

ADMINISTRATION

RULE 1 DIVISIONS OF COURT

DIVISION I: Circuit Judge or successor elected at the November 7, 1978 General Election.

DIVISION II: Circuit Judge or successor elected at the November 2, 1976 General Election.

DIVISION III: Associate Circuit Judge sitting in the Cape Girardeau County Courthouse at Jackson.

DIVISION IV: Associate Circuit Judge sitting in the Common Pleas Courthouse at Cape Girardeau.

DIVISION V: Associate Circuit Judge elected in Bollinger County.

DIVISION VI: Associate Circuit Judge elected in Perry County.

RULE 2 HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

All sessions of court shall begin at 9:00 a.m. except pre-trial conferences for jury trials shall begin at 8:30 a.m. unless otherwise directed by the Court.

The Clerk's office is deemed always open. The following office hours are established for the various Clerks' offices:

Bollinger County Courthouse:

CIRCUIT CLERK: 8:00 a.m. - 4:00 p.m., Monday -Friday

Cape Girardeau County Courthouse at Jackson:

CIRCUIT CLERK: 8:00 a.m. - 4:30 p.m. Monday - Friday

Perry County Courthouse:

CIRCUIT CLERK: 8:00 a.m. - 4:30 p.m. Monday – Friday

2.2 TERMS OF COURT

Bollinger County: Divisions I and II shall have two terms of court, commencing on the third Friday in March and the third Friday in September.

Cape Girardeau County: Divisions I and II shall have three terms of court, commencing on the first day of the month in January, May, and September.

Perry County: Divisions I and II shall have two terms of court, commencing on the first Wednesday in January and on the first Wednesday in July.

2.3 LAW DAYS

The schedule of Laws Days shall be posted in the Clerk's office for Division I and II in each County.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

An attorney desiring to have a matter heard on a law day must request a setting. The request shall be made seven (7) days in advance of the law day. Discretion is vested in the judge for hearing any matter on a day other than as above specified.

RULE 3 PLEADINGS

Pleadings shall conform to Missouri Rules of Court and captioned as set out in Appendix A.

RULE 4 FILING OF CASES

Anywhere within these rules where the term "filed" is used, it is understood that any pleadings, motions, documents, letters, etc., shall be "e-filed" to the office of the circuit clerk in any county in which e-filing has been implemented. No exceptions shall be granted except for non-lawyer pro se litigants.

Any exhibit stickers placed on documents which are e-filed shall be white with black lettering because other colors do not scan well.

If e-filing has not been implemented in a county, any pleadings, motions, documents, letters, etc., shall be physically "filed" in the office of the circuit clerk of the appropriate county

All pages, including the first page, of all e-filed pleadings shall be numbered

4.1 CRIMINAL CASES

All complaints and indictments shall be filed with the **CIRCUIT** Clerk.

4.2 CIVIL CASES

All pleadings, motions, and papers in civil cases shall be filed with the Circuit Clerk

Any person who comes into the custody of the Sheriff as a result of an order for a civil body attachment shall be presented on the next business day of the court to the judge who issued the attachment. In the absence of the issuing judge, the prisoner shall be brought before the Presiding Judge or a judge assigned by the Presiding Judge.

4.3 PROBATE CASES

All pleadings, motions, claims, and papers in a probate matter shall be filed with the Circuit Clerk.

4.4 JUVENILE CASES

All pleadings, motions, and papers in juvenile cases shall be filed with the Circuit Clerk.

4.5 SMALL CLAIMS CASES

All pleadings, motions, and papers in a small claims case shall be filed with the Circuit Clerk.

NON-LAWYER PRO SE LITIGANTS ARE NOT REQUIRED TO E-FILE

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.

Municipal ordinance violation cases of any municipality in the county for which a municipal judge is not provided by the municipality, shall be filed in the office of the Circuit Clerk.

