall have one year from September 1, 2011 to complete the initial eight hours of training); and
  - b. The attorney shall file an affidavit of completion of said GAL training with the Clerks on or before July 31, 2011, and shall file an updated report of subsequent training required (3 hours) each year thereafter by July 31. The affidavit shall include acknowledgement that the guardian ad litem has reviewed the approved GAL standards (effective September 1, 2011); and
  - c. In cases where the attorney shall be paid by the Unified Family Court fund, the attorney that serves as a Guardian Ad Litem shall also file proof of workers compensation insurance coverage on or before January 30 each year, and submit proof of coverage at any time requested by the Clerks. If the attorney is not eligible, or otherwise not required to obtain workers compensation insurance,

the Unified Family Court fund will be used to pay the insurance coverage required by the county.

5. Any newly admitted attorney to the bar, or newly practicing in the 25th Circuit, shall submit his or her certificate of completion to the Clerks within 30 days of being appointed to serve as Guardian ad Litem or at any time he or she chooses before he or she requests or is asked to serve as a Guardian ad Litem in the 25th Judicial Circuit.
6. All attorneys who comply with the certification protocol stated above shall be eligible to serve in the capacity of GAL, upon approval by the Presiding Judge.
7. The Clerks shall notify the Presiding Judge of the eligible attorneys who complied with the certification process by September 1 of each year. The Clerks shall notify and remind, by electronic mail, all current GALs no less than 90 days before the certificate of compliance is due.
8. Any attorneys who submit the required certification after July 31 of any year may be added to the list after the Clerks notify the Presiding Judge of said attorney's compliance.
9. The list of eligible attorneys shall be sent to each Circuit Clerk and each Judge presiding in the 25th Circuit by October 1, 2011 and annually thereafter by October 1. Any new attorneys that are added to the list shall be submitted to the Circuit Clerks and each Judge presiding in the Circuit within 30 days of the Presiding Judge approving their eligibility.
10. The Judges may appoint attorneys who are on the list of eligible attorneys or who have agreed to serve and will submit their proof of compliance to the Clerks within 30 days of said appointment. The list shall identify the attorneys by their location of residence or practice and attorneys shall advise the Clerks of which counties they will agree to accept appointments in if not in their county of residence when they file their certificate of compliance.
11. The list of eligible attorneys shall further identify the preferences of attorneys as to whether they serve in the capacity of juvenile court matters or domestic matters, what hourly rate of pay that particular attorney is requesting and how many appointments that person will accept per year.

12. Upon approval by the Presiding Judge of the Circuit, the Guardian ad litem training may be provided by any qualified entity approved by The Missouri Bar for providing continuing legal education training and shall be accredited by the Judicial Election Committee.
13. The local rules and processes of the 25th Judicial Circuit require the implementation plan be adopted as a local rule by the Court en banc, on or before July 1, 2011.
14. The 25th Judicial Circuit shall review this plan annually to determine the need for modifications necessary to assure the continued effectiveness of the guardian ad litem Standards.

## **22.2 TRAINING OF GUARDIANS AD LITEM**

No person shall be appointed as guardian ad litem without first completing eight (8) hours of specialized training. Thereafter, to continue to be appointed as a guardian ad litem, a person shall complete three (3) hours of specialized training annually. Completion of the training hours shall be evidenced by an affidavit filed with the appointing court by July 31 of each year. Any lawyer who has completed at least six hours of GAL training within five years prior to the date of the adoption of these standards shall not be required to complete the initial eight hour course study. Any lawyer currently approved by the court to serve as a GAL who has not completed any guardian ad litem training within a five year period as of September 1, 2011 shall have one year from September 1, 2011 to complete the initial eight hours of training.

The specialized training shall include, but is not limited to, the following topics:

1. Dynamics of child abuse and neglect issues;
2. Factors to consider in the determining the best interests of the child, including permanency planning and the child's right to be with his or her family;
3. Inter-relationships between family system, legal process and the child welfare system;
4. Mediation and negotiation skills;
5. Federal, state and local legislation and case law affecting children;

6. Cultural and ethnic diversity and gender-specific issues;
7. Family and domestic violence issues;
8. Available community resources and services;
9. Child development issues;
10. Guardian ad litem standards.

Programs providing guardian ad litem training to meet the provisions of this standard shall be accredited by the Supreme Court of Missouri's judicial education committee.

### **VERIFICATION OF GAL COURT APPROVED TRAINING**

Name: \_\_\_\_\_

Year Admitted to the Missouri Bar: \_\_\_\_\_ Missouri Bar Number: \_\_\_\_\_

Month & Year of completion of 8 hour GAL training: \_\_\_\_\_  
(or 12 hour training if completed before standards were revised & approved by S.Ct. in 2011)

Location & Provider of 8 (or 12) hour GAL training: \_\_\_\_\_

Most recent GAL training: (date & number of hours): Date \_\_\_\_\_  
# of hours \_\_\_\_\_

Most recent GAL training (location and provider of training):

Location \_\_\_\_\_

Provider of training \_\_\_\_\_

*Any lawyer who has completed at least six hours of GAL training within five years prior to the date of the adoption of the standards shall not be required to complete the initial eight hour course of study. Any lawyer currently approved by the court to serve as a GAL who has not completed any guardian ad litem training within five year period as of September 1, 2011 shall have one year from September 1, 2011 to complete the initial eight hours of training.*



I, \_\_\_\_\_, state that the information set forth above in this Verification is true and I do hereby verify that I have received the above identified training as a Guardian ad Litem, in compliance with Section 484.350 RSMo, Local Court Rules 22.1 and 22.2 and Missouri Supreme Court's standards and guidelines, and I am currently eligible to serve in the capacity of a Guardian ad Litem in the State of Missouri, 25th Judicial Circuit and hereby request said verification be filed with all of the appointing courts in the 25th Judicial Circuit. I further state that I have reviewed the Supreme Court Standards for Guardian ad Litem (effective September 1, 2011).

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney

Bar # \_\_\_\_\_

**Please fill out the following and return with the Verification:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Suggestions for GAL Training \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Suggestions for Speakers \_\_\_\_\_

& Contact Information \_\_\_\_\_

\_\_\_\_\_

Counties of Practice: \_\_\_\_\_

What Counties in the 25th Circuit will you agree to serve as GAL?

\_\_\_\_\_ Maries      \_\_\_\_\_ Phelps      \_\_\_\_\_ Pulaski      \_\_\_\_\_ Texas

Will you accept cases to be paid by the Unified Family Court Fund at the rate of \$90.00 per hour?

Yes \_\_\_\_\_ No \_\_\_\_\_

What rate will you charge for an hourly fee if a private pay case? \$ \_\_\_\_\_

How many contested cases do you currently serve as a GAL now in the 25th Circuit?  
(excluding Probate cases) \_\_\_\_\_

How many of those cases will resolve or be adjudicated in the next 6 months? \_\_\_\_\_

How many cases do you serve as GAL outside of the 25th Judicial Circuit? \_\_\_\_\_

What total number of cases would you agree to accept an appointment as GAL in the  
next 6 months? \_\_\_\_\_

Do you have worker's compensation insurance coverage available to you (applies to  
Unified County Fund paid cases)? \_\_\_\_\_

## **RULE 24     EXHIBITS**

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

## **RULE 25     CASA**

### **25.1     ESTABLISHMENT OF CASA LOCAL COURT RULE**

#### Scope

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

#### Application

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

### **25.2     DEFINITIONS**

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

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

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

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

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

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

#### **Type of Cases**

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

- a. The child has become extremely traumatized and has little or no support network of friends and extended family.
- b. There is a companion criminal case.
- c. The child and family have multiple or complex service needs and coordination of services is required.
- d. Pre-adjudication services are ordered by the Court, particularly where the child is in out-of-home placement.
- e. Severe physical/sexual abuse cases where the child is not released to a parent or relative, and the child is 15 years of age or under:

- f. Special needs cases (e.g., educational, developmental, medical, mental health needs) that involve conflicting opinions as to assessment and/or treatment for the child;
- g. Cases that involve a number of issues and a number of interested parties. Focus on the CASA activity may be to identify and develop resources to meet a child's needs;
- h. Children 10 years and under who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification;
- i. Children, age 0-8 years of age, who are taken from a parent and placed in a foster home, where CASA might expedite the case toward family reunification or adoption, if reunification is not appropriate; and
- j. Short-term CASA intervention/involvement is required in case resolution or clarification of issues by gathering or researching information, e.g., contacting out-of-state relatives, or investigating medical concerns to assist the Court in reaching a decision.

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

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

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

The CASA program, at assignment, makes a determination that no conflict of

interest exists with respect to the CASA volunteer and any other party or interest associated with the case. The CASA program may request clarification of the Court at any time regarding CASA duties on a specific case.

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

### Requests for CASA

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

### Preliminary Inquiry

Except in situations where the Court orders a CASA volunteer appointed upon its own initiative, the clerk shall forward a copy of any motion filed to the CASA Director within (10) days of its filing. The CASA director will recommend to the Court the signing of a CASA order and provide the name of an available CASA volunteer or place the case on the waiting list for the next available CASA volunteer. If the case does not appear appropriate, the CASA director will recommend that CASA not be appointed to the case.

This preliminary investigation shall include review of the court records, review of DFS records, and review of all pending pleadings. The preliminary inquiry shall be completed within thirty (30) days of receiving the motion from the court clerk.

### Hearing

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

### CASA Order

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

### Scope of the CASA Order

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

## **25.4 GUARDIAN AD LITEM APPOINTMENTS**

### Appointment

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

### Legal Services

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

#### Compensation

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

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

#### Hearing Attendance

The CASA volunteer will attend any hearings which involve the child assigned. In the event of a conflict the CASA volunteer may request a continuance for good cause shown or may be excused by the Court from appearing. Any party may call the CASA volunteer as a witness in the proceeding. CASA may be compelled to attend by any party with the service of a subpoena for the CASA volunteer, made by service upon the volunteer or by serving the CASA Director, giving at least five (5) days notice prior to the hearing, excluding Saturdays, Sundays, and legal holidays.

#### Filing Reports

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

#### Inspection of Reports - Confidentiality

Generally, the child, his attorney, his parents, guardian or legal custodian, the attorney ad litem, and any state or other agency involved in the proceedings, shall be entitled to inspect the CASA report, and all documents attached thereto except that information

protected from disclosure by law. However, the Court, in its discretion, may decline to permit inspection of CASA reports, or portions thereof to anyone other than an attorney if it determines that such inspection would be detrimental to the child. If a party is unrepresented and is denied inspection, an attorney shall be appointed for the party and shall be permitted to inspect reports as herein provided. The Court shall issue such orders as are necessary to maintain the confidential nature of information so classified. However, in order to permit response, the Court shall disclose, at least to attorneys for the parties, any confidential information relevant to disposition.

## **25.6 SPECIAL COMPLIANCE REVIEWS**

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

## **RULE 26 BAILIFFS**

### **26.1 DEFINITION**

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

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

#### **Qualifications**

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



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

### Appointment

Bailiffs are appointed by the Circuit Judges.

### Powers and Duties

Bailiffs are authorized and empowered to:

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

## **PRE-TRIAL MATTERS**

### **RULE 32     DISCOVERY**

#### **32.2     INTERROGATORIES**

In domestic relations cases the Parties shall follow Local Court Rule 68.8.4. In all other civil cases no party shall serve on any other party more than thirty interrogatories (in the aggregate) without leave of Court or consent of counsel for the responding party. In domestic relation cases, a request to complete an attached financial statement or statement of income and expenses (which conform to Local Rule 68.8) shall constitute a single interrogatory for purposes of this rule. Subparagraphs of any interrogatory shall relate directly to the subject matter of the interrogatory and no interrogatory shall include more than four subparagraphs. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons why the court should permit them to be propounded. Any number of additional

interrogatories may be propounded if the written consent of counsel for the responding party is attached to the interrogatories when the same are filed with the court.

### **32.3. ELECTRONIC DISCOVERY**

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

### **32.6 DISCOVERY MOTIONS - CONFERENCE**

Parties and their attorneys are expected to cooperate in discovery and to make any agreements reasonably necessary for the efficient disposition of the case. All discovery motions or requests for hearings relating to discovery must contain a certificate by the attorney, or unrepresented party, filing the motion or request that a reasonable effort has been made to resolve the dispute without the necessity of court intervention and the effort failed.

## **RULE 33 PRE-TRIAL MOTIONS**

### **33.4 MOTIONS IN LIMINE**

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

## **RULE 36 SETTING CASES FOR TRIAL**

### **36.1 REQUEST FOR TRIAL**

Contested matters to be tried by the court or by jury may be set on the law day for setting cases of the division in which the case is pending, or by agreement of counsel or at the discretion of the judge. A written request shall be made to the clerk containing the style of the case, the case number, the division in which the case is pending, the names and addresses of all interested counsel and of parties not represented by counsel. A copy of such request shall be mailed to all interested counsel and to all parties not represented by counsel. The request to the clerk and notice to counsel shall be at least five working days prior to the date a setting will be requested. Requests for trial settings to a division not conducting the law day shall be placed, by the clerk, on the setting docket of the next law day of that division.

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

## **RULE 37 DISMISSALS**

### **37.1 DISMISSAL DOCKET**

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

## **SETTLEMENT AND DEFAULT**

## **RULE 41 SETTLEMENT**

### **41.1 NOTICE OF SETTLEMENT**

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

## **TRIALS**

## **RULE 51     COURT-TRIED CASES**

### **51.3     PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In all court-tried cases in which findings of fact and conclusions of law are required, or properly requested, the parties, through their attorneys, shall submit proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time as directed by the court.

## **RULE 53     JURY TRIALS**

### **53.2     CLOSING ARGUMENTS**

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

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

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

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

## **RULE 54     JUDGMENT ENTRY**

### **54.1     CONTESTED CASES**

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

### **54.2     DEFAULT OR UNCONTESTED CASES**

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

## **RULES RELATING TO PARTICULAR ACTIONS**

### **RULE 61     ADOPTION**

#### **61.2     HOME STUDY**

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

### **RULE 67     CRIMINAL CASES**

#### **67.1     PRETRIAL RELEASE**

##### **67.1.1     BOND AMOUNTS, CONDITIONS FOR RELEASE AND QUALIFICATIONS OF BONDING AGENTS**

- A. Bond amounts and conditions for release are to be set by the court in accordance with Supreme Court Rule 33 and applicable law.
- B. Qualifications of Bonding Agents.
  - 1. The Presiding Judge, or Presiding Judge's designee, shall review for approval the authorized Bonding Agents for persons charged with criminal offenses in the 25th Judicial Circuit.
  - 2. Any person, firm, corporation or other business entity ("Bonding Agent" or "Bonding Agents") desiring to write bail bonds in the 25th Judicial Circuit shall first file in completed form a General Affidavit of Qualifications and a General Affidavit of Qualifications-Questionnaire. The information provided in the Questionnaire shall be legible and shall be presented in such a fashion so that qualifying assets (as hereinafter described) may be quickly identified. The qualifying assets as disclosed in said affidavit shall be used to determine the bonding authority of the Bonding Agent, which bonding authority shall not be exceeded. The bonding authority of the Bonding Agent shall be an amount equal to 15 times the qualifying assets of the Bonding Agent. The bonding

authority of the Bonding Agent on any single bond shall be no more than 50% of the qualifying assets of the Bonding Agent.

3. Qualifying assets shall consist of the following:
  - a. The reasonable equity value of real estate located in Missouri. The reasonable equity value of real estate shall be based upon current appraisals by certified Missouri appraisers and/or current tax assessments after reduction by all liens and encumbrances, as verified by the appraiser, current title policy or certified bank letter;
  - b. Certificates of deposit issued by an FDIC-insured or NCUA-insured financial institution located in the state of Missouri or cash held on deposit by such institutions;
  - c. Monies deposited with the state of Missouri Department of Insurance, Financial Institutions & Professional Registration pursuant to Chapter 374 of the Revised Statutes of Missouri; and
  - d. Any asset that has been specifically approved by the Presiding Judge or the Presiding Judge's designee; however, the court generally will not accept such assets as jewelry, antiques, etc.
4. Once approved as a Bonding Agent, such Bonding Agent shall:
  - a. File on or before January 1 of each year a new updated General Affidavit of Qualifications and General Affidavit of Qualifications-Questionnaire; and
  - b. File on or before July 1 of each year either (i) an Affidavit of Qualifications form provided by the court stating that there have been no changes in the qualifications or qualifying assets of the Bonding Agent, as they appeared on the last filed General Affidavit of Qualifications and General Affidavit of Qualifications-Questionnaire, or (ii) a new General Affidavit of Qualifications and General Affidavit of Qualifications-Questionnaire.

5. If the Presiding Judge or the Presiding Judge's designee determines that the bonding authority of the Bonding Agent has dropped below \$10,000.00, the Bonding Agent, sheriff and circuit clerks shall be notified, and thereafter the Bonding Agent shall have no authority to write additional bonds until such time as bonding authority is increased to an amount greater than \$10,000.00. The Bonding Agent shall have the right to a review of the determination of bonding authority by making a request in writing to the Presiding Judge or the Presiding Judge's designee,
6. Any unsatisfied judgment against a Bonding Agent, entered upon any bail bond in any court of this state or of the United States, shall forthwith disqualify such Bonding Agent from writing bonds in the 25th Judicial Circuit. Such disqualification shall continue for so long as a judgment remains unsatisfied and until the disqualified agent is requalified pursuant to state law and this rule.
7. Notwithstanding the foregoing, all unresolved issues regarding the interpretation and application of this Rule shall be resolved by the Presiding Judge or the Presiding Judge's designee.

## **67.5 ARRAIGNMENTS**

### **67.5.1 IN GENERAL**

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

### **67.5.2 DATES**

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

## **67.8 PLEA BARGAINING**

In order for a plea bargain to be approved in any felony case, the plea agreement shall be set forth in Form 67.9 and signed by the Defendant, Defense Counsel, and the Prosecutor, and the same shall be filed in accordance with rule 67.9.

## **67.9 GUILTY PLEA**

### **67.9.1 USE OF FORM 67.9**

In all felony cases wherein the defendant desires to plead guilty, the defendant and defense counsel shall prepare form 67.9 and file same with the Court prior to docket call on the date of the plea. Form 67.9 shall be signed by the Defendant, Defense Counsel, and the Prosecutor. Copies of form 67.9 shall be accessible in paper form from the Circuit Clerk or in digital format from [www.courts.mo.gov](http://www.courts.mo.gov).

#### **Form 67.9:**

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

STATE OF MISSOURI,	)	
Plaintiff,	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
Defendant.	)	

#### **ACKNOWLEDGMENT OF RIGHTS AND PETITION TO ENTER PLEA OF GUILTY**

My name is \_\_\_\_\_, and I am \_\_\_\_\_ years old. I completed the \_\_\_\_\_ grade in school, and I can read and write the English language. I understand I am charged with the Class \_\_\_\_\_ Felony/ies of \_\_\_\_\_, which carries a range of punishment of \_\_\_\_\_.

I have received a copy of the Information. I have read the Information and discussed it with my lawyer. My lawyer has counseled and advised me on the charge, on all lesser-included charges, if any, and on all possible defenses that I might have. I know that I may plead not guilty to any offense charged against me. If I plead not guilty, I have the right to a speedy and public trial by jury, the right to see, hear, and cross examine all witnesses called to testify against me, the right to use subpoenas to compel the production of evidence or witnesses, the right to have the assistance of a lawyer at all stages of the proceedings, and the right to take the witness stand at my sole option. If I do not take the witness stand, no inference of guilty may be drawn from that decision. I know I may be entitled to a change of venue or judge. I know that as a part of my right to trial by jury, the State must prove my guilt beyond a reasonable doubt and the jury must be unanimous. If I plead guilty, I understand I am giving up all of these rights.

If I plead guilty the prosecutor has agreed to recommend \_\_\_\_\_. No other officer or agent of any branch of government promised or suggested that I will receive a lighter sentence, or probation, or any other form of leniency if I plead guilty. I know that any such offer has no legal effect. I know that the Court can sentence me at its discretion within the range of punishment. If I am on



probation or parole, I know that by pleading guilty here my probation or parole may be revoked, and I may be required to serve time in that case, which may be consecutive to any sentence imposed upon me in this case. Neither I, nor any of my friends or loved ones, has been, threatened, coerced, or forced in any manner to get me to plead guilty. I am a United State citizen. I am satisfied with the advice and help my lawyer has given me in this case. I know the Court must be satisfied there is a factual basis for the plea. I admit that the allegations in the State's Information are true. Further, I am pleading guilty because I am guilty, and I do not believe I could be found innocent by a jury. I respectfully request this Court to accept my plea.

I have no complaints against law enforcement concerning my treatment while in jail. I had sufficient food, water, medical care and bedding, and I was not mistreated by any inmate while in jail, except \_\_\_\_\_.

My mind is clear. I am not mentally ill, not under the influence of alcohol or drugs, and I am not under a doctor's care, except \_\_\_\_\_. The only drugs, medicines, or pills that I have taken within the last seven days are \_\_\_\_\_.

Read and signed by Defendant's attorney in presence of Defendant this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

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

STATE OF MISSOURI,  
Plaintiff,

vs.

\_\_\_\_\_,  
Defendant.

)  
)  
)  
)  
)  
)  
)

Case No. \_\_\_\_\_

**DOCKET ENTRY**

Defendant appears in person and with attorney \_\_\_\_\_. State of Missouri appears by [Assistant] Prosecuting Attorney. Defendant [is formally arraigned] [waives formal arraignment] [withdraws plea of not guilty] and enters plea of guilty to [amended] charge[s] of \_\_\_\_\_, Class \_\_\_\_\_ Felony/ies. Court examines Defendant, advises Defendant of his/her constitutional rights, and accepts Defendant's plea as knowing and voluntary and finds Defendant guilty as charged. Defendant's guilty plea is [not] based on a plea agreement with the Prosecuting Attorney.

Sentencing Assessment Report (SAR) is [requested][waived]. Sentencing set for \_\_\_\_\_.

### **JUDGMENT**

- \_\_\_\_\_ Imposition of Sentence is Suspended.
- \_\_\_\_\_ Allocution granted. Defendant is sentenced to:
- \_\_\_\_\_ Payment of a fine in the amount of \_\_\_\_\_.
- \_\_\_\_\_ A term of imprisonment of \_\_\_\_\_ (\_\_\_\_) years in the Department of Corrections, the Sheriff is allowed one guard.
- \_\_\_\_\_ Defendant is committed under § 217.362 RSMo., for long term treatment.
- \_\_\_\_\_ Defendant is committed under § 559.115 RSMo, with placement in [ITC] [General Population] [SOAU].
- \_\_\_\_\_ Defendant is advised of his/her rights pursuant to Missouri Supreme Court Rule 24.035 and is provided a copy of that Rule in open court.
- \_\_\_\_\_ The Court examines Defendant and finds no probable cause to believe Defendant has suffered from ineffective assistance of counsel.
- \_\_\_\_\_ Confinement in the \_\_\_\_\_ County Jail for \_\_\_\_\_ days] [months].
- \_\_\_\_\_ Execution of the [prison term] [jail term] [fine] is suspended.
- \_\_\_\_\_ Judgment against Defendant in the amount of (\$46.00 / \$68.00) in favor of the Crime Victim's Compensation Fund.
- \_\_\_\_\_ The State dismisses \_\_\_\_\_.

### **ORDER OF PROBATION**

Defendant is granted probation for a period of \_\_\_\_\_ years, supervised by the Board of Probation and Parole under the terms and conditions set out below.

- XXX Defendant shall not again violate any federal or state law or any city ordinance.
- XXX Defendant must follow a course of good conduct and behavior.
- XXX Defendant shall fully and completely cooperate with the Board of Probation and Parole and the probation officer assigned to supervise Defendant.
- XXX Defendant must report any changes in his/her residential or mailing address to the Court within 10 days of the change. Defendant's current address is \_\_\_\_\_.
- XXX Defendant shall pay all court costs, including CVC Judgment payable to the \_\_\_\_\_ County Circuit Clerk's Office [in full within \_\_\_\_\_ days][at the rate of \$\_\_\_\_\_ per month, beginning \_\_\_\_\_].
- \_\_\_\_\_ Defendant shall notify his/her probation officer within 48 hours if Defendant has contact with a police officer.

\_\_\_\_\_ Defendant shall pay restitution in this case totaling \$ \_\_\_\_\_ to the  
 \_\_\_\_\_ County Prosecuting Attorney in minimum monthly payments  
 of not less than \$ \_\_\_\_\_ per month until paid in full. Payments are due  
 by the 15th day of each month.

\_\_\_\_\_ Defendant shall complete \_\_\_\_\_ hours of community service through C.O.S.P. at a  
 rate of at least 16 hours per month until completed.

\_\_\_\_\_ Defendant is ordered to pay \$ \_\_\_\_\_ to the County Law Enforcement  
 Restitution Fund.

\_\_\_\_\_ Defendant shall enroll in, complete, and file proof of completion of the following  
 with this court within 90 days:  
 \_\_\_\_\_ REACT, \_\_\_\_\_ SATOP, \_\_\_\_\_ VIP, \_\_\_\_\_ Veracity, \_\_\_\_\_ Financial Mgmt, \_\_\_\_\_ Ignition Interlock.

\_\_\_\_\_ Defendant shall serve \_\_\_\_\_ days shock incarceration in the \_\_\_\_\_ County  
 Jail [at the discretion of his/her probation officer][with] [without] credit for  
 any time already served.

\_\_\_\_\_ Defendant shall not consume intoxicants nor enter any establishment where the  
 primary sales are alcohol.

\_\_\_\_\_ Defendant shall submit to chemical testing of his blood, breath or urine to  
 determine usage of alcohol or controlled substance at the request of  
 his/her probation officer or upon a reasonable request of a law  
 enforcement officer.

\_\_\_\_\_ Defendant shall submit to searches of his/her person, residence, automobile, or  
 possessions at the request of a law enforcement officer or his/her  
 probation officer.

\_\_\_\_\_ Defendant shall submit to a baseline drug test on today's date and shall be  
 randomly drug tested at a minimum of twice a month for the first six  
 months of probation.

\_\_\_\_\_ Defendant shall complete [inpatient][outpatient] treatment as arranged by  
 Probation and Parole.

\_\_\_\_\_ Defendant shall [be screened for the \_\_\_\_\_ County Alternative Court Program,  
 and if admitted shall] complete the \_\_\_\_\_ County Alternative Court  
 Program and follow any directive ordered by the Alternative Court Judge.

\_\_\_\_\_ Defendant is committed to the Department of Corrections under § 217.785  
 RSMo., for post-conviction treatment.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### **OTHER ORDERS**

\_\_\_\_\_ Defendant is ordered to appear in this Court on the \_\_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_ at \_\_\_\_\_ AM/PM for probation status review.

\_\_\_\_ Defendant is ordered to appear in this Court on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ at \_\_\_\_\_ AM/PM for further proceedings on the SIS granted in  
this case.

\_\_\_\_ The Court, finding that Defendant is not a resident of Missouri, orders that  
Defendant is allowed to return to his/her residence, located at  
\_\_\_\_\_ in the State of \_\_\_\_\_  
pending successful transfer of probation supervision to that State.  
Defendant is ordered to make in-person contact with Probation and Parole  
before leaving \_\_\_\_\_ County, Missouri.

**Approved by the parties and tendered to the Court this \_\_ DAY OF \_\_\_\_\_, 20\_\_.**

\_\_\_\_\_  
State of Missouri, #\_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant, #\_\_\_\_\_

\_\_\_\_\_  
Defendant

**APPROVED BY THE COURT AND SO ORDERED, THIS \_\_ DAY OF \_\_\_\_\_, 20\_\_.**

\_\_\_\_\_  
Judge of the 25th Judicial Circuit

### **67.9.2 NOTICE**

When a defendant desires to enter a plea of guilty to a felony offense, his attorney shall file a written Notice to enter his plea of guilty with the Circuit Clerk calling the case up before the appropriate judge pursuant to Rules 67.9.3 and 67.9.4. The original, fully executed Petition to Enter Plea of Guilty, a Memorandum of Plea Bargain and a Docket Entry of Guilty Plea shall be filed with the Circuit Clerk prior to the docket call on the day of the scheduled plea hearing. At the time the case is called, if all documents have been filed, the case shall be deemed ready to be heard. If any required document has not been filed at the time the case is called, the guilty plea shall not be heard on that day and the matter shall be rescheduled for plea or set for trial.

### **67.9.3 WHERE ENTERED**

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

### **67.9.4 WHEN ENTERED**

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

### **67.9.5 EARNED COMPLIANCE CREDIT – RESTITUTION**

In all Criminal Cases in this Circuit in which Restitution is due, no Earned Compliance Credit shall be awarded until said Restitution is paid in full. All Prosecuting Attorneys shall add this language to the Restitution paragraph of the Judgment form for Guilty Plea and to any Restitution agreement.

This Order notwithstanding, in each individual case, the Judge with Jurisdiction may grant such Earned Compliance Credit , in accordance with Missouri Law, as he or she may deem appropriate and just.

## **RULE 68 FAMILY LAW CASES**

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

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

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

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

Rule 68 shall be applicable to all Family Law cases filed after April 1, 2005, or thereafter filed in or transferred to Phelps, Pulaski, Texas, or Maries Counties. To the extent a provision of any other Local Court Rule conflicts with any provision of this Rule 68, this Rule shall govern.

For the purposes of Rule 68, date of service is defined as the date upon which service of process of the initial pleading is obtained upon a responding party, or the filing date of a general entry of appearance by a responding party waiving service of process of the initial pleading.

## **68.2 JURISDICTION**

**68.2.1 THE CIRCUIT JUDGES OF DIVISION I AND DIVISION II AND THE ASSOCIATE CIRCUIT JUDGES DESIGNATED AS THE FAMILY COURT JUDGE FOR EACH COUNTY SHALL HAVE CONCURRENT ORIGINAL JURISDICTION IN ALL FAMILY LAW CASES**

**68.2.2 THE FAMILY COURT JUDGE FOR EACH COUNTY SHALL BE DESIGNATED BY ADMINISTRATIVE ORDER AND SHALL HAVE ORIGINAL JURISDICTION OF ALL FAMILY LAW CASES FILED IN THAT COUNTY**

- a. The Family Court Judge designated for each county and the Circuit Judges for Division I and Division II shall have concurrent original jurisdiction to conduct the trial for any contested Family Law case described in Local Court Rule 68.1.
- b. When the Judge who is assigned to a Family Law Case leaves office, the successor Judge is assigned to hear the case.
- c. The Family Court Judges shall have the same authority as Circuit Judges in ordering parties to file pleadings and documents as required by Local Court Rules, orders of contempt and orders of dismissal for parties failing to comply with Local Court Rules or Administrative Orders.

**68.2.3 THE ASSOCIATE JUDGE(S) IN EACH COUNTY AND THE CIRCUIT JUDGES OF DIVISION I AND DIVISION II, WHO ARE NOT OTHERWISE DISQUALIFIED, SHALL HAVE CONCURRENT JURISDICTION TO HEAR ANY CONTESTED DISCOVERY AND CONTESTED TEMPORARY MOTIONS FOR SUPPORT, CUSTODY, MAINTENANCE, ATTORNEY FEES, ETC. THEY SHALL ALSO HAVE CONCURRENT JURISDICTION FOR ANY DEFAULT HEARING AND ANY UNCONTESTED HEARING**

## **68.3 CONTESTED CASES**

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

All responding parties are in default, or

All parties file a stipulation in writing that the case is uncontested and

setting forth the agreement of the parties for the resolution of all issues raised in the pleadings filed by any of the parties.

#### **68.4 CUSTODY, VISITATION, AND SUPPORT OF CHILDREN UPON FILING OF PETITION**

Unless otherwise ordered by the Court, the following rules shall govern the custody, visitation and payment of support of children in Dissolution, Legal Separation, Custody or Paternity, when paternity has been established, cases:

##### **68.4.1 CUSTODY AND PARENTING TIME**

Pending an order from the Court, and absent agreement, the parties shall share legal custody and parenting time with the child(ren), pursuant to section 452.310 RSMo.

#### **68.5 TEMPORARY CHILD SUPPORT ORDERS**

##### **68.5.1 EITHER PARENT MAY MOVE FOR TEMPORARY CHILD SUPPORT**

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

##### **68.5.2 VERIFIED MOTION FOR TEMPORARY CHILD SUPPORT**

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

##### **68.5.3 COPY OF MOTION TO OTHER PARENT**

The Movant shall then provide the other parent, or his or her attorney as may be appropriate, with a copy of such Motion for Temporary Child Support, by regular mail, personal service, facsimile or eNotice, and shall file a certificate of service with the motion.

#### **68.5.4 TIME TO RESPOND—INCLUDE FORM 14**

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

#### **68.5.5 COURT MAY RULE ON MOTION ON VERIFIED MOTIONS AND RESPONSE**

Within ten days after the date upon which the response is due, the Court may rule upon such motion based solely upon the verified motion and any verified response thereto, applying the principles set forth in Missouri Rules of Civil Procedure 88 and Chapter 452, RSMo. Any orders issued under this rule shall be enforceable by contempt proceedings and shall remain in effect until further order of the Court.

#### **68.5.6 COURT MAY REQUIRE HEARING**

If the Court determines that it is impracticable to make a determination based upon the verified motion and the verified response thereto, then the Court may set the matter for expedited hearing, which hearing shall be held within twenty days after the date upon which any response is due except for good cause shown. The only issues which shall be considered by the Court at such expedited hearing shall be those relating specifically to temporary child support. The Court shall issue its order under this rule as soon as practical thereafter.

#### **68.5.7 THE TIME SHALL NOT BE STAYED OR TOLLED**

The time frames specified in this Rule shall not be stayed or tolled by the filing of any pleadings, proceedings or other motions, specifically including motion for change of temporary custody of the minor child(ren) of the parties.

### **68.6 PATERNITY TESTING**

#### **68.6.1 EITHER PARENT MAY MOVE FOR PATERNITY TESTING**

In any case in which there is a minor child subject to the jurisdiction of the Court and paternity has not been established, but is necessary to proceed, either party may move for an order for paternity testing not less than 30 days from service and provided the adverse party has been served in a manner provided by Missouri Rules of Civil



Procedure, or has formally filed a verified entry of appearance or a responsive pleading.

#### **68.6.2 VERIFIED MOTION FOR PATERNITY TESTING**

The Movant shall file a verified Motion for Paternity Testing, which shall set forth clearly and concisely the grounds for such motion. The motion shall include, at a minimum, the child's name, date of birth, and residential address; the name and contact information of the entity that will perform the paternity testing, and a statement of who shall initially pay the cost of the testing.

#### **68.6.3 COPY OF MOTION TO OTHER PARENT**

The Movant shall then provide the other parent, or his or her attorney, as may be appropriate, with a copy of the Motion for Paternity Testing, by regular mail, personal service, facsimile or eNotice, and shall file a certificate of service with the motion.

#### **68.6.4 TIME TO RESPOND-REQUEST FOR HEARING**

The other parent shall have fifteen days from the date of such certification to respond to such motion. Any response shall be verified and may include a request for a hearing.

#### **68.6.5 PRESENTMENT TO THE COURT-ORDER**

If no response contesting the motion is filed within fifteen days of the motion being served, or if the non-moving party agrees in writing to the paternity testing, the Clerk shall present the motion and any response to the Court. The Court may, without hearing, order the parties to submit to and present the child for paternity testing and assess the costs.

#### **68.7 FILING REQUIREMENTS**

The following document filing requirements shall apply in all actions for Dissolution of Marriage, Legal Separation, Child Custody, Paternity or Modifications of a prior judgment in any such action, unless specifically limited to a particular action.

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

Petitioner/Moving party shall file the following documents within 60 days after service of process or the filing of the Entry of Appearance by Respondent, or five days before any scheduled temporary hearing, whichever event first occurs. Respondent shall file the following documents within 60 days after being served or filing an entry of appearance, or five days before any scheduled temporary hearing, whichever occurs first:

- a. Proposed Parenting Plan for any child under the age of eighteen who remains unemancipated.
- b. Statement of Income and Expenses.
- c. Statement of Property (required only for an action for dissolution or legal separation).
- d. Proposed Form 14(s) prepared in accordance with Civil Rule 88.01, if there are children of the parties who are unemancipated.

#### **68.8 REQUIRED DOCUMENT PRODUCTION AND INTERROGATORIES**

##### **68.8.1 IN ANY CONTESTED CASE IN WHICH THE AWARD OF PROPERTY, MAINTENANCE, CHILD CUSTODY, PATERNITY, CHILD SUPPORT, ATTORNEY FEES OR DIVISION OF DEBT IS AN ISSUE, EACH PARTY SHALL DELIVER TO THE OTHER PARTY, WITHIN 60 DAYS AFTER THE DATE OF SERVICE, A COMPLETE AND LEGIBLE COPY OF EACH OF THE FOLLOWING DOCUMENTS IN THEIR POSSESSION OR UNDER THEIR CONTROL**

- a. Federal and State income tax returns (including schedules, W-2, K-1 and 1099 forms) for the preceding three calendar years, or from the date of marriage to present, whichever is less;
- b. The last six pay period “pay check” stubs or other evidence of wages, salaries or tips if no pay check stub is issued; and not less than ten days before trial, each party shall file supplemental responses with the six most recent or latest such pay stubs, or evidence of income, received immediately prior to supplemental filing.
- c. Any appraisal done in the 3 preceding calendar years after the case is filed for any real estate or property in which any party has any interest in a legal separation or dissolution.

- d. A court-approved employment authorization for each employer from the preceding three years or from the date of marriage to present, whichever is less, attached as Form 68-A
- e. A court-approved financial authorization for each financial institution, account or for any financial statement identified in answers to interrogatories, in which the party has or had any interest in the preceding three years, or the date of marriage to the present, whichever is less, attached as Form 68-B

**68.8.2 IN ADDITION TO THE REQUIRED DOCUMENT PRODUCTION, A PARTY MAY FILE A FORMAL REQUEST FOR PRODUCTION OF DOCUMENTS AND AUTHORIZATIONS WHICH SHALL BE ANSWERED PURSUANT TO SUPREME COURT AND LOCAL COURT RULES, WHICH MAY REQUIRE ADDITIONAL DOCUMENT PRODUCTION OR AUTHORIZATIONS. THE SUPREME COURT RULES ADDRESSING FILING AND RESPONSE TIME, AS WELL AS OBJECTIONS, SHALL APPLY**

**68.8.3 ADDITIONAL INFORMATION TO BE PROVIDED: FOR EACH DOCUMENT DESCRIBED IN THE PRECEDING PARAGRAPH THAT IS NOT PRODUCED BY A PARTY TO THE OTHER, SUCH PARTY SHALL ADVISE THE OTHER OF THE FACT THAT THE DOCUMENT MAY NOT NOW EXIST OR HAS NEVER EXISTED, OR THAT IF SUCH DOCUMENT EXISTS, BUT IS NOT IN THE POSSESSION OR UNDER THE CONTROL OF THE DELIVERING PARTY, THE NAME AND CURRENT ADDRESS OF THE PERSON WHO HAS POSSESSION OR CONTROL OF THE DOCUMENT**

**68.8.4 COURT-APPROVED INTERROGATORIES**

In any contested case in which the award of property, maintenance, child custody, paternity, child support, attorney fees or division of debt is an issue, the interrogatories which are court approved may be found in the appendix to these Rules as Form 68 - C. The filing of said court approved interrogatories shall be propounded and answered pursuant to Supreme Court Rules.

- a. In addition to the twenty court-approved interrogatories, each party shall be allowed to propound ten additional interrogatories, if required. Parties are permitted up to 30 total interrogatories in any such family court matter without leave of court to propound additional interrogatories, and each may have no more than 4 subparts to each

interrogatory.

- b. Any party requiring more than thirty total interrogatory questions may file a motion requesting leave to file additional interrogatories and if court is inclined, leave may be granted.

#### **68.8.5 SUPPLEMENTING DISCLOSURES AND RESPONSES**

A party who has made a disclosure under this Rule or who has responded to interrogatories, request for production, or request for admissions under the Missouri Rules of Civil Procedure, must supplement or correct its disclosure or response:

- a. in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or
- b. as ordered by the court.

#### **68.8.6 CERTIFICATE OF COMPLIANCE REQUIRED**

Within the time period provided herein for the production of documents responses, the answering party shall file with the Court a Certificate of Compliance with the Rule, but not the documents. If Interrogatories are filed, the time period for answers to be filed shall be in compliance with Supreme Court Rules.

#### **68.8.7 FAILURE TO COMPLY WITH LOCAL FAMILY COURT RULES**

If a party does not comply with the filing requirements of Local Court Rule 68 regarding document production or answering interrogatories if propounded, the other party may file a motion to compel or for sanctions pursuant to the Supreme Court Rules after conferring with the non-complying party or attorney, if represented, in accordance with Local Rule 32.6.

Each Family Court Judge for the county in which the case is pending, who is not otherwise disqualified from hearing the matter, may enforce this rule as any other discovery rule and may assess the same sanctions as are available under the Rules of Civil Procedure.

#### **68.9 MANDATORY ALTERNATIVE DISPUTE RESOLUTION (ADR)**

All parties in a contested Family Law case, except for good cause shown, shall participate in a court-approved ADR program before trial. The Family Court Judge for the county in which the case is pending may excuse a party from participating in ADR or may designate the manner or time of ADR for a particular case.

The ADR programs that meet the requirement include mediation and special masters' program.

#### **68.10 PARENT EDUCATION PROGRAMS**

In any case in which child custody or visitation is involved, the parties shall attend a court-approved educational session to educate parents as to the possible detrimental effects of family transitions on children and how to avoid these negative effects. The petitioner/movant shall attend a court-approved program within 45 days of filing the petition or the motion, or the court may dismiss the pending case. The respondent shall attend a court-approved program within 45 days of the date of service of process or of receipt of the petition or motion if service is waived, or the court may strike the responsive pleadings. The court may impose any other appropriate sanctions provided by law.

No action involving child custody or visitation shall proceed to final hearing until there has been compliance with this order. This requirement may be waived by the Judge assigned to the case for good cause.

The Family Court Coordinator shall make available to litigants information regarding court-approved educational programs.

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

##### **68.11.1 FINAL ORDERS ENTERED-WHEN**

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

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

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

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

#### **68.11.2 AFFIDAVIT-FILING**

If one party desires to submit the matter for entry of final orders upon affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the Court's jurisdiction and containing factual averments sufficient to support the relief requested, together with a copy of a proposed judgment or order, a copy of any written settlement agreement and written parenting plan proposed for adoption by the Court, a completed Form 14, and any other supporting evidence. The filing of such an affidavit shall not be deemed to shorten any statutory waiting period required for the entry of a judgment of dissolution of marriage or legal separation. The submitting party is encouraged to file an affidavit utilizing Form 68-D.

#### **68.11.3 CHANGE OF NAME AND CASES UNDER §487.080, RSMO**

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

#### **68.11.4 ADOPTION CASES**

Final orders in any adoption proceeding may be entered upon affidavit of a party when:

- a. A final order has previously been entered terminating the parental rights of all non-adopting parents;
- b. Financial affidavits, including amendments to the financial affidavits, have been properly filed as required by §453.075, RSMo.;

- c. An updated home study has been filed as required by §453.077, RSMo;
- d. All other requirements of §453.080, RSMo. have been met; and
- e. The Guardian ad Litem has filed a written recommendation that the adoption be granted.

#### **68.11.5 HEARING REQUIRED—WHEN**

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

#### **68.12 NOTICE TO PARTIES**

Notice to be provided by the Clerk: Upon the filing of an action for the dissolution of a marriage, legal separation, or other custody proceeding, the Clerk shall provide the following notice to the Petitioner and attach a copy of said notice to the Petition or Motion for service upon the Respondent:

***NOTICE: IN CASES IN WHICH CUSTODY, VISITATION OR SUPPORT OF CHILDREN ARE AT ISSUE, LOCAL COURT RULES 68.4.1, 68.4.2, AND 68.10 PROVIDE FOR THE FOLLOWING ORDERS CONCERNING CUSTODY, VISITATION AND SUPPORT.***

##### **68.4.1 CUSTODY AND PARENTING TIME**

*Pending an order from the Court, and absent agreement, the parties shall share legal custody and parenting time with the child(ren) pursuant to section 452.310 RSMo.*

##### **68.4.2 SUPPORT**

*Until further order of the Court the Temporary Nonresidential Parent in any Dissolution of Marriage, Legal Separation, Custody and Paternity, when paternity has been established, cases shall pay child support to the Temporary Residential Parent through the Family Payment Support Center as trustee the monthly sum as set forth by*

*Supreme Court Rule 88.01 and Form 14 by Order of the Court or agreement of the parties.*

**68.10 PARENT EDUCATION PROGRAMS**

*In any case in which child custody or visitation is involved, the parties shall attend a court-approved educational session to educate parents as to the possible detrimental effects of family transitions on children and how to avoid these negative effects.*

*The petitioner/movant shall attend a court-approved program within 45 days of filing the petition or the motion, or the court may dismiss the pending case. The respondent shall attend a court-approved program within 45 days of the date of service of process or of receipt of the petition or motion if service is waived, or the court may strike the responsive pleadings. The court may impose any other appropriate sanctions provided by law.*

*No action involving child custody or visitation shall proceed to final hearing until there has been compliance with this order. This requirement may be waived by the Judge assigned to the case for good cause.*

*The Family Court Coordinator shall make available to litigants information regarding court-approved educational programs.*

\*\*\* END OF NOTICE\*\*\*

**AUTHORIZATION FOR RELEASE OF EMPLOYMENT INFORMATION**

**(Form 68-A)**

INSTRUCTIONS: Complete one form for each employer with whom you were employed at any time during the past three years by inserting the name and address of the employer and by inserting your name, social security number and dates of employment. Sign below and have your signature notarized.

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

Employee Name	Social Security Number	Date Employment Began	Date Employment Ended



This will authorize you to release all information in your care, custody and control, including any records kept by you in the ordinary course of your business, consisting of all records showing dates of employment, income earned during employment (including salary or hourly rates paid), benefits of employment (e.g. health, disability and/or life insurance, automobile allowance, sick and vacation leave and/or pay), retirement and pension plan and benefit records (including plan type and description, master documents, details of contributions made on employee's behalf by either the employer or the employee, employee account balances, actual or anticipated benefit calculations), time records, disciplinary records and other records reflecting the terms, conditions, duration and termination (if applicable) of employment, including a copy of any employment contract. This information shall be released to:

Attorney Name	Address, City, State, Zip	Phone

It is expressly agreed that a photocopy of this authorization shall be valid as the original. **This authorization shall be valid for a period of 180 days from the date of execution or final disposition, whichever occurs sooner.**

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

\_\_\_\_\_  
Employee

State of Missouri |  
County of \_\_\_\_\_ | ss:

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

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

#### AUTHORIZATION FOR RELEASE OF FINANCIAL INFORMATION

**(Form 68-B)**

INSTRUCTIONS: Complete one form for each financial institution in which you maintain an account of any kind or with which you have transacted financial business at any time during the past three years by inserting the name and address of the institution and by inserting your name, social security number and account number, if known. Sign below and have your signature notarized.

TO: Financial Institution \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Account Holder	Social Security Number	Account or Loan Number(s)

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

Attorney Name	Address, City, State, Zip	Phone

It is expressly agreed that a photocopy of this authorization shall be valid as the original. **This authorization shall be valid for a period of 180 days from the date of execution or final disposition, whichever occurs sooner.**

\_\_\_\_\_  
Account Holder

State of Missouri

County of \_\_\_\_\_

| ss:  
|

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

(NOTARY SEAL)

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

## COURT APPROVED INTERROGATORIES

Form 68-C

1. State your full name, date of your birth, the address of your present place of residence, and the full name, date of birth and relationship to you of any other person(s) residing with you at your place of residence.

ANSWER:

2. With respect to your present employment, please state:

- a) The name and address of your employer and your job duties and responsibilities.
- b) The number of hours worked per week, the frequency of each pay period (i.e. weekly, biweekly, monthly), the method by which your salary is computed, and if hourly, state the rate, the gross amount of salary or wages received each pay period.
- c) The gross amount of all compensations (including wages, salaries, commissions, bonuses, expenses, reimbursements and other remunerations) received by you during your most recent pay period (identify, by date, the pay period).

- d) The net amount (take home pay) of your compensation during your most recent pay period.

ANSWER:

3. State whether any current or past employer of yours currently provides any of the following benefits:

- a) Accident, health or disability insurance. If so, identify each policy by number and identify the insurer, each insured, each beneficiary, the limits and describe the coverage.
- b) Life insurance. If so, identify each policy by number, the insurer, the insured, each beneficiary and describe the coverage.
- c) Any other fringe benefits. If so, describe each in detail.
- d) Any health insurance benefits available to you, your spouse, as well as benefits available to dependent children and what is the cost for said benefits for each individual.

ANSWER:

4. Please state all sources of income you are presently receiving or which have been received in the twelve months preceding the filing of the Petition not otherwise disclosed in your answers to these Interrogatories, and if there is such income, please state:

- a) The name and address of the person, firm or corporation who paid you earnings or income.
- b) The purpose for which the earnings were paid or the income was received.
- c) The amount of weekly or monthly wage, salary, commission or other means of payment for each such earnings or income.
- d) The total amount paid to you by such person, firm or corporation in the twelve months preceding the filing of the Petition.

ANSWER:

5. With respect to each place you have been employed in the twelve months preceding the filing of the petition, including your present employer, please state:

- a) The name, address and telephone of each person, firm or corporation by whom you were employed, or if self-employed, the name, address and telephone number of your business location.
- b) Your job title and the inclusive dates of your employment.
- c) Your rate of pay and your annual gross earnings for each year of employment (or your total gross earnings if employed for less than one year).
- d) If other than your current employment, the reasons for and circumstances of the termination of your employment.

ANSWER:

6. If you have any interest in any pension, profit sharing, retirement, KEOUGH Plan, I.R.A. account, thrift plan, or any other form of employment-related asset with any past or present employer, state:

- a) The date first acquired and the type of assets (e.g. pension plan).
- b) The present vested or cash value to you of such asset and the name of the company that administers the plan or program and the name, address and phone number of the person who administers the plan.
- c) Attach a copy of the plan.
- d) Attach a copy of the latest report you have received from your employer on the administration of the plan indicating your interest in said plan.

ANSWER:

7. If in the twelve months preceding the filing of the Petition you have had any savings, checking or commercial accounts in your name solely or jointly with others, or any bank accounts on which your name did not appear, in which you deposited or withdrew money, or are authorized to withdraw money with any bank or financial institution, for each such account, please state the name and address of the bank or financial institution and the type of account, the names on the account and the names of all persons authorized to draw on the account, and the date the account was opened, the date the account was closed and the account number and the amount of the present balance, if any, or the amount of the last balance before the account was closed.

ANSWER:

8. If you have given any financial statements during the last three years, state the name and address of each person or organization to whom you gave such financial statements, and attach a copy of said statement(s) to your answers to these interrogatories.

ANSWER:

9. If you have transferred any real or personal property valued in excess of \$500.00 within the last twenty-four (24) months, for each such item, state:

- a) Legal description of the property.
- b) The date you transferred the property.
- c) The name and address of any other persons with an interest in the property and the name and address of the person to whom you transferred said property.
- d) The amount of proceeds received for said property.

ANSWER:

10. Please state whether you have any credit card or charge accounts, in your name individually or jointly with any other person. If so, please state the following:

- a) The bank, institution or store name for any such credit card or charge account.
- b) The account number of any such credit card or charge account, along with the

- monthly payment due.
- c) The opening date of any such credit card or charge account, along with the closing date, if the account is now closed.
  - d) The credit limit imposed for any such credit card or charge account, along with the current balance due for any such credit card or charge account.

ANSWER:

11. Identify each person you expect to call as an expert witness at trial, as well as any non-retained expert witness, including a party, you expect to call at trial who may provide expert witness opinion testimony by providing the expert's name, address and field of expertise. For each such person, also state their name, address, occupation, place of employment, and qualifications to give an opinion, or if such information is available on the expert's curriculum vitae, such curriculum vitae may be attached to these interrogatory answers as a full response to such interrogatory and state the general nature of the subject matter on which the expert is expected to testify, and the expert's hourly deposition fee. For the purpose of this interrogatory, an expert witness is a witness qualified as an expert by knowledge, experience, training, or education giving testimony relative to scientific, technical or other specialized knowledge that will assist the trier of fact to understand the evidence.

ANSWER:

12. State whether or not you believe that your spouse has been guilty of marital misconduct from the date of your marriage to the present and if so, please state:

- a) The nature of each such act of misconduct.
- b) Whether said act took place before or after the separation of the parties.
- c) The name and mailing address of any person involved in such misconduct other than your spouse.
- d) The names and mailing address of all persons known to you who witnessed or have independent knowledge of each such act of misconduct.

ANSWER:

13. State whether you or anyone on your behalf has had the other party under surveillance of any kind, including electronic surveillance or used any recording equipment or listening device at any time and if your answer is yes, state the following:

- a) Each date such surveillance or recording was maintained and the name and address of each person who maintained the surveillance or recording.
- b) The location at which such surveillance or recording was maintained.
- c) The activities that the other party was engaged in during each such period of surveillance or recording.
- d) The name and address of each person who has custody of any recordings or copies made from any such surveillance.

ANSWER:

14. Please state whether you have any education or training beyond the high school level, including vocational training; and, if so, please state:

- a) If you received or will receive a degree or certificate for said education or training, together with the name and highest grade or level completed, and degree or certificate obtained.
- b) The area of concentration for your studies.
- c) Whether your current employment utilizes the training or education you have received.
- d) Whether you intend to work in the field for which you are currently or have studied, together with any job opportunities for which you are now a candidate.

ANSWER:

15. Do you have a physical, emotional or other condition that prevents or makes you incapable of maintaining employment either on a full-time basis or a part-time basis? If your answer is yes, please identify your condition, the date this condition began, the date it was diagnosed, the name, address and phone number of the doctor who diagnosed it, and the nature or symptoms of this condition.

ANSWER:

16. Please state each and every factual reason, in specific detail, why you believe you are entitled to or should be awarded maintenance. Indicate the amount you are requesting and the basis for that requested amount.

ANSWER:

17. Please list the name and address of each person, including any counselor or medical professional, who has seen or treated the child(ren), or who has knowledge of your individual parenting skills, co-parenting practices, family history, home environment and the child(ren)'s behavior or development, whether emotional or physical, solely as it pertains to your proposed parenting plan.

ANSWER:

18. What, if any, complaints or concerns do you have regarding the other party as to their parenting of the child(ren) involved in this action? If any, please state in detail each such incident or complaint, the date of said incident or occurrence, the reason said act or omission is not in the child's best interest and the first and last name of individuals present or who have knowledge of said event, omission, complaint or concern.

ANSWER:

19. Identify each and every piece of any property, real or personal, you claim is nonmarital or separate property, and for each such item, please state the following:

- a) How you acquired an interest in said property and date said interest was Acquired.

- b) The value of and any debt owed on said property on the date your interest was acquired.
- c) The value of and any debt owed on said property on the date of marriage.
- d) The current value of and any current debt owed on said property, as well as identify the source of any funds used to reduce debt or improve the property during the marriage.

ANSWER:

20. Does any other person contribute to your regular household expenses and payments, and if so, please state the following:

- a) The name, address and relationship to this other person.
- b) The amount of the contribution made toward your regular household expenses and payments.
- c) Whether you have or had a verbal or written agreement with any such person(s).

ANSWER:

\_\_\_\_\_  
Petitioner/Respondent

STATE OF \_\_\_\_\_ |  
COUNTY OF \_\_\_\_\_ | ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, before me, the undersigned notary public personally appeared \_\_\_\_\_, to me known to be the person whose name is subscribed to the foregoing interrogatories and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

# **AFFIDAVIT FOR JUDGMENT**

**Form 68-D**

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

\_\_\_\_\_  
Petitioner,  
  
\_\_\_\_\_  
Respondent.

Case No. \_\_\_\_\_

## **AFFIDAVIT FOR JUDGMENT**

1. **Parties:** My name is \_\_\_\_\_ and I am the (Petitioner) (Respondent) in this case for dissolution of marriage/legal separation. Both my spouse and I are over the age of 18 years. The parties' Social Security Numbers are set forth in the confidential filing information I filed with the Court.

2. **Petition on File:** My Petition for Dissolution of Marriage/Legal Separation was filed on \_\_\_\_\_.

3. **Personal Jurisdiction:** Respondent has subjected (himself) (herself) to the jurisdiction of this court by the following acts:

(served by the sheriff on \_\_\_\_\_) **OR**  
(entry of appearance and waiver of service filed) **OR**  
(answer filed)

4. **Attorneys:** I am represented by \_\_\_\_\_.  
My spouse is represented by \_\_\_\_\_.

5. **Current Residence:** I currently reside at \_\_\_\_\_.  
\_\_\_\_\_.  
My spouse currently resides at \_\_\_\_\_.  
\_\_\_\_\_.

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

7. **Marital Residence in Missouri:** My spouse and I have resided during the marriage in the State of Missouri.

8. **Marriage:** Respondent and I were married, on \_\_\_\_\_  
and our marriage is registered in \_\_\_\_\_ County, State of \_\_\_\_\_.

9. **Separation:** My spouse and I separated on or about \_\_\_\_\_.

10. **Armed Forces Status:** Neither my spouse nor I are on active duty in the armed services at the present time or any time since the filing of the petition.

11. **Marriage Broken:** There is no reasonable likelihood that the marriage can be preserved and the marriage is irretrievably broken.



12. **Pregnancy:** (I am) (My Wife is) not pregnant.

13. **Children of the Marriage:** There (is) (are) no living child\_\_\_\_\_ born of the parties or adopted by the parties during the marriage.

**OR**

There (is) (are) \_\_\_\_\_ unemancipated child\_\_\_\_\_ of the marriage:

\_\_\_\_\_ age \_\_\_\_\_  
\_\_\_\_\_ age \_\_\_\_\_  
\_\_\_\_\_ age \_\_\_\_\_  
\_\_\_\_\_ age \_\_\_\_\_

14. **UCCJEA Jurisdiction:** There is no other litigation pending in this or any other state concerning the custody of the unemancipated child(ren); neither my spouse nor I have participated in any other litigation concerning the custody of the unemancipated child(ren); no persons other than my spouse and I who have physical custody of the child(ren) or claims any rights with respect to the child(ren), (except) \_\_\_\_\_; the parties and child(ren) have a significant connection with the State of Missouri other than mere physical presence because \_\_\_\_\_; and no other state would have jurisdiction to enter an initial custody order.

15. **Custody:** It is in the best interest of the unemancipated child(ren) that \_\_\_\_\_ be awarded joint/sole legal custody of the child(ren)

**AND**

It is in the best interest of the child(ren) that \_\_\_\_\_ be awarded \_\_\_\_\_ joint/sole physical custody of the child(ren) pursuant to the Parenting Plan attached hereto.

**IF SOLE LEGAL OR PHYSICAL CUSTODY IS REQUESTED, YOU MUST STATE THE REASONS JOINT LEGAL/PHYSICAL CUSTODY IS NOT APPROPRIATE.**

I have requested sole legal/physical custody be awarded to \_\_\_\_\_ because \_\_\_\_\_.

16. **Income and Expenses:** An income and expense statement for each party has been filed

**OR**

I have filed an income and expense statement, but Respondent has refused/failed to file one. My gross income is \$\_\_\_\_\_ and Respondent's gross income is \$\_\_\_\_\_.

17. **Non-Marital Property and Debt:** Respondent and I have already divided our respective non-marital property and debt.

**OR**

Respondent and I have not divided our non-marital property and debt, which is set forth in my Statement of Marital and Non-Marital Property and Debt and I request the Court set aside to the parties their respective property and debt.

18. **Marital Property and Debt:** Respondent and I have entered into a written property and debt settlement agreement dividing all our marital and non-marital property and it is signed by both my spouse and me. The agreement, attached as "Exhibit \_\_\_\_" is fair and reasonable, and is not unconscionable. I request that the court incorporate the property and debt settlement agreement into its judgment herein.

**OR**

Respondent and I have divided our marital property and debt in a fair and conscionable manner and request the Court to award to each solely and separately the property now in our respective possession and the debt in our respective names.

**AND/OR**

There is no real property jointly titled or purchased during the marriage.

**OR**

There is real property jointly titled or purchased during the marriage legally described as:

\_\_\_\_\_  
\_\_\_\_\_

**OR**

See attached legal description, and which should be solely and separately awarded to

\_\_\_\_\_.

**AND**

Each party should be awarded solely and separately any retirement pensions, accounts, or benefits earned by that party or in that party's name, except \_\_\_\_\_

\_\_\_\_\_.

19. **Maintenance:** I am able to support myself through appropriate employment or have sufficient assets from which I can support myself so I am not asking for any maintenance. I understand that by not requesting maintenance at this time, I cannot come into this or any other court in the future and receive maintenance. I know of no medical, health, or other condition that would prevent me from supporting myself in the future.

**OR**

I am unable to support myself through appropriate employment and have insufficient assets from which I can provide for my reasonable needs independently. Therefore, I am in need of maintenance in the amount of \$\_\_\_\_\_ per month for a period of \_\_\_\_\_ months/years.

**AND**

Respondent/Petitioner is able to provide for (his)(her) reasonable needs independently through appropriate employment or has sufficient assets from which (he)(she) can provide for (his)(her) reasonable needs independently, and therefore (he)(she) is not entitled to receive maintenance. I know of no medical, health, or other condition that would prevent my spouse from supporting (herself)(himself) in the future.

**OR**

My spouse is unable to provide for (her)(his) reasonable needs independently through appropriate employment and has insufficient assets from which (she)(he) can support (herself)(himself). Therefore, my spouse is in need of maintenance in the amount of \$\_\_\_\_\_ per month for \_\_\_\_\_ months/years.

20. **Child Support:** I have prepared a Form 14, which is attached as Exhibit \_\_\_\_ hereto. I have prepared the Form 14 accurately, including all credits to the best of my knowledge. The presumed amount of child support is \$\_\_\_\_\_ for \_\_\_\_ child(ren). The presumed amount of child support is just and appropriate under the circumstances of this case.

**OR**

Application of the Form 14 would be unjust and inappropriate under the circumstances of the parties and child(ren) and the parties ask the Court to deviate from the guidelines in the establishment of child support for the following reasons:

\_\_\_\_\_.

21. **Attorney's Fees:** Each party is capable of paying his or her own attorney's fees, and therefore I request that no attorney's fees be ordered to be paid by either party.

**OR**

Based upon my financial situation and the financial situation of Respondent, it is reasonable that (I)(Respondent) pay to \_\_\_\_\_ the sum of \$\_\_\_\_\_ as and for attorney's fees herein.

22. **(if applicable)** I request that the court restore my former/maiden surname of \_\_\_\_\_. I know of no third parties, such as creditors, who would be adversely affected by the change of name.

\_\_\_\_\_  
Affiant

STATE OF MISSOURI       |  
                                      | ss:  
COUNTY OF \_\_\_\_\_|

\_\_\_\_\_, of lawful age, being duly sworn upon his/her oath, states that he/she is the (petitioner)(respondent) named above, and that the facts stated herein are true according to his/her best knowledge and belief.

SUBSCRIBED AND SWORN to before me on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**RULE 74    TRUST ESTATES**

#### **74.1 INVENTORY**

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

#### **74.2 REPORTS**

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

#### **74.3 RECORD**

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

#### **74.4 AUDIT**

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

### **RULE 75 EXTENSION OF JUVENILE CODE JURISDICTION**

#### **75.1 FILING REQUIREMENTS**

- a. A petition filed pursuant to Section 211.034 RSMo shall state with specificity the reasons, circumstances and/or conditions that would justify an extension of the jurisdiction under the Juvenile Code and compulsory school attendance.
- b. The parent, guardian or legal custodian filing such petition shall join the 25th Circuit Juvenile Office as a party and shall serve upon the 25th Juvenile Office a summons and petition as provided by law.
- c. A parent, guardian or legal custodian filing such petition shall provide the superintendent of the school district where the juvenile shall be attending school with written notice of intent to request an extension of compulsory education of the juvenile by certified mail. Such notice shall state the name, date of birth, address and social security number of the

juvenile, a brief summary of the reason for such request, and the date, time and location that the matter will be heard.

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

## **RULE 76     EVIDENCE**

### **76.1     TESTIFYING BY VIDEO CONFERENCE IN CERTAIN CIVIL CASES**

Pursuant to section 546.263, RSMo, a person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 (domestic assault in the first, second, third, or fourth degree) if the person testifying is the victim of the offense. Any such person wishing to testify by video conference shall contact the Circuit Clerk of the county in which the case is pending to obtain directions on how to join and connect to the video conference. The person intending to testify by video conference, or the party calling such person as a witness, shall provide written notice, at least five days in advance of the proposed testimony, of the intent to testify by video conference. Notice may be provided by electronic filing via Casenet or by written notice filed with the Circuit Clerk's office. Telephone numbers for the Office of the Circuit Clerk for the four counties in this Circuit are as follows:

Maries: (573) 422-3338  
Phelps: (573) 458-6210  
Pulaski: (573) 774-4755  
Texas: (417) 967-3742

A copy of this rule shall be published on the 25th Judicial Circuit internet website pursuant to section 546.263, RSMo.

## **RULE 77     THERAPEUTIC COURTS, MENTAL HEALTH COURTS AND PROBLEM SOLVING COURTS**

Therapeutic and problem solving courts, mental health courts, and drug courts are authorized in this Circuit within the meaning of Missouri Supreme Court Rule 2-2.9, comment 4.

### **POST TRIAL**

## **RULE 81     EXECUTION**

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

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

## **RULE 82     GARNISHMENT**

Same cost applies as set forth in Rule 81.

### **INTERNAL ORGANIZATION**

#### **RULE 100.3   MANAGEMENT OF LAW LIBRARY FUNDS**

Pursuant to section 488.429, RSMo, funds collected pursuant to section 488.426, RSMo shall be payable to the circuit clerk of the county for which such funds are collected. The circuit clerk shall serve as treasurer of said funds. The funds shall be applied and expended under the direction and order of the Court En Banc for the purposes set forth in section 488.429.

On or before December 1st each year, each circuit clerk shall submit a proposed budget for such funds, after consultation with the local county bar association, for consideration of the Court En Banc. Upon approval by the Court En Banc, the circuit clerk shall be permitted without further authorization to expend funds in accordance with such budget.