31st Judicial Circuit
Greene County Circuit Court

LOCAL COURT RULES

Revision Date December 15 2023

Judges of the 31st Judicial Circuit

Division 1	Circuit Judge Derek Ankrom
Division 2	Circuit Judge Kaiti Greenwade
Division 3	Circuit Judge Dan Wichmer
Division 4	Circuit Judge T. Todd Myers
Division 5	Circuit Judge Jerry A. Harmison, Jr.
Division 6	Circuit Judge Joshua B. Christensen
Division 7	Circuit Judge Nathan Taylor
Division 21	Associate Circuit Judge Philip Fuhrman
Division 22	Associate Circuit Judge Margaret Palmietto
Division 23	Associate Circuit Judge D. Andrew Hosmer
Division 24	Associate Circuit Judge Kirsten Poppen
Division 25	Associate Circuit Judge Jody Stockard
Division 26	Associate Circuit Judge J. Ronald Carrier
Family Court 1	Commissioner Kyle Kanable
Family Court 2	Commissioner Susan S. Jensen
Family Court 3	Commissioner Mark J. Millsap
Family Court 4	Commissioner John P. Lukachick
Probate Division	Commissioner Holly Clouse
Treatment Court	Commissioner Kevin Austin

Ash Grove Municipal Division	Municipal Judge David Doran
Battlefield Municipal Division	Municipal Judge Mark Rundel
Fair Grove Municipal Division	Municipal Judge Will Worsham
Republic Municipal Division	Municipal Judge Ben McBride
Springfield Municipal Division	Municipal Judge Wendy Garrison
	Municipal Judge David Mercer
Principal Springfield Provisional	Municipal Judge John Applequist
	Municipal Judge Matthew Owen
Strafford Municipal Division	Municipal Judge Will Worsham
Walnut Grove Municipal Division	Municipal Judge David Doran (interim)
Willard Municipal Division	Municipal Judge David Doran (interim)
Court Administrator	Darren Boruff
Greene County Circuit Clerk	Bryan Feemster

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ADMINISTRATION

Rule 1. DIVISIONS OF COURT

The Circuit Court shall be divided into divisions as follows:

Division 1	Circuit
Division 2	Circuit
Division 3	Circuit
Division 4	Circuit
Division 5	Circuit
Division 6	Circuit
Division 7	Circuit
Division 21	Associate Circuit
Division 22	Associate Circuit
Division 23	Associate Circuit
Division 24	Associate Circuit
Division 25	Associate Circuit
Division 26	Associate Circuit
Family Court 1	Commissioner
Family Court 2	Commissioner
Family Court 3	Commissioner
Family Court 4	Commissioner
Juvenile Division	See Local Rule 1.2.1
Probate Division	Commissioner
Treatment Court	Commissioner
Municipal Divisions	Ash Grove Municipal Court
	Battlefield Municipal Court
	Fair Grove Municipal Court
	Republic Municipal Court
	Springfield Municipal Court
	Strafford Municipal Court
	Walnut Grove Municipal Court
	Willard Municipal Court

1.1 Probate Division

The Presiding Judge shall, by administrative order from time-to-time, appoint a circuit or associate circuit judge to serve as Judge of the Probate Division. The Judge of the Probate Division shall be responsible to appoint a clerk of the Probate Division. See Mo. Const. Art. 5, § 15. The clerk of the Probate Division will also be appointed by the Circuit Clerk to supervise filings in the Probate Division. See Local Rule 4.3.

1.2 Family Court

The Presiding Judge shall, by administrative order from time-to-time, designate a division or divisions of the Circuit Court that shall be the Family Court Division. The judge of the designated division shall be the Family Court Judge. If more than one division is designated, the Presiding Judge shall designate an Administrative Judge of the Family Court. § 487.010 RSMo.

1.2.1 Juvenile Division

The Juvenile Division is part of the Family Court and shall be presided over by a Circuit Judge, Associate Circuit Judge, or Family Court Commissioner pursuant to the then current administrative order regarding judicial case assignments.

1.3 Treatment Court

The Court en banc shall designate the division or divisions of Treatment Court. A majority of the judges of the circuit court may appoint a person to act as a Treatment Court Commissioner pursuant to §478.003 RSMo. If more than one judge or commissioner is designated to preside over the divisions of Treatment Court, the Court en banc shall designate an Administrative Judge of the Treatment Court. See also Local Rule 77.

Rule 2. HOURS AND TERMS OF COURT

2.1 Hours of Court (No Local Rule)

2.2 Terms of Court

The Circuit Court shall be in continual session as provided by § 478.205, RSMo. To the extent that a term of Circuit Court may be required or specified by

Local Rules, Supreme Court Rules, statutes, or other provision of law, the "terms" of Court shall be considered as commencing on the second Monday in January, the first Monday in May, and the third Monday in September. The Court shall not be required to convene on the first day of any "term" solely because of this rule.

2.3 Law Days (No Local Rule)

2.4 Particular Matters on Particular Days (No Local Rule)

Rule 3. PLEADINGS

3.1 Caption See Supreme Court Rule 55.02.

3.2 Style (No Local Rule)

3.3 Uniform Case File Numbering

Consistent with Supreme Court Operating Rule 4, the following two digit codes will be assigned to specific case categories:

CC - Circuit Civil	PR - Probate
CR - Criminal	SC - Small Claims
AC - Associate Civil	MH - Mental Health
DR - Domestic Relations	TR - Traffic
PN - Protection Orders	JU - Juvenile
MU - Municipal Ordinance	ML - Mechanic's Lien
CY - County Ordinance	JR - Juvenile Referral
TJ - Transcript Judgments	TC - Treatment Court
AD - Administrative Orders	MC - Miscellaneous

3.5 Redaction Requirement for Documents Submitted for Judicial Signature

Any party or attorney submitting a proposed order or judgment for a judge's or commissioner's signature must also submit a redacted version. The redacted version must be identical to the proposed order of judgment except all information required to be redacted under current Missouri statutes and Missouri Supreme Court Rules must be redacted. Improper redaction may result in the judge or commissioner rejecting the proposed order or judgment. By submitting a redacted version, an attorney or party is certifying that the redacted version is identical to the unredacted version except for the redactions.

Rule 4. FILING OF CASES AND OTHER PAPERS

All documents and papers filed by attorneys in cases pending in Greene County must be filed electronically. In addition, certain non-attorneys may be granted permission by the Presiding Judge to file documents electronically. Those non-attorneys with permission to file electronically will be granted an Agency ID pursuant to Administrative Order, and thereafter must file documents electronically. See Court Operating Rule 27 and Supreme Court Rule 103.

Non-attorneys without an Agency ID are permitted to file papers in the office of the appropriate clerk based on case type. Those documents filed by non-attorneys will be scanned into the electronic file and maintained electronically.

4.1 Criminal Cases

The Circuit Clerk shall maintain a central filing system where all case pleadings, motions, and documents related thereto shall be filed, except municipal matters. For the filing of municipal matters refer to Local Rule 4.6. The filing system is electronic and all documents filed by attorneys must be electronically filed.

4.1.1 Search Warrants

Search warrants may be issued by any circuit or associate circuit judge of this court. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the court by delivering the documents to the Greene County Circuit Clerk. The documents may be delivered in either hard copy or electronic format. The Circuit Clerk shall open a file for the warrant documents. The file may be electronic. Following execution of the search warrant, the warrant, with a return thereon, signed by the officer making the search, shall be considered as delivered to the judge who issued the warrant by the officer filing the return with the Circuit Clerk. See generally Chapter 542 RSMo.

4.1.2 Signatures

The application or execution of a search warrant shall not be deemed invalid for the sole reason that the application or execution of the warrant relies upon electronic signatures of the peace officer or prosecutor seeking the warrant or judge issuing the warrant. See: § 542.276(11) RSMo.

4.1.3 Sealing of Search Warrant

Upon application by the prosecuting attorney, the judge issuing a search warrant may order the warrant, any supporting documents, and the application itself to be filed under seal. The Greene County Circuit Clerk shall maintain the warrant file under seal until further order of the court.

4.1.4 Inspection and Copying of Search Warrant

The search warrant file maintained by the Circuit Clerk shall be closed to the public unless and until the warrant is executed and a return is filed with the clerk. After the filing of a return, the Circuit Clerk may permit inspection and copying of the warrant file. If an order to seal the warrant and supporting documents has been issued by the Court, the Circuit Clerk shall not permit inspection and copying until further order of the Court.

4.2 Civil Cases

The Circuit Clerk shall maintain a central filing system where all case pleadings, motions, and documents related thereto shall be filed, except probate, juvenile, and municipal matters. The filing system is electronic and all documents filed by attorneys must be electronically filed.

4.2.1 Appointment of Special Process Servers

The Circuit Clerk may appoint a natural person of lawful age other than the Sheriff to serve process in any case.

A. Except as provided by Supreme Court Rule 54.01(b)(2), any party seeking to obtain service of process through means other than the Sheriff shall file a written motion requesting appointment of a named individual and stating that the individual to be named is 18 years of age or older and is not a party to the action. The motion shall be accompanied by a proposed order approving the individual to serve process.

B. An order appointing a person other than the Sheriff to serve process shall be in compliance with all applicable provisions of law and is made at the risk of the requesting party. See also § 506.140 RSMo.

C. The appointment as special process server does not include the authorization to carry a concealed weapon.

D.

4.3 Probate Cases

The records of the Probate Court are records of the Circuit Court. See § 483.660 RSMo. The Circuit Clerk shall maintain a filing system where all cases and pleadings, motions, and documents related thereto shall be filed. The filing system for probate matters is maintained at the Probate Division. The Judge of the Probate Division has appointed a Clerk of the Probate Division to supervise the filings in the Probate Division. See Local Rule 1.1. The filing system is electronic and all documents filed by attorneys must be electronically filed.

4.4 Juvenile Cases

The clerk of the Circuit Court shall act as the clerk of the Juvenile Court. See § 211.311 RSMo. The Circuit Clerk shall maintain a filing system where all cases and pleadings, motions, and documents related thereto shall be filed. The filing system for juvenile matters is maintained at the Juvenile Division. The Circuit Clerk has appointed a Clerk of the Juvenile Division to supervise the filings in the Juvenile Division. The filing system may be electronic and all documents filed by attorneys must be electronically filed.

4.5 Small Claims Cases

Small Claims Cases are filed as any other civil case.
See also Local Rules 4.2 and 73.

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 provision, the filing shall be with the Greene County Circuit Clerk and thereafter the case shall be assigned to an associate circuit judge pursuant to the then current administrative order regarding case assignments. If the municipal matter is filed with the Greene County Circuit Clerk, the filing system is electronic and all documents filed by attorneys must be electronically filed. See also Local Rule 69.

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 the filing fee required for the specific case type. The current filing fee amount, and acceptable manner of payment, may be obtained from the Greene

County Circuit Clerk and may be available on the website maintained by the Greene County Circuit Clerk. See also Court Operating Rule 21.01.

5.1.1 Waiver of Filing Fee

The filing fee and cost deposit may be waived by the Court upon written application and for good cause shown. Thereafter, upon order of the court, the clerk shall file the matter without the deposit of a filing fee.

5.2 Costs (No Local Rule)

5.3 Witness Fees (No Local Rule)

5.4 Waiver of Fees (No Local Rule)

5.5 Motion for Security (No Local Rule)

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

The assignment of all cases, civil or criminal, shall be made by the Presiding Judge pursuant to one or more administrative orders regarding assignment of cases and upon consideration by the Court en banc from time-to-time.

6.1 Assignment to Associate Circuit Judges

6.1.1 By Local Court Rules or Order

A. All cases filed before or properly assigned to an Associate Circuit Judge shall be filed with the Circuit Clerk and assigned among the associate circuit judges pursuant to the then current administrative order regarding judicial assignment.

B. The following classes of cases are within the statutory authority of an associate circuit judge and are assigned to those judges consistent with the then current administrative order regarding case assignment:

(1) Landlord-tenant actions. See Chapter 535 RSMo. (No Local Rule)

(2) Forcible entry and unlawful detainer actions. See Chapter 534 RSMo. (No Local Rule)

(3) Chapter 517 actions. See § 517.011 RSMo. (No Local Rule)

(4) Greene County traffic bureau cases. See Supreme Court Rule 37. (No Local Rule)

(5) Misdemeanors and infractions. (No Local Rule)

(6) Felony complaints.(No Local Rule)

(7) Municipal ordinance violations for which a judge is not provided by the municipality. See also Local Rule 69.

(8) Small Claims cases. See Chapter 482 RSMo. (No Local Rule)

(9) Appeals/requests for a trial de novo from the following: (No Local Rule)

(a) Municipal Court, including cases in which an associate circuit judge or circuit judge acts in a municipal ordinance violation case.

(b) Small Claims Division. See Supreme Court Rule 151 and Local Rule 73.

(c) Any case originally filed before an associate circuit judge.

(d) A decision of the Director of Revenue.

(10) Applications for a Writ of Habeas Corpus for the custody of children. (No Local Rule)

C. In addition, any other case within the statutory authority of an associate circuit judge, and in which the petition or counterclaim states that the request for judgment for actual and punitive damages, in the aggregate, will not exceed $25,000, may be filed with the Circuit Clerk and assigned to an associate circuit judge. If the allegation of monetary damages does not appear, such petition must be filed with the Circuit Clerk as a circuit civil case and assigned pursuant to the then current administrative order on judicial case assignment.

6.1.2 Special Assignment

An associate circuit judge may from time-to-time be assigned other cases, including felony criminal or circuit civil cases by order of the Presiding Judge. Such assignment may be pursuant to a standing administrative order related to judicial case assignment.

6.2 Assignment to Circuit Judges

All actions not mentioned otherwise in this rule shall be filed as a circuit case and assigned to individual divisions of this court in a manner consistent with the then current administrative order regarding judicial case assignment.

A. The Local Rules shall not require a circuit judge to hear cases governed by Supreme Court Rule 37, or Chapters 479, 482, 517, 534, 535 or 543 RSM0., other than upon a trial de novo, unless the Circuit Judge consents to hear such cases. See Supreme Court Operating Rule 6.05.

6.3 Certification to Circuit Division

In any civil case first filed in the associate division, but thereafter the claim is amended, or an additional claim is filed that exceeds the monetary limit set forth in Chapter 517, then, absent special circumstances as determined by the judge, the case will be considered to have been certified to the presiding judge and thereafter reassigned to the associate circuit judge first assigned. This rule, having been approved by the presiding judge, satisfies the assignment requirement of § 478.240 RSMo. Upon reassignment, the case shall be heard in accordance with the rules applicable to cases pending in the circuit court division. The case will be heard on the record pursuant to § 478.072 RSMo. The Circuit Clerk shall collect the additional filing fee required to maintain a circuit division case.

6.4 Trial de Novo (No Local Rule)

6.5 Disqualification of Judge

In the event of a judge's recusal, or the grant of a timely filed Motion for Change of Judge, the Circuit Clerk shall reassign the case pursuant to the then current administrative order regarding case assignment.

If all associate circuit judges are unable to act in a case originally filed and assigned to the Associate Circuit Division, the Circuit Clerk shall randomly reassign the case among the circuit judges without the necessity of further order of the Presiding Judge.

If all circuit judges are unable to act in a case originally filed and assigned to the Circuit Division, the Circuit Clerk shall randomly reassign the case among the associate circuit judges without the necessity of further order of the Presiding Judge. The reassignment may be pursuant to the then current administrative order regarding case assignment, or by special order of the Presiding Judge.

If all circuit judges and associate circuit judges are unable to act, the case will be referred to the Presiding Judge to request reassignment consistent with Supreme Court Rule 51.05 and § 478.255 RSMo.

6.5.1 Family Court

In the event of a family court commissioner's recusal, or the grant of a timely filed Motion for Change of Judge, the Circuit Clerk shall randomly reassign the case among the family court commissioners pursuant to the then current

administrative orders on case assignment, without the necessity of further order of the Presiding Judge. If all family court commissioners are unable to act, the case will be reassigned by the Presiding Judge to an associate circuit judge, and thereafter to a circuit judge.

If all circuit judges and associate circuit judges are unable to act, the case will be referred to the Presiding Judge for reassignment consistent with Supreme Court Rule 51.05 and § 478.255 RSMo.

6.5.2 Probate Court

In the event of the recusal of the Probate Commissioner, or a timely filed Motion for Change of Judge, the case will be assigned to the Judge of the Probate Court. If the Judge of the Probate Court is unable to act, the case will be reassigned by the Presiding Judge to a circuit judge or an associate circuit judge.

If all circuit judges and associate circuit judges are unable to act, the case will be referred to the Presiding Judge to request reassignment consistent with Supreme Court Rule 51.05 and § 478.255 RSMo.

6.5.3 Visiting Judge [repealed]

6.6 Absence or Unavailability of Judge

Except with applications for change of judge, any associate or circuit judge may act in a case assigned to any other judge or commissioner. Temporary Restraining Orders may be issued by any circuit judge or associate circuit judge in a case assigned to any other judge.

Except with applications for change of commissioner, any family court commissioner may act in a case assigned to any other family court commissioner, and may act in any other case within the statutory authority of a family court commissioner.

All applications for change of judge or commissioner must be determined by the judge or commissioner to whom the application is directed.

6.7 Absence of Presiding Judge See Local Rule 100.1.4.

6.8 On-Call Judge/Duty Judge

The Greene County Circuit Court shall have one or more judges assigned at all times, including after-hours, weekends and holidays, available to handle matters of urgency that cannot otherwise be delayed until the next court business day. The judge responsible to be available is generally referred to as the "on-call judge" or the "duty judge." The Circuit Clerk shall maintain a schedule of the judge(s) on call for any period of time. Unless otherwise agreed by the judge(s), the duty judge will be on call from Monday at 9:00 a.m. through the following Monday at 9:00 a.m.

6.8.1 Responsibilities

The responsibilities of the on-call judge shall include the following:

A. Consider and determine Ex parte Applications for Orders of Protection, whether adult or child, filed at any time pursuant to Chapter 455. Provision shall be made for ex parte applications to be filed 24/7/365 and thereafter presented promptly to the on-call judge for consideration. If the on-call judge is not available, any other judge may consider and rule on the application. If the application is presented to the judge during non-court hours, the application may be considered by telephone and authority given for the entry of an ex parte order. If considered by telephone, the written application shall be presented to the judge for review and countersigning the following next court business day. Alternatively, the application may be presented to the judge electronically for review. The judges' electronic signature shall have full force and effect pursuant to Supreme Court Rule 41.08.

B. RESERVED

Notes: See Admin order 2026-AO02

C. Consider and determine Applications for Search Warrants as may be presented by law enforcement or the Greene County Prosecutor outside of normal court hours. The application for warrant and all supporting documents may be presented to the judge in person, or may be transmitted to the judge electronically for review. The judge's electronic signature shall have full force and effect pursuant to Supreme Court Rule 41.08.

D. Consider and determine Applications for Arrest Warrants, Bail or Conditions of Release, as may be presented by law enforcement or the

Greene County Prosecutor outside of normal court hours. The application for warrant, bail or conditions, and all supporting documents may be presented to the judge in person, or may be transmitted to the judge electronically for review. The judge's electronic signature shall have full force and effect pursuant to Supreme Court Rule 41.08.

E. Consider and determine settled Petitions for Dissolution, Paternity, or Modification as may be presented with supporting affidavits in compliance with Local Rules 68 and 78. All such applications, petitions and proposed judgments must be filed electronically, with all necessary exhibits attached, which will be forwarded to the on-call judge for review. Judgments and other orders will be signed electronically and made available to the attorneys by e-notice. Documents returned to non-attorneys will be sent by U.S mail.

F. Consider and determine Applications to Take Juvenile into Judicial Custody, Temporary Protective Custody of a Juvenile and Applications for Detention of Juveniles that are considered emergencies after normal court hours. See Chapter 211 and Supreme Court Rule 123. The Court en banc may, by administrative order, assign the initial review of emergency petitions or applications regarding juveniles to the judge of the juvenile division.

G. Conduct weddings as may be scheduled by the Circuit Clerk, and sign marriage licenses for those weddings conducted.

H. All other matters of urgency that may arise outside of normal court hours that properly require consideration and determination by a judge, and cannot be delayed until the next court business day.

6.9 Assignment of Orders of Protection to Family Court Division

If both parties to an ex parte application for an order of protection, whether granted or denied, but set for hearing by the judge on the Application for Full Order, are also parties to a matter pending in the Family Court Division, then the case may be transferred to that specific Family Court Division to be heard by a judge or commissioner in coordination with the pending family court matter. Such hearing shall be conducted during regular court hours, and upon notice in compliance with Secs. 455.040 or 455.516 RSMo., as applicable. Any judge who enters a Full Order of Protection may order such action reassigned, for the term of such Full Order. To a Family Court Division presiding over a matter between the same parties for the purpose of recommending such modification(s) as deemed appropriate.

Notes:

(1) By operation of Mo. Rev. Stat. §§ 455.060.2 (Adult) and 455.528.2 (Child) any "order for child support, custody, temporary custody, visitation or maintenance" entered in an Order of Protection automatically terminates "upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute."
(2) All provisions of an adult order of protection terminate "upon entry of a decree of dissolution of marriage or legal separation" except those (a) requiring Respondent to participate in a court ordered counseling program, (b) enjoining the Respondent from committing an act of violence against the Petitioner, and (c) enjoining the Respondent from entering the premises of Petitioner's dwelling unless the Respondent is awarded possession of the dwelling unit pursuance to the decree of dissolution or legal separation. See Mo. Rev. Stat. § 455.060.4
(3) Cases assigned to FC Commissioners for hearing become subject to Rules 130.09 (Adoption, Amendment, Modification, or Rejection by FC Judge and Trial De Novo); 130.11 (Rehearing), 130.13 (Motion for Rehearing by Judge).
(4) Regarding authority to transfer for modification purposes after entry of Full Order see: L.E.C. v K.R.C., 674 S.W.3d97, 104-06 and n. 7(Mo. App. E.D. 20.3).

Rule 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 When Allowed (No Local Rule)

7.2 Duplicating Policy

Request for copies of court records should be directed to the Greene County Circuit Clerk. There may be a charge for the search of the records and for copies of documents as specified by the Circuit Clerk.

Rule 8. PUBLICATION OF DOCKETS

8.1 Trial Docket

Each division of court shall maintain a trial docket for jury and non-jury cases. Information regarding the status of any case on a trial docket may be obtained from the clerk of the division in which the case is pending.

8.2 Dismissal Docket See Local Rule 37.

8.3 Public Access to Case Records

Public access to court records shall be according to Missouri Supreme Court Operating Rule 2. In jury cases, access to case records shall not be restricted in anticipation of a jury trial without a court order setting forth specific written findings supporting a compelling justification to restrict access. For all other cases, access to records shall not be restricted without the court finding a compelling justification to restrict access.

Rule 9. COURTROOMS

9.1 Assignment of Courtroom (No Local Rule)

9.2 Place of Hearing (No Local Rule)

9.3 Use of Counsel Table (No Local Rule)

9.4 Courtroom Decorum and Dress (No Local Rule)

9.5 Who Is Permitted Within Bar (No Local Rule)

9.6 Cell Phone Usage

Cell phones are permitted and may be used within the Judicial Court Facility. However, cell phone usage within any courtroom is prohibited, except upon permission granted by the division judge. Violation of this provision may result in the cell phone being seized by the bailiff and returned at the discretion of the court. Cell phones may not be used by jurors while deliberating the verdict of a case.

Rule 10. COURT REPORTERS AND COMPENSATION FOR SAME

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

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 cost will be based on rates authorized for transcripts prepared by an official court reporter. If the appellant desires to make arrangements for his own typist to prepare the transcript, the deposit required will be based on the estimated cost of having clerk personnel supervise the duplication of the media 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 or official court reporter.

Rule 11. RECORDING OF JUDICIAL PROCEEDINGS

A. Subject to Supreme Court Operating Rule 16, audio or video recording in the Judicial Courts Facility building is not permitted, except by prior permission of the Presiding Judge. If permission is requested the Presiding Judge shall determine the scope and manner of any recording.

B. Audio or video recording within any courtroom is subject to Supreme Court Operating Rule 16 and additionally subject to the conditions set forth by the judge presiding over the case in question. If the judge permits audio and/or video recording within a courtroom, such recording must be coordinated with the Greene County Media Coordinator.

C. This rule does not apply to the Sheriff's Office, Prosecuting Attorney's Office, the Circuit Clerk's Office or any other area exempted from this rule by the Presiding Judge.

D. This Rule is not meant to restrict access to the Judicial Courts Facility building by persons or organizations that are part of the news media or educational television. Such persons or organizations shall be allowed access to the Judicial Court Facility, with photographic and electronic recording equipment, without prior permission from the Presiding Judge, subject only to the normal rules and regulations of court security.

Rule 12. MONIES PAID INTO COURT

12.1 Bond in Civil Cases (No Local Rule)

Rule 13. COMMUNICATIONS WITH COURT

13.1 Oral Communications with the Court

Oral communications with the Court concerning matters in a pending case are permitted only as consistent with the rules on ethics and rules prohibiting ex parte communications.

13.2 Written Communications with the Court

Written communications with the Court concerning matters in a pending case, including e-mail communications, are permitted only as consistent with the rules on ethics and rules prohibiting ex parte communications. Any written or e-mail communication addressed to the Court must also be addressed to the attorney for the other parties or the other party if no attorney is of record.

GENERAL RULES

Rule 21. ATTORNEYS

21.1 Resolution of Conflicting Trial Settings

Conflicting trial settings should be brought to the Court's attention as soon as practicable once the conflict is known. The conflicting settings will be resolved by the Court based on the particular circumstances then existing, with special consideration given to the date of filing of the conflicting cases, and the date on which the conflicting cases were set for trial.

21.2 Entries of Appearance (No Local Rule)

21.3 Conduct of Attorneys (No Local Rule)

21.4 Withdrawal of Attorneys

Attorneys who no longer desire to receive electronic notifications concerning matters in a case must request and be granted permission to withdraw as attorney of record.

21.4.1 Civil Cases

Motions for permission to withdraw in any pending case shall be in writing and include the name and last known address of the client within the body of the motion. Notice of hearing thereon shall be given to the client and all other parties.

Motions for permission to withdraw in a case that has been disposed of by final judgment will be granted without need of a hearing before the Court. The division clerk should be notified when such motion has been filed.

21.4.2 Criminal Cases

Motions for permission to withdraw in any pending case shall be in writing and include the name and last known address of the client within the body of the motion. Notice of hearing thereon shall be given to the client and all other parties. The client/defendant shall be present in the courtroom when the motion is heard, unless otherwise excused by the Court. The notice of hearing shall advise the client/defendant of the obligation to appear in person, or suffer the possible issuance of a warrant for defendant's arrest.

Motions for permission to withdraw in a case that has been disposed of by final judgment will be granted without need of a hearing before the Court. The division clerk should be notified when such motion has been filed.

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

21.6 Appointment of Attorneys (No Local Rule)

21.7 Agreement of Attorneys

No private or prior stipulation or agreement between parties or attorneys in a pending cause will be recognized unless made in writing and presented to the Court, or presented orally in open court. Such agreement or stipulation must be presented to the Court in a timely manner relative to the subject of the agreement. An agreement between attorneys to continue a scheduled court matter does not effect a continuance absent a determination by the Court. See Local Rule 34.

21.8 Advice to Clients and Witnesses of Courtroom Procedures

Attorneys are expected to instruct clients and witnesses as to appropriate attire, expectations of behavior, and formality so as to maintain a high level of decorum in the courtroom.

Rule 22. APPOINTMENT OF GUARDIAN AD LITEM

All guardians ad litem shall be held to the current "Missouri Supreme Court Standards for Guardians ad Litem in Juvenile and Family Court Division Matters".

Rule 23. TRANSCRIPTS See Local Rule 10.

Rule 24. EXHIBITS

24.1 Identification of Exhibits

Exhibits should be marked for identification prior to any trial or hearing during which the evidence will be presented. Unless separately ordered by the Court, each party should mark their intended exhibits numerically with the plaintiff/petitioner utilizing sequential numbers 1 through xx, and each defendant/respondent utilizing sequential numbers of a higher order than used by plaintiff/petitioner.

24.2 List of Exhibits

A list of exhibits each party intends to offer should be prepared and provided to the judge, and the court reporter if a circuit case, at the beginning of the trial or hearing. The attorneys are responsible for the exhibits before, during, and after the trial or hearing.

24.3 Audio or Audiovisual Recording

Any video or voice recording that is used in court shall, at the time the exhibit is offered as evidence, be accompanied by a typewritten transcript of the recording. The recorded media and the transcript shall be marked as separate exhibits. This will facilitate counter-offers, objections, and the court's ruling on the matters related to the exhibit.

24.4 Exhibits Offered as Business Records

Parties anticipating offering an exhibit into evidence, with the foundation supplied as a business record pursuant to § 490.692 RSMo., shall file with the court a certificate of service verifying compliance with § 490.692(2) RSMo. Copies of the actual business records and affidavit of custodian shall not be filed with the court except upon order of the court.

24.4 Retention of Exhibits at Conclusion of Case

At the conclusion of the case, the attorneys are responsible to withdraw the exhibits, whether or not admitted as evidence, preserve the exhibits for safekeeping, and be prepared to make those exhibits available as necessary for post-trial proceedings.

In some cases the judge may need to maintain some or all of the exhibits for further review following a hearing or trial. At the conclusion of the Court's need for the exhibits, they will be returned to the attorneys, or provided to the Circuit Clerk, where they may be retrieved by the attorneys. Thereafter, the attorneys are responsible to preserve the exhibits for safekeeping and be prepared to make those exhibits available as necessary for post-trial proceedings.

PRETRIAL MATTERS

Rule 32. DISCOVERY

32.1 Use of Discovery and Certification to Circuit Division See Local Rule 6.3.

32.2 Interrogatories (No Local Rule)

32.3 Production of Documents and Things (No Local Rule)

32.4 Depositions (No Local Rule)

32.5 Motions for Sanctions (No Local Rule)

32.6 Criminal Discovery (No Local Rule)

32.7 Golden Rule re Discovery Disputes

Notice of hearing on a discovery dispute shall not be given unless a good faith attempt at an informal resolution of the dispute has been attempted. Any motion to compel discovery must contain the movant's affirmative statement that this good faith attempt has been made.

Rule 33. PRETRIAL MOTIONS

33.1 Hearing Dates

33.1.1 Routine Motions

"Routine Motions" are those motions or other matters which will not require more than five (5) minutes for presentation to the Court. Routine motions may be set for hearing by attorneys upon notice to all parties in compliance with the Supreme Court Rule notice requirements. All motions that cannot be presented in the time allotted for routine motions must be scheduled for hearing through the division clerk.

A. Civil Cases

Routine motions in all divisions need not be scheduled with the division clerk, and are always subject to the court's availability based on other scheduled court business. Parties may contact the division clerk in advance to determine the court's availability on a given date. Matters that are expected to take more than 5 minutes of court time to resolve should be scheduled by the parties through the division clerk.

Circuit Civil Cases: Routine motions in circuit civil cases may be heard Tuesday, Wednesday, or Thursday of each week at 9:00 a.m., subject to the Court's availability based on other scheduled court business.

Associate Civil Cases: Routine motions in associate civil cases may be heard Monday through Friday of each week at 9:00 a.m., subject to the Court's availability based on other scheduled court business.

Family Court Cases: Routine motions in the family court divisions may be heard Tuesday, Wednesday or Thursday of each week from 8:30 a.m. until 9:00 a.m. subject to the Court's availability based on other scheduled court business.

Motions for rehearing must be heard by the judge that adopted and confirmed the findings and recommendation of the family court commissioner and are not routine; therefore, must be scheduled with the judge's division clerk.

Applications for Full Order of Protection assigned to the Family Court Division are not routine motions and must be scheduled. See Local Rule 6.9.

Juvenile Court Cases: Routine motions in the juvenile division may be heard Thursday of each week at 9:30 a.m., subject to the Court's availability based on other scheduled court business.

B. Criminal Cases (No Local Rule)

33.2 Briefs in Support of Motions, When Required

It is generally expected that when one party files written legal suggestions in support of a motion, the other party(s) should, but is not required to, file suggestions in response. See also Local Rule 33.5.

33.3 Oral Arguments - When Desired and How Requested (No Local Rule)

33.4 Motions in Limine (No Local Rule)

33.5 Motions to Dismiss

A Motion to Dismiss should be accompanied by written legal suggestions, otherwise the motion may be ruled on without oral argument. If a party files written suggestions in support of a Motion to Dismiss, the other party(s) are expected, but not required, to file suggestions in response.

Rule 34. CONTINUANCES

34.1 Civil Cases

An Application for Continuance must be made in writing and shall state the reason for the requested continuance. Compliance with Supreme Court Rule 65 is required, including the affirmative statement that the party seeking the continuance is personally aware of the application and the party's position with respect to the proposed continuance. The Court may, for good cause shown, consider a party's oral Application for Continuance based on special circumstances then existing.

An Application for Continuance is not considered granted upon the filing, even if there is no opposition or objection to the application. The Application must be presented to the Court for determination prior to the scheduled matter which is the subject of the application.

34.2 Criminal Cases

An Application for Continuance must be made in writing and shall state the reason for the requested continuance. If the application is made on behalf of a defendant, the application must contain the affirmative statement that counsel has personally discussed the application with the defendant and the defendant's position with respect to the proposed continuance. The defendant shall be present in the courtroom when any application for continuance is heard, unless otherwise excused by the Court. The Court may, for good cause shown, consider a party's oral Application for Continuance based on special circumstances then existing.

An Application for Continuance is not considered granted upon the filing, even if there is no opposition or objection to the application. The Application must be presented to the Court for determination prior to the scheduled matter which is the subject of the application.

Rule 35. PRETRIAL CONFERENCES

Pretrial conferences will be scheduled by each judge based on the circumstances then existing, including the complexity of the issues and evidence, and the anticipated length of trial. Any questions concerning the scheduling of a pretrial conference should first be directed to the clerk of the division in which the case is scheduled for trial. See also Supreme Court Rule 62.01.

Rule 36. SETTING CASES FOR TRIAL

36.1 Requests for Trial

A request for trial setting shall be made in writing and filed with the circuit clerk. Special procedures for trial scheduling may be specific to the assigned judge. The procedures for requesting a jury trial or a trial before the court differ. The division clerk will provide procedural information upon request.

36.2 Date of Calendar Call (No Local Rule)

36.3 Preparation of Calendar (No Local Rule)

36.4 Calendar Call (No Local Rule)

36.5 Removal and Inactive Calendar (No Local Rule)

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

36.7 Special Assignments (No Local Rule)

Rule 37. DISMISSALS

37.1 Dismissal Docket

Each division will from time-to-time prepare a dismissal docket of all cases that have not had court activity in a specified period of time. The case will be dismissed without prejudice for failure to prosecute on a date set forth in the docket. Instructions for removal from the dismissal docket will be included in the docket entry scheduling the dismissal date.

37.2 Reinstatement of Cause (No Local Rule)

SETTLEMENT AND DEFAULT

Rule 41. SETTLEMENT

41.1 Notice of Settlement

The division clerk shall be notified promptly of a case that has been resolved after it has been set for trial. If the case is set for jury trial, and resolves the weekend before the trial is scheduled to begin, the attorneys should promptly notify the judge of that resolution.

Rule 42. DEFAULT

If a Motion for Default Judgment is presented to the Court, and the petition for relief was verified under oath, then the movant should pre-file a proposed written judgment consistent with the relief sought in the verified petition. See also Local Rule 54.2. If the petition is not verified, the movant must be prepared to submit evidence in support of the relief sought.

TRIALS

Rule 51. COURT-TRIED CASES

51.1 Default and Uncontested Matters (No Local Rule)

51.2 Contested Matters (No Local Rule)

51.3 Preparation of Findings of Fact and Conclusions of Law

In all court-tried cases in which Findings of Fact and Conclusions of Law are required or properly requested pursuant to Civil Rule 73.01, the parties, through their attorneys, shall submit proposed Findings of Fact and Conclusion of Law promptly upon conclusion of the trial. The time for submission of proposed findings and conclusions may be expanded at the Court's discretion upon a request made prior to the presentation of evidence in the case. Alternatively, the Court may direct that proposed Findings of Fact and Conclusions of Law be submitted at the beginning of trial based on the evidence anticipated.

Rule 52. SELECTION OF JURY

52.1 Jury Questionnaires and List

Currently the Greene County Circuit Court does not include questionnaires to prospective jurors with their summons to appear. The Court does request that jurors complete a biographical form online when they receive their summons in the mail. The parties may contact the jury supervisor the week prior to a scheduled jury trial and obtain a copy of the jury list and the biographical form of the potential jurors who have been summoned to appear for trial. The number of potential jurors on the list will vary depending on the number of jury trials scheduled in the circuit for the following week. Further information may be obtained from the jury supervisor. It is expected the juror biographical information will be maintained by the attorneys, or pro-se party only, and returned to the court upon completion of jury the jury selection process.

Rule 53. JURY TRIALS

53.1 Instructions

Proposed jury instructions shall be exchanged in accordance with a pre-trial order entered in the case. If no pre-trial order is entered, then each party shall have prepared and make available to the Court and opposing party, on the first day of trial, the proposed jury instructions on all claims on which the party has the burden of proof.

53.2 Closing Arguments

A party will be granted a reasonable period of time for argument. The Court will decide the length of time for argument based on the circumstances then existing. Plaintiff may divide the allotted time between opening and rebuttal

argument, but not more than one-half of the total time may be reserved for rebuttal. The time may be extended at the discretion of the Court. Plaintiff may waive initial closing argument and by so doing, waives rebuttal argument. Defendant may, nevertheless, present a closing argument.

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

If an attorney intends to waive argument, the attorney is directed to inform all other attorneys and the Court of that intent before the time for any argument. If the case is a jury trial, this information must be given no later than at the Instruction Conference.

Rule 54. JUDGMENT ENTRY

54.1 Contested Cases

Unless otherwise ordered by the Court, the attorney for the prevailing party shall prepare and submit the form of judgment entry to the Court electronically for approval. The submission must confirm that all other attorneys in the case approve the entry as to form. If the form is in dispute, the matter should be scheduled for hearing before the Court.

54.2 Default or Uncontested Cases

Proposed judgment forms in default, uncontested or agreed upon cases should be submitted electronically, unless otherwise ordered by the Court. The submission must confirm that all other attorneys in the case approve the entry as to form. If the form is in dispute, the matter should be scheduled for hearing before the Court.

RULES RELATING TO PARTICULAR ACTIONS

Rule 61. ADOPTION

61.1 Filing Requirements (No Local Rule)

61.2 Home Study (No Local Rule)

Rule 62. DRIVERS' CASES

62.1 Applications for Hardship Driving Privileges (No Local Rule)

62.2 Petitions for Review (No Local Rule)

62.3 Breathalyzer Test (No Local Rule)

Rule 63. ASSOCIATE DIVISION

See Local Rule 6.

Rule 64. CASES ARISING UNDER CHAPTERS 207 AND 208 RSMO.

(Commonly known as Title IV-D and H.B. 601 actions)
(No Local Rule)

Rule 65. CIVIL COMMITMENT (No Local Rule)

Rule 66. CONDEMNATION

Each parcel of real property subject to condemnation, and to which an exception is filed, shall be considered a separate case for the purpose of the rules relating to assignment and distribution of cases. See also Supreme Court Rule 86.

Rule 67. CRIMINAL CASES

67.1 Pretrial Release

67.1.1 Motions to Set Bond and for Bond Reduction

Motions to set bond or for bond reduction, or modifications of conditions of release shall be made in writing and filed with the Circuit Clerk. In those cases where victim notification is required, the prosecutor must advise the Court of the status of that notification at the beginning of any hearing on bond motions. See also Sup. Ct. Rule 33.

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

67.1.3 Open Court Bonds

An "Open Court Bond" is any bail bond set by the Court in an amount of $25,000.00 or greater, or any special conditions of release that necessarily require a judge's action prior to release from custody, or any other bond where the judge has designated the bond as an Open Court Bond.

An Open Court Bond may only be posted by the bond agent appearing personally in court before a judge having jurisdiction over the case, or if the bond is to be posted in cash, the defendant must appear personally in court. Consequently, an Open Court Bond may not be posted, nor the defendant released from custody, during non-court hours.

Upon appearance in open court, the bond agent, or defendant, may expect the Court to verify the approval status of the bond agent, if applicable, and verify that all special conditions of release are implemented prior to the defendant's release. All special conditions of release as specified by the judge must be transcribed by the bond agent to the bond paperwork.

67.2 Preliminary Hearing (No Local Rule)

67.3 Grand Jury (No Local Rule)

67.4 Attorneys See Local Rule 21.

67.5 Arraignments

67.5.1 In General (No Local Rule)

67.5.2 Dates

Cases filed in circuit court upon the filing of a Felony Information, or the Return of Indictment, shall be scheduled for arraignment in the circuit division where pending on a date designated at the time the case is bound over.

67.6 Discovery (No Local Rule)

67.7 Motions See Local Rule 33.

67.8 Plea Bargaining (No Local Rule)

67.9 Guilty Plea

67.9.1 Where Entered (No Local Rule)

67.9.2 Petition to Enter a Plea of Guilty (No Local Rule)

67.10 Calendar (No Local Rule)

67.11 Probation and Parole (No Local Rule)

RULE 68. DISSOLUTION OF MARRIAGE

68.1 Filing Requirements

At the time of filing the petition, the attorney for the petitioner, or the petitioner personally if not represented by an attorney, shall file the following documents:

1) "Certificate of Dissolution of Marriage" (form CAFC065), and
2) "Confidential Case Filing Information Sheet - Domestic Relations Cases" (form CAFC067). The Confidential Case filing Information Sheet shall not be available for public inspection.

Both forms may be accessed at www.selfrepresent.mo.gov, or are available from the Greene County Circuit Clerk's office, or from the website maintained by the Greene County Circuit Clerk.

68.1.1 Documents That Must be Included with Service of Summons

If the filing party is represented by counsel, the filing attorney shall include a copy of this Court's Interim Domestic Relations Order, Compulsory Disclosure Order, and Notice of Required Classes with the summons and pleading. If the action affects children who are not emancipated, the filing party must also include with the service documents a list of court approved parent education providers. See also Local Rule 68.8. The required documents are available from the Circuit Clerk, or may be obtained from the website maintained by the Greene County Circuit Clerk. If the filing party is not represented by an attorney, the circuit clerk's office shall include the above forms with the service copy of the summons and pleading.

68.2 Separation Agreement (No Local Rule)

68.3 Forms of Decrees

Proposed Judgments or Decrees shall be submitted in a form approved by the family court commissioner assigned to the case.

If there is real property owned by either party, whether marital or non-marital, the full legal description shall be included either in the proposed Judgment or Decree, or an attached Separation Agreement, or attached as an exhibit.

68.4 Filing of Financial Statements (No Local Rule)

68.5 Modification of Judgment and Decree

68.5.1 Filing Requirements

At the time of filing the motion for modification, the attorney for movant, or the movant personally if not represented by an attorney, shall file a "Confidential Case Filing Information Sheet – Domestic Relations Cases" (form CAFC067.) The Confidential Case Filing Information Sheet shall not be available for public inspection.

This form may be accessed at www.selfrepresent.mo.gov, or is available from the Greene County Circuit Clerk's office, or from the website maintained by the Greene County Circuit Clerk.

68.5.2 Documents That Must Be Included

The same rule as stated in Local Rule 68.1.1 shall apply to a motion for modification.

68.5.3 Entry of Modification by Affidavit

A modification of a final judgment or decree may only be entered upon evidence presented by the affidavits of both parties, or upon the affidavit of one party, when accompanied by a verified stipulation agreeing to the modification when:

A. The parties have entered into a written agreement determining custody and/or child support; **and**

B. At least one of the parties is represented by counsel; **and**

C. The responding party has been served in a manner provided by the civil rules or has formally filed a verified entry of appearance; **and**

D. There is no genuine issue as to any material fact.

E. The procedure for filing by affidavit shall be as stated in Local Rule 68.7.

68.5.4 Parent Education

The same rules as stated in Local Rule 68.8 shall apply to a motion for modification.

68.5.5 Alternative Dispute Resolution Program

The same rules as stated in Local Rule 68.9 shall apply to a motion for modification.

68.6 Entry of Judgment or Decree of Dissolution by Affidavit

Final Judgment or Decree may only be entered upon evidence presented by the affidavit of either or both parties when:

A. The female party is not pregnant; **and**

B. There are no children of the parties who are not emancipated **or** at least one of the parties is represented by counsel, **and** the parties have entered into a written agreement determining custody and child support; **and**

C. The non-moving party has been served in a manner provided by the Civil Rules or has formally filed a verified entry of appearance; **and**

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

E. There is no marital property or debt to be divided or allocated, **or** the parties have entered into a written agreement for the division of marital property and allocation of marital debt.

68.7 Procedure for Filing by Affidavit

A. The submitting party shall file the appropriate court-approved affidavit(s). Approved forms of affidavit may be accessed by any person on the website maintained by the Greene County Circuit Clerk.

B. The submitting party shall file a proposed form of judgment and any written agreement to be incorporated into the judgment. If children who are not emancipated are involved, a Parenting Plan, Form 14 and a parent education completion certificate shall also be filed, unless waived by the Court. See Local Rule 68.8(C).

C. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a judgment.

D. The Court shall not be obligated to enter a final judgment upon the affidavits of either or both parties, and may require that a formal hearing be held to determine any or all issues presented by the pleadings.

68.8 Parent Education

If children who are not emancipated are involved in any action for Dissolution of Marriage, Legal Separation, Declaration of Paternity, or any modification of these actions, all parties shall participate in a court-approved parent education program designed to educate parents on the detrimental effect parental conflict may have upon children and how to avoid such conflict and the resulting negative effects.

A. The Greene County Circuit Clerk shall maintain, and provide upon request, a list of qualified and court-approved parent education programs. See Local Rule 68.1.1.

B. The provider of any such court approved program must prepare a certificate of completion and provide the certificate to each party who completes the program. The party shall file the certificate of completion with the Court.

C. The Court may waive the requirements of this rule for good cause. See § 452.605 RSMo.

68.9 Alternative Dispute Resolution

68.9.1 Mediation Program

The following rules 68.9.1 – 68.9.11apply with regard to Alternative Dispute Resolution pursuant to Missouri Supreme Court Rule 88 and Section 452.372 RSMo. As provided in Supreme Court Rule 88, any judicial circuit may elect to establish a mediation program for contested issues, including, but not limited to, child custody, parenting time, parenting plans, child support, maintenance, and property division, in domestic relations and paternity cases. This Circuit chooses to establish a mediation program, as defined in Rule 88.03, that will operate as provided by Rule 88 and as supplemented by this circuit's local rules set out below.

68.9.2 Mandatory Mediation of Contested Issues in Domestic Relations and Paternity Cases

In every domestic relations and paternity case involving contested issues, including, but not limited to, child custody, parenting time, parenting plans, child support, maintenance, or property division, the parties shall be required to participate in mediation as an alternative dispute resolution method, unless the mediator or the parties show good cause why, or the court sua sponte determines, mediation should not occur. Upon referral to mediation, the mediator shall screen the parties to determine whether mediation is inappropriate due to domestic violence, abuse, or a significant imbalance of negotiating power.

68.9.3 Appointment of Mediators

Pursuant to Rule 88.04(d), the court may appoint a mediator agreed upon by the parties. If the parties cannot agree or the court does not approve of the agreed-upon mediator, the court may select the mediator.

The Greene County circuit clerk shall maintain a master list for the county of qualified mediators available for appointment. The circuit clerk's master list is not exhaustive of qualified mediators and does not prevent appointment by the court of other qualified mediators under this Rule. The master list shall indicate the name, office address, mailing address, telephone number, e-mail address, qualifications, and current hourly rates of each mediator listed. The circuit clerk shall update such list as needed.

At any time, following assignment of a mediator, a party may file a written application to disqualify the mediator for cause. A service copy of the application and a notice of the time when it will be presented to the court must be provided to all interested parties. An adverse party has 10 days in which to file a denial of the cause or causes alleged in the application.

Upon the filing of a denial, the court may hear evidence and determine the issue. If the court finds in the applicant's favor or no denial is filed, reassignment of a mediator shall be done in accordance with the procedures for appointment of a mediator as set out in Rule 88.04(d).

68.9.4 Qualifications of Mediators

Mediator qualifications shall be as set out in Rule 88.05. In addition, the mediator must have at least 10 hours of mediation experience, beyond mediation training, which could include:

A. The representation of a party in a mediation or

B. The observation of a mediation.

68.9.5 Duties of Mediators

Mediator duties shall be as set out in Rule 88.06.

68.9.6 Termination of Mediation

Termination of mediation shall be as set out in Rule 88.07.

68.9.7 Confidentiality of Mediation

Mediation confidentiality shall be as set out in Rule 88.08.

68.9.8 Representation by Counsel and Attendance of Counsel

Counsel for each party shall at any time be permitted to privately communicate with their client concerning the mediation process. Mediation by parties not represented by counsel shall be governed by Rule 88.09.

68.9.9 Costs

Where the parties cannot agree upon the method or allocation of the mediator's payment, the court retains the authority to determine a final, equitable allocation of the costs of the mediation process. If a party fails to pay for the mediator, the court may, upon motion, issue an order for the payment of such costs and impose appropriate sanctions. If a party is determined indigent by the court and free or low-cost mediation services are not available, the court may waive the mediation requirement, and the case shall proceed otherwise.

68.9.10 Failure to Appear

If either party fails to appear for any scheduled mediation session without reasonable notice, the court may, on its own motion or motion of a party, award mediator's fees and/or costs or impose any other appropriate sanction provided by law.

68.9.11 Alternative Dispute Resolution Courts

The following rule applies to all matters appropriate for mediation as specified in Local Rule 68.9.1.

A. All parties involved in cases with contested issues, including, but not limited to, child custody, parenting time, parenting plans, child support, maintenance, and property division, in domestic relations and paternity cases shall participate in a court-approved Alternative Dispute Resolution (ADR) course.

B. This course is designed to educate parties about the general process and procedure of the Greene County Family Court, about realistic outcomes of their cases, and about the benefits of using mediation as an alternative dispute resolution process.

C. Participation in this course may be waived by a Commissioner or Judge. This course will not be required in any case that reaches final judgment prior to completion of this course.

Rule 69. MUNICIPAL DIVISION

69.01 Determination of Indigent Status

(a) A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court a "Statement of Financial Condition." The form of statement may be obtained from the municipal division clerk. The form is for the Judge's use, and does not replace the Legal Aid Application.

(b) A person is presumed indigent if the person meets one or more of the qualifications set forth by Supreme Court Rule as amended from time-to-time.

69.1 Rules and Standards Applicable to all Municipal Courts

Municipal divisions shall operate in substantial compliance with the minimum operating standards set out in Appendix A to Supreme Court Rule 37.04.

Municipal divisions should also be familiar with and comply with the provisions set forth below:

1. Chapter 479, RSMo.
2. Supreme Court Rule 37
3. Open Records and Other Recordkeeping Matters (article I, § 14, Constitution of Missouri; COR 2, 4 and 8; §§ 483. 065, 483.075, and 483.082, RSMo.)
4. Financial and Bookkeeping (§ 483.075.1 RSMo.)
5. Trial *de novo* Procedure
6. Minimum Operating Standards Form
   (Submitted Semiannually to Presiding Circuit Judge)

69.2 Municipal Jury Trial Other Than Springfield Municipal Division

In any municipality other than Springfield, whenever a defendant accused of the violation of a municipal ordinance has a right to a trial by jury and demands such trial by jury, the municipal judge shall certify the case for assignment. Thereafter the presiding judge shall assign an associate circuit judge to preside over the jury trial.

69.3 Municipal Jury Trial Springfield Municipal Division

A. When a jury trial is properly requested and authorized in a case pending in the Springfield Municipal Division, the case will be assigned to a judge of the Springfield Municipal Division for all pretrial matters and trial by jury.

B. The Greene County Circuit Clerk shall coordinate with the judge of the Springfield Municipal Division and the judges of the circuit and associate circuit divisions to arrange a courtroom in the Judicial Courts Facility, and dates for the jury trials presided over by a judge of the Springfield Municipal Division.

Rule 70. PARTITION (No Local Rule)

Rule 71. ADMINISTRATIVE REVIEWS (No Local Rule)

Rule 72. PROBATE

Cases within the statutory authority of a probate judge shall be filed with the Clerk of the Probate Division and are assigned to the probate division. In addition, the following actions are assigned to the probate division and shall be filed with the Probate Clerk:

A. All actions concerning trusts or trustees under Chapter 456 RSMo. or pertaining to the administration of a testamentary or inter vivos trust.

B. All actions concerning unclaimed property under Chapter 447 RSMo.

C. All actions concerning civil commitments.

Rule 73. SMALL CLAIMS

Small claims cases will be assigned to one or more Associate Circuit Divisions pursuant to the then current administrative order regarding assignment of cases. See also Local Rule 6 and Supreme Court Rule 140.

Rule 74. TRUST ESTATES

74.1 Inventory (No Local Rule)

74.2 Reports (No Local Rule)

74.3 Record (No Local Rule)

74.4 Audit (No Local Rule)

Rule 75. WRONGFUL DEATH SETTLEMENT

An application or petition for damages based on wrongful death under § 537.080 RSMo., or application for approval of settlement and apportionment of damages pursuant to § 537.095 RSMo., must be filed in circuit court and will be assigned to a judge pursuant to the then existing administrative order regarding assignment of circuit civil cases.

Rule 76. MINOR'S SETTLEMENT

An application or petition for approval of a settlement contract involving a minor, whether by next friend, guardian ad litem, guardian or conservator pursuant to § 507.184 RSMo., must be filed in circuit court and will be assigned to a judge pursuant to the then existing administrative order regarding assignment of circuit civil cases.

Rule 77. TREATMENT COURT

The Court en banc has established a Treatment Court pursuant to §§ 478.001 - 478.009 RSMo. and Court Operating Rule 26. The Treatment Court shall be separated into individual treatment court divisions. Treatment court divisions may from time-to-time be added or discontinued based on an evaluation of the effectiveness of the program, compliance with current law and best practices, the standards and practices established by the Treatment Court Coordinating Commission, and upon approval by the Court en banc.

A. The Treatment Court includes the following treatment court divisions:

TC 1 Adult Treatment Court
[The Adult Treatment Court division may include participants with a mental health disorder as a co-occurring disorder.]
TC 2 [discontinued]
TC 3 [discontinued]
TC 4 DWI Court
TC 5 Family Treatment Court
TC 6 [discontinued]

TC 7 Veterans Treatment Court

[The Veterans Treatment Court division may include participants with a mental health disorder as a co-occurring disorder.]

B. A majority of the judges of the circuit court will from time-to-time designate one or more judges and/or a treatment court commissioner to preside over each division of the Treatment Court.

C. The Treatment Court Plan of Operation and Treatment Court Program Operating Rules will be maintained in a separate Policy and Procedure Manual. Those documents are maintained in the office of the Treatment Court Administrator.

Rule 78. DECLARATION OF PATERNITY

78.1 Filing Requirements

At the time of filing the Petition for Declaration of Paternity, the attorney for plaintiff, or the plaintiff personally if not represented by an attorney, shall file a "Confidential Case Filing Information Sheet – Domestic Relations Cases" (form CAFC067.) The Confidential Case Filing Information Sheet shall not be available for public inspection.

This form may be accessed at www.selfrepresent.mo.gov, or is available from the Greene County Circuit Clerk's office, or from the website maintained by the Greene County Circuit Clerk.

78.2 Documents That Must Be Included

The same rules as stated in Local Rule 68.1.1 shall apply to a Petition for Declaration of Paternity.

78.3 Parent Education

The same rules as stated in Local Rule 68.8 shall apply to a Petition for Declaration of Paternity.

78.4 Alternative Dispute Resolution Program

The same rules as stated in Local Rule 68.9 shall apply to a Petition for Declaration of Paternity.

78.5 Entry of Judgment by Affidavit

Final Judgments of Paternity may only be entered upon evidence presented by affidavit when:

A. The parties have entered into a written agreement determining custody and child support; **and**

B. At least one of the parties is represented by counsel, **and**

C. The adverse party has been served in a manner provided by the Civil Rules or has filed a verified entry of appearance; **and**

D. There is no genuine issue as to any material fact.

E. The procedure for filing by Affidavit shall be as stated in Local Rule 68.7.

78.6 Modification of Judgment of Paternity

The same rules as stated in Local Rule 68.5 shall apply to a Motion for Modification of a Declaration of Paternity.

POST TRIAL

Rule 81. EXECUTION (No Local Rule)

Rule 82. GARNISHMENT

82.1 Termination of Garnishment for Failure to Timely File Statement of Judgment Balance Remaining Due

In certain garnishment cases, the garnishor is periodically required to file with the court a statement of judgment balance remaining due. See Supreme Court Rule 90.19(b). If the statement of judgment balance is not timely filed, the court shall terminate the garnishment. See Supreme Court Rule 90.19(c). The termination will be effected by a docket entry made by the Circuit Clerk. A *Notice of Termination of Garnishment*, and the docket entry, shall be mailed to the judgment debtor, the garnishor, and the garnishee or their attorneys of record.

The late, or untimely filing of a statement of judgment balance remaining due will not revive or reinstate a writ of garnishment.

All funds on deposit, or collected by the garnishee and delivered to the court, shall be disbursed, less costs, ten (10) days from the *Notice of Termination of Garnishment*, or ten (10) days from the receipt of the funds, unless timely objection is filed prior to disbursement.

Rule 83. JUDICIAL SALES (No Local Rule)

Rule 84. CONFIRMATION OF COMMISSIONER ORDERS

84.1 Probate Commissioner

Any order, judgment, or decree of a probate commissioner shall be confirmed or rejected by the judge of the probate division by order of record entered within the time the judge could set aside such order, judgment or decree. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation. § 478.268 RSM0.

84.2 Treatment Court Commissioner

Any order, judgment, or decree of a treatment court commissioner shall be confirmed or rejected by a circuit or associate circuit judge by order of record entered within the time the judge could set aside such order, judgment or decree. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation. § 478.003 RSMo.

84.3 Family Court Commissioner

The findings and recommendation of the commissioner shall become the judgment of the court when adopted and confirmed by an order of a judge. The parties are thereafter entitled to timely file a Motion for Rehearing with a judge, typically the judge who adopted and confirmed the recommendations of the commissioner. § 487.030 RSMo. See also Supreme Court Rule 130.13. Motions for Rehearing must be scheduled with the division clerk. See Local Rule 33.1.1.

INTERNAL ORGANIZATION

Rule 100.

100.1 Presiding Judge

100.1.1 Election

The Presiding Judge shall be elected for a two-year term at the September meeting of the Court en banc in odd-numbered years. The Presiding Judge will assume office on the first day of January following the election. The Presiding Judge is to be elected from among the circuit judges within the circuit by a majority vote of the circuit and associate circuit judges. The voting shall be at a meeting of the Court en banc with the election on the agenda for the meeting, and shall be by secret ballot. The Presiding Judge may be re-elected to successive terms.

100.1.2 Duties of Presiding Judge

The Presiding Judge is the general administrative authority of the court. In this function the Presiding Judge shall 1) preside at all Court en banc meetings, 2) appoint and supervise any needed committees of judges or commissioners, 3) supervise preparation of the budget, 4) coordinate all duties and judicial assignments, 5) manage media and government contacts, and 6) such other duties as may be authorized by law.

The Presiding Judge has the authority to assign cases to judges, but he or she is not to assign 1) a municipal judge to hear any case other than municipal ordinance violation cases, 2) a judge to try a felony case when the judge has conducted the preliminary hearing on the case, 3) a case to a judge contrary to Supreme Court Rule or local court rules, 4) a case to a probate commissioner if the case is not within the statutory authority of a probate commissioner, 5) a case to a family court commissioner if the case is not within the statutory authority of a family court commissioner, or (6) a case to a treatment court commissioner if the case is not within the statutory authority of a treatment court commissioner.

100.1.3 Dispute Resolution – Procedure (No Local Rule)

100.1.4 Absence of Presiding Judge

In the event that the Presiding Judge 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 the Presiding Judge may issue an order directing and authorizing another circuit judge to act in the stead of, and exercise the responsibilities prescribed by law for presiding judges. If the Presiding Judge is

absent, and no order directing another circuit judge to act has been entered, the circuit judge present in the circuit with the lowest division number shall be next authorized to act. Anything herein to the contrary notwithstanding, this rule shall not be interpreted as intending to apply to the type of disqualification referred to in § 478.240 RSMo. and in Article 5, Section 24, Missouri Constitution.

100.1.5 Removal of Presiding Judge

A presiding judge may be removed from office by the vote of the remaining circuit and associate circuit judges at a meeting called by at least three judges, after first giving at least five days written notice to the Presiding Judge and all other judges of the meeting and the cause or causes for removal. A vote for removal requires at least two-thirds of the judges in the circuit, not including the Presiding Judge. No provision is made for a judge voting on removal in absentia or by proxy. The Presiding Judge may not be removed unless an opportunity for a hearing on the causes is first afforded.

100.1.6 Vacancy

A vacancy in the office of presiding judge shall be filled by election as soon as possible. The judge elected to fill the vacancy shall serve until the next regularly scheduled election for presiding judge.

100.2 Local Court Rules

The Court en banc shall from time to time adopt Local Court Rules pursuant to the authority in Supreme Court Rule 6.05. If no Local Court Rule is adopted, compliance with Missouri Statutes, Missouri Supreme Court Rules, and current case law authority is expected.

100.2.1 Formulation (No Local Rule)

100.2.2 Publication

The Local Court Rules shall be available at the office of the Greene County Circuit Clerk, and available on the website maintained by the Greene County Circuit Clerk. In addition, the Local Court Rules are available on the website maintained by the "Missouri Courts" and are published in ***Missouri Court Rules, Volume III - Circuit.***

100.3 Statutory Funds

100.3.1 Special 31st Circuit Judicial Fund

Pursuant to § 488.426 RSMo. the 31st Judicial Circuit shall assess a surcharge upon the filing of each civil case. The surcharge shall be included and deposited with the Circuit Clerk as part of the initial filing fee required upon the filing of a civil case. This surcharge shall not apply to any proceedings when costs are waived or are to be paid by the county, or state, or any city.

The Court en banc will establish a fund known as the "Special 31st Circuit Judicial Fund." The Court will from time-to-time designate, by administrative order, a person to serve as treasurer of this fund. The Circuit Clerk shall, no less frequently than monthly, remit all monies collected pursuant to this section to the treasurer to be deposited in the fund account. Appropriate accounting safeguards, policies, and procedures recommended by OSCA must be followed. In addition, the treasurer is directed to have the account audited no less frequently than yearly by an auditor determined by the Court.

The fund shall be expended and applied at the direction of the Court en banc for any lawful purpose as set forth in § 488.429 RSMo. The Court en banc shall seek the advice and counsel of the Law Library Committee for any expenditure that may be used for the maintenance and upkeep of the law library.

100.3.2 Family Services and Justice Fund

Pursuant to § 488.2300 RSMo. the 31st Judicial Circuit shall assess a surcharge upon the filing of all proceedings within the jurisdiction of the family court. The surcharge shall be included and deposited with the Circuit Clerk as part of the initial filing fee required upon the filing of a family court case. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant to the provisions of Chapter 455, but may be charged to the respondent in such actions, shall not be charged to a government agency, and shall not be charged in any proceeding when costs are waived or are to be paid by the state, county, or municipality.

The Court en banc will establish a fund known as the "Family Services and Justice Fund." The Court will from time-to-time designate, by administrative order, a person to serve as treasurer of this fund. The Circuit Clerk shall, no less frequently than monthly, remit all monies collected pursuant to this section to the treasurer to be deposited in the fund account. Appropriate accounting safeguards, policies and procedures recommended by OSCA must be followed. In addition, the treasurer is directed to have the account audited no less frequently than yearly by an auditor determined by the Court.

The fund shall first be used to reimburse the state for the salaries of family court commissioners appointed pursuant to § 487.020 RSMo. if necessary. Thereafter, the fund shall be expended and applied at the direction of the Presiding Judge or the Family Court Administrative Judge for any lawful purpose benefiting the litigants and recipients of services in the family court as set forth in § 488.2300 RSMo.

100.3.3 Time Payment Fund

Pursuant to § 488.5025 RSMo. the 31st Judicial Circuit shall assess a fee on each person who pays a court-ordered judgment, penalty, fine, sanction, or court costs on a time-payment basis, including restitution and juvenile monetary assessments. A time-payment basis shall be any payment not made within 30 days of the date due. The Circuit Clerk shall collect the time payment fee on all cases to which the fee applies.

The Court en banc will establish a fund known as the "Time Payment Fund." The Court will from time-to-time designate, by administrative order, a person to serve as treasurer of this fund. The Circuit Clerk shall, no less frequently than monthly, remit that portion of the time payment fee collected and retained pursuant to § 488.5025(2) RSMo., to the treasurer to be deposited in the fund account. Appropriate accounting safeguards, policies and procedures recommended by OSCA must be followed. In addition, the treasurer is directed to have the account audited no less frequently than yearly by an auditor determined by the Court.

The fund shall be expended and applied at the direction of the Court en banc to improve the administration of justice and any lawful purpose as set forth in § 488.5025(2) RSMo.

100.4 Storage of Records

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

The maintenance and storage of court records and files are the responsibility of the Greene County Circuit Clerk as consistent with Court Operating Rule 4.

100.4.2 Reproduction and Preservation of Court Records Other than Files

The Greene County Circuit clerk is charged with the responsibility of preserving court files and is the custodian of the court files.

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

100.4.4 Identification of Reporter's Notes (No Local Rule)

100.4.5 Index (No Local Rule)

100.4.6 Storage of Notes

See Supreme Court Operating Rule 4.

100.4.7 Notes of Substitute Reporters (No Local Rule)

100.4.8 Storage of Notes upon Retirement, Termination, or Death of Court Reporter (No Local Rule)

100.4.9 Boxing and Storing of Old Notes (No Local Rule)

100.4.10 Responsibility for Furnishing Materials and Space for Storage of Court Reporter Notes (No Local Rule)

100.4.11 Procedure for Examination of Criminal Records(No Local Rule)

100.4.12 Procedure for Expunging and Closing Criminal Records (No Local Rule)

100.5 Clerk's Duties

100.5.1 Monies Paid Into Court (No Local Rule)

100.6 Selection of Veniremen (No Local Rule)

100.7 Open Meetings

A. Consistent with Supreme Court Operating Rule 20, all meetings and deliberations of the Circuit Court when operating in an administrative capacity and not in a judicial capacity shall be open to the public, unless closed by order of the Circuit Court for reasons consistent with those stated in § 610.021 RSMo. Notice of such meetings that are open to the public shall be posted in writing on a bulletin board adjacent to the office of the Greene County Circuit Clerk on the second floor of the Judicial

Courts Facility. Meetings and deliberations in an 'administrative capacity' shall include those on property and budget.

B. All meetings and deliberations of the Circuit Court when operating in a judicial capacity are closed to the public, unless opened by order of the Circuit Court.

C. The Court en banc may hold a regularly scheduled meeting the second Wednesday of each month, unless otherwise rescheduled by the Court. If the meeting is scheduled to include consideration of matters within the administrative capacity of the Court, an agenda will be prepared and posted in compliance with Supreme Court Operating Rule 20. Otherwise, if time permits, the public and persons having business before the Court may appear and provide information to the Court. Persons may request a matter be included on the Court's agenda for the public portion of the meeting by contacting the Court Administrator. At the conclusion of any public portion of the meeting, the Court will convene its regular meeting in a judicial capacity that is closed to the public.

D. At each meeting of the Court en banc a majority of the circuit and associate circuit judges shall constitute a present quorum. Each judge present, including the Presiding Judge, shall be accorded one vote on any matter requiring a vote. A simple majority vote of the quorum is sufficient to carry a measure. If any judge so requests, the meeting will be on the record. The Presiding Judge may appoint a secretary and any additional personnel to aid in the judicial business of the circuit. Minutes of any meeting the Court held in an administrative capacity shall be kept and maintained in compliance with Supreme Court Operating Rule 20.

E. Special meetings of the Court en banc may be called by the Presiding Judge or by any two other judges by giving written notice to the Presiding Judge. Thereafter the Presiding Judge shall notify all judges of the time, place and purpose of the special meeting. At least three business days notice is required for a special meeting. Electronic mail notice is sufficient.