RULE 5 FILING FEES, DEPOSITS, 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 a receipt shall be given, the following sums:

CIRCUIT DIVISION

All Circuit Civil cases	100.50
All Domestic Relations & Motions to Modify	102.50 ***
Plus Service fees for above:	
Contact Sheriff for amount and make check payable to Sheriff.	*
Adoptions (includes GAL fees)	330.50
Application for out-of-state subpoenas	100.50
Contempt accompanied by a motion to modify	102.50
Expungement	100.50
Expungement filed under 610.140 RSMo	350.50
Guardian ad Litem (deposit amount determined by court order)	
Motion for Family Access	102.50
Name Change	100.50
Publication requirement shall be paid directly by attorney or pro se litigant	
Notice of Appeal (MO Court of Appeals)	70.00
(The \$70.00 appeal fee is still made payable to the Clerk's Office)	
Objections to Relocation in domestic cases: Sheriff's fees only	*

ASSOCIATE DIVISION

All Associate Civil cases	50.50
Plus Service fees: Contact Sheriff for amount. (Payable to Sheriff)	*
Landlord executions (Payable to Sheriff)	*
Small Claims:	37.50
Plus service by certified mail	**
Plus service by Sheriff (Payable to Sheriff)	*
Request for Trial De Novo	45.00

Writ of Execution (Garnishment-wages)	10.00*
Writ of Execution (Levy on Personal Property)	10.00*
Sheriff sale of titled vehicle (VIN# required) (Payable to Sheriff)	*
Scire Facias (Revival of Judgment)	*
Examination of Judgment Debtor	*
Petition for Limited Driving Privileges	50.50
Mechanics Lien – filing	5.00*
* For service contact the Sheriff.	

**Subject to change with U.S. Postal Rates

*** See Rule 68.1.3 for waiver of fee for paternity case(s) filed with dissolution cases.

Copies: \$1.00 per page plus \$1.00 for certification/authentication

Sound Recording: \$25.00

Witness Fees: Out of State: \$15.00
In State: \$25.00

Municipal Divisions:

Request for Trial de Novo \$30.00

Probate Divisions:

Along with the filing of a petition, the appropriate cost, as set forth in Appendix C, shall be deposited plus a \$300.00 deposit toward guardian ad litem fees in all guardianship and/or conservatorship cases.

5.2 COSTS (No local rule)

5.3 WITNESS FEES

Out-of-State Witness Fees to be paid at the rate of: \$15.00 per day.
In-State Witness Fees to be paid at the rate of: \$25.00 per day.

5.4 WAIVER OF FEES

If a party is unable to pay the filing fee and deposit, a written application to proceed as a poor person may be filed. The application shall be accompanied by a Statement of Income and Expenses, as well as a Statement of Property. The application shall be brought to the attention of the judge for consideration.

5.5 MOTION FOR SECURITY FOR COSTS (No local rule)

5.6 SPECIAL PROCESS SERVERS

The Clerk of the Circuit Court is authorized to appoint a person as a special process server upon request of a party, however, no cost for same shall be payable by the county.

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

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGE

DIVISION III:

All cases of misdemeanor or infraction, except if a felony charge is also pending against the same defendant out of the same incident and that defendant is required to appear in either Division I or II, the misdemeanor/infraction charge(s) shall be automatically assigned to the Division that is assigned the felony charge(s).

Municipal ordinance violation cases of any municipality in the county for which municipality no municipal judge is provided;

Preliminary hearings in felony cases; all trials de novo from the municipal division of the City of Jackson;

Domestic relations cases filed in Cape Girardeau County assigned by the Circuit Clerk pursuant to a random selection process ordered by the Presiding Judge;

All trial de novo proceedings from the municipal division of the City of Cape Girardeau;

All Chapter 455 actions in which the Division IV judge is disqualified or recuses, except for those cases in which a dissolution, modification, or paternity action is pending before another judge.

All trial de novo proceedings from Small Claims Court.

Such other cases or classes of cases as the Presiding Judge may designate.

DIVISION IV:

All probate proceedings filed in Cape Girardeau County;

All juvenile cases for the 32nd Judicial Circuit except as otherwise set out herein;

All actions filed in Cape Girardeau County pursuant to Chapter 454, 455, Chapter 210, Section 208.040, and Section 452.350 and following, commonly referred to as Title IV-D and URESA cases; Section 660.250 RSMo and following; Section 491.675 RSMo and following; and all cases under Chapter 517 RSMo;

All "Small Claims" cases as provided in Sections 482.300 through 482.365 filed in Cape Girardeau County;

Such other cases or classes of cases as the Presiding Judge may designate.

DIVISION V:

All cases of misdemeanor or infraction, except if a felony charge is also pending against the same defendant out of the same incident and that defendant is required to appear in either Division I or II, the misdemeanor/infraction charge(s) shall be automatically assigned to the Division that is assigned the felony charge(s).

Municipal ordinance violation cases of any municipality in the county for which municipality no municipal judge is provided;

Preliminary hearings in felony cases;

All probate proceedings filed in Bollinger County;

All domestic relations cases filed in Bollinger County;

All juvenile cases filed in Bollinger County by the Juvenile Officer or Deputy Juvenile Officer;

All actions filed in Bollinger County pursuant to Chapter 454, Chapter 455, Chapter 210, Section 208.040, and Section 452.350 and following, commonly referred to as Title IV-D and URESA cases, Section 660.250 RSMo and following, and Section 491.675 and following;

All "Small Claims" cases as provided in Sections 482.300 through 482.365 filed in Bollinger County;

Domestic relations cases filed in Cape Girardeau County assigned by the Circuit Clerk pursuant to a random selection process ordered by the Presiding Judge;

Such other cases or classes of cases as the Presiding Judge may designate.

DIVISION VI:

All cases of misdemeanor or infraction, except if a felony charge is also pending against the same defendant out of the same incident and that defendant is required to appear in either Division I or II, the misdemeanor/infraction charge(s) shall be automatically assigned to the Division that is assigned the felony charge(s).

Municipal ordinance violation cases of any municipality in the county for which municipality no municipal judge is provided;

Preliminary hearings in felony cases;

All domestic relation cases filed in Perry County;

All juvenile cases filed in Perry County by the Juvenile Officer or Deputy Juvenile Officer;

All City of Perryville municipal division cases in which the municipal judge has been disqualified by one of the parties;

All trials de novo from the municipal division of the City of Perryville;

All probate proceedings filed in Perry County;

All actions filed in Perry County pursuant to Chapter 454, Chapter 455, Chapter 210, Section 208.040, and Section 452.350 and following, commonly referred to as Title IV-D and URESA cases, Section 660.250 RSMo and following, and Section 491.675

and following;

All "Small Claims" cases as provided in Sections 482.300 through 482.365 filed in Perry County;

Domestic relations cases filed in Cape Girardeau County assigned by the Circuit Clerk pursuant to a random selection process ordered by the Presiding Judge;

ALL DIVISIONS

Any motion or Petition For Review Of Refusal To Take Breath Test; Expungement; Administrative Suspension Appeals; Hardship Driver License Applications; And Petition To Waive SATOP Requirements are automatically assigned to the division who took the plea and/or sentenced the Defendant, or before whom a case with the movant is currently pending.

Such other cases or classes of cases as the Presiding Judge may designate.

6.2 ASSIGNMENT BY LOCAL COURT RULE OR ORDER

Associate Circuit Judges have concurrent jurisdiction with the Circuit Judges as provided by statute and Supreme Court Rule.

6.2.1 DOMESTIC RELATIONS CASES

Any Circuit or Associate Circuit Judge may hear any domestic relations case, i.e. those types of cases designed as such by the Office of State Courts Administrator, in any county within the Circuit without further assignment.

Once a Circuit Judge or Associate Circuit Judge has been assigned to a domestic relations case that judge shall remain the assigned judge for all future matters arising in the case, including all proceedings under Chapter 454. However, if no pre-trial orders have been issued by the assigned judge, at the request of the parties in writing, any other Circuit or Associate Circuit Judge may hear such case without further assignment.

6.2.2 ASSIGNMENT OF CRIMINAL NON-SUPPORT CASES

Upon waiver of preliminary hearing on any felony criminal non-support case, that case shall be assigned to the Associate Circuit Judge who took the waiver of preliminary hearing and the case shall remain with that judge through disposition, subject to a motion for change of judge. If the Defendant is bound over for trial after a preliminary hearing, the case shall be assigned to another Associate Circuit Judge in this Circuit.

6.2.3 STIPULATION FOR PLEA

If immediately after conducting a preliminary hearing or accepting a waiver of preliminary hearing, the Prosecuting Attorney, Defense Counsel, and the Defendant all sign a stipulation: a) requesting that the Associate Circuit Judge take the felony

plea, and b) waiving in writing all objections thereto, then said Associate Circuit Judge may take said felony plea without further assignment.

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

6.2.4 ASSIGNMENT UPON DISQUALIFICATION OF BOTH CIRCUIT JUDGES

Pursuant to Supreme Court Rule 51.05(e)(2), if the presiding judge is disqualified from hearing a case, the case shall be transferred to the other circuit judge, who may assign the case to himself or another judge within the circuit. If both circuit judges have been disqualified from hearing a case, an assignment shall be requested from the Supreme Court.

6.3 SPECIAL ASSIGNMENT

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

6.4 ASSIGNMENT TO CIRCUIT JUDGES

Divisions I and II: Cases other than those specified above shall be assigned by the Circuit Clerk to a division presided over by a Circuit Judge using a random selection process ordered by the Presiding Judge, except as follows:

- a. Any request for post-judgment relief, motions, to modify, post-trial motions concerning execution and garnishment, or motions for post-conviction relief shall be assigned to the division of the judge who rendered judgment.
- b. Criminal cases shall be assigned to the division who next holds a law day. All criminal charges against one defendant shall be assigned to the same division.
- c. Adoption and Transfer of Custody Cases.

Notwithstanding any provision of these rules for automatic assignment of cases or automatic transfer of judges, or reassignment of cases or transfer of judges by a circuit judge or associate circuit judge, the Presiding Judge may assign cases and transfer judges within the limitations of the law as the expedient administration of justice requires.

6.5 MUNICIPAL DIVISION ASSIGNMENT

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

violation of a municipal ordinance within the municipality for which the judge serves.

In those municipalities which have elected to provide their own municipal court as provided by law, if any municipal judge becomes disqualified to act, other than pursuant to Supreme Court Rules, the case shall automatically be assigned to another qualified municipal judge as selected by that municipality.

6.6 ABSENCE OF CIRCUIT OR ASSOCIATE JUDGE

In the absence of a Circuit Judge of any division, any other Circuit Judge may, during such absence, sit as the judge of that division and perform all the duties of the absent judge.

In the absence of a Circuit or Associate Circuit Judge of any division, any other Associate or Circuit Judge may, during such absence, execute any writs that need to be acted upon prior to the return of the absent judge.

In the absence of the Associate Circuit Judge of any division, any other Associate Circuit Judge or Circuit Judge may, during such absence, sit as the judge of that division and perform all the duties of the absent judge.

6.7 ABSENCE OF PRESIDING JUDGE

In the event 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; then, during any such period of absence or disability or disqualification, the other Circuit Judge shall be the Acting Presiding Judge and may exercise the responsibilities prescribed by law for Presiding 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 sub-paragraph 1 of Section 478.240 RSMo and in Article 5, Section 24 of the Missouri Constitution.

RULE 7 WITHDRAWAL OF PAPERS FROM CLERKS' OFFICE

7.1 WHEN ALLOWED

No official files of the Circuit Court shall be removed from said office except in the custody of an employee or officer of the Circuit Court.

7.2 DUPLICATING POLICY

Requests for copies of Court records should be directed to the clerk in charge of said records. No charge shall be made for copies of documents furnished to any city, county, state agency, or state department.

Administrative copies:	\$.10 per page, plus \$.20/minute
Court Records:	\$1.00 per page
Certified or authenticated: (per document):	\$1.00

RULE 8 DOCKETING OF CASES

8.1 DOMESTIC RELATIONS CASES

Upon the filing of a Domestic Relations case, the Circuit Clerk or Division Clerk shall schedule the case for a status conference with the Court on a Law Day approximately one hundred twenty (120) days from the date of filing. The Clerk shall docket the entry and notify pro se parties of the docket setting. It shall be the responsibility of counsel to keep apprised of their cases through Case.net by going to www.courts.mo.gov and clicking on Case.net.

8.2 CIRCUIT CIVIL CASES

Upon the filing of a Circuit Civil case, the Circuit Clerk or Division Clerk shall schedule the case for a status conference with the Court on a Law Day approximately one hundred twenty (120) days from the date of filing. The Clerk shall docket the entry and notify pro se parties of the docket setting. It shall be the responsibility of counsel to keep apprised of their cases through Case.net by going to www.courts.mo.gov and clicking on Case.net.

8.3 PUBLICATION OF DOCKETS (No Local Rule)

8.4 NON-ISSUANCE OF SUMMONS OR NON-EST RETURN

Except for good cause shown, a case shall be dismissed without prejudice for failure to prosecute on the first court date if summons has not been served on a party and no entry of appearance has been filed.

8.5 NO GENERAL CONTINUANCES

No general continuances are allowed.

8.6 DISMISSAL DOCKET

The Court may, at its discretion, schedule dismissal dockets for any cases in which insufficient activity has been noted on the docket sheet for six (6) months. Unless good cause is shown why the case should not be dismissed, the Court shall dismiss the case without prejudice for failure to prosecute. No case shall be dismissed by the Court without an appropriate docket entry and prior written notice to counsel of record.

RULE 9 COURTROOMS AND PROCEDURE

9.1 ASSIGNMENT OF COURTROOMS

BOLLINGER COUNTY:

Division I and II: The courtroom is assigned to Division I and II except for each Wednesday when it is assigned to Division V.

CAPE GIRARDEAU COUNTY:

Division I: The circuit court courtroom in Jackson is assigned to Division I for a one week period, commencing on the first and third Mondays of the month. The circuit court courtroom

in Cape Girardeau is assigned to Division I for a one-week period, commencing on the second and fourth Mondays of the month.

Division II: The circuit court courtroom in Cape Girardeau is assigned to Division II for a one week period commencing on the first and third Mondays of the month. The circuit courtroom in Jackson is assigned to Division II for a one-week period commencing on the second and fourth Mondays of the month.

Division III: The non-jury courtroom in Jackson is assigned to Division III. Division IV: The non-jury courtroom in Cape Girardeau is assigned to Division IV. The J3 courtroom in Jackson is assigned to Division V AND VI.

PERRY COUNTY:

The second floor courtroom is assigned to Division I and II. The Division VI courtroom on the first floor is assigned to Division VI.

Division III and IV, V, and VI:

In any month that has a fifth Monday in it, any division may set cases in the circuit court courtroom at Jackson and Cape Girardeau by scheduling the use thereof through the Presiding Judge. Use of the circuit court courtroom at other times shall be subject to the schedule of the circuit judge to whom the courtroom is assigned and arrangements for its use shall be made through that Division

9.2 PLACE OF HEARING (No local rule)

9.3 USE OF COUNSEL TABLE (No local rule)

9.4 COURTROOM DECORUM AND DRESS

All attorneys and court officials shall wear appropriate professional attire while in attendance upon the Court. For male attorneys appropriate professional attire shall include a suitable coat, tie, and socks. Judicial discretion may be exercised otherwise in extreme situations.

Attorneys shall advise their clients and witnesses of the formalities of the Court, including attire befitting a court appearance and seek their full cooperation thereby avoiding embarrassment to the Court and public as well.

RULE 10 COURT REPORTERS AND COMPENSATION FOR SAME (See Rule 23)

RULE 11 RECORDING OF JUDICIAL PROCEEDINGS (No local rule)

RULE 12 MONIES PAID INTO COURT (No local rule)

RULE 13 COMMUNICATIONS WITH COURT

13.1 ORAL COMMUNICATION WITH THE COURT

The Court will not permit interviews, arguments, or communications where all interests which

may be affected thereby are not represented except in cases where provision is made by law for ex parte application. Any such attempt will be summarily terminated by the Court.

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

Copies of all e-mails and other written materials and documents filed in any pending case file and copies of all written communications between one or more parties, counsel, Clerk or Judge, hereinafter referred to as "the Court", shall be provided to opposing counsel in the same method of transmission and delivery used to communicate with the Court.

By way of illustration, if a Motion is faxed to the Court, a copy of this Motion shall be faxed to opposing counsel on the same date and at the same approximate time as the communication made to the Court. If the same method of transmission and delivery of the communication in question is not available, the Court and opposing counsel should be clearly advised by the party submitting the faster communication to the Court of that fact and every reasonable effort shall be made to timely deliver the information to the opposing counsel as soon as practical.

Nothing contained herein shall undermine any Rule of Professional Responsibility regarding ex parte communications with the Court about the facts of a case.

GENERAL RULES

RULE 21 ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS (No local rule)

21.2 ENTRIES OF APPEARANCE (No local rule)

21.3 CONDUCT OF ATTORNEYS (No local rule)

21.4 WITHDRAWAL OF ATTORNEYS

An attorney requesting to withdraw shall file a written motion requesting leave of court to do so. A copy of the motion and notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. The last known address of the client shall be plainly set out in the motion or the certificate of service thereon.

The attorney must appear in open Court and call up the motion at the time specified in the notice. If the case is a criminal case, it shall be the duty of the client to appear in person. If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his 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.

In criminal cases, an attorney who has not previously withdrawn prior to sentencing shall be considered to have withdrawn from representation of the defendant upon sentencing unless the attorney files a notice of appeal.

21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET (No local rule)

21.6 APPOINTMENT OF ATTORNEYS (No local rule)

21.7 AGREEMENT OF ATTORNEYS (No local rule)

21.8 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM PROCEDURES (No local rule)

RULE 22 APPOINTMENT OF GUARDIAN AD LITEM

Whenever a guardian ad litem is appointed by the Court pursuant to statute, rule, or motion, the guardian ad litem shall abide by the current standards as adopted by the Missouri Supreme Court.

RULE 23 TRANSCRIPTS

Court Reporters: In any matter where the record was maintained by a court reporter, all orders for transcripts on appeal or of the testimony of any witness shall be made in writing to that reporter. The reporter's acceptance of service of such order shall be filed with the appropriate clerk. All applications for extension of time to file transcripts shall show the date the same was ordered. Preparation of any transcript on appeal by a court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

Electronically Recorded Proceedings: Preparation of a typewritten transcript of a record preserved by electronic recording device shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated cost will be based on rates established by the Office of the State Courts Administrator for transcripts.

Any person wishing to obtain an official transcript of a record preserved by electronic recording device must request a copy of the tape(s) to be made by the Office of the State Courts Administrator. The Clerk will process such request upon payment of the appropriate fee.

Any person wishing to listen to or make an unofficial transcript of a record preserved by electronic recording device must request a copy of the recording to be made by the clerk for a fee of \$25.00 per disc.

23.1 TRANSCRIPTS PREPARED FOR PURPOSES OF APPEAL

The court reporter shall prepare a paper and an electronic version of the transcript. The court reporter shall submit to the circuit clerk an electronic copy of same to be filed at Level 6.

23.2 TRANSCRIPTS PREPARED FOR PURPOSES OTHER THAN APPEAL

The court reporter shall prepare the transcript as requested by the ordering party. The court reporter shall submit to the circuit clerk an electronic copy of same to be filed at Level 6.

RULE 24 EXHIBITS

The attorney is responsible for all exhibits before, during, and after trial. Exhibits should be marked for identification prior to trial. All exhibits offered during the trial, except depositions, shall remain in the custody of the attorneys offering the same and shall at all reasonable times be subject to examination by opposing counsel.

At the conclusion of all trials, except as otherwise provided by the Court, the Clerk is directed to return to the respective parties all exhibits introduced during the trial. Exhibits are to be retained by the respective parties at least until the time for filing of a "Notice of Appeal" has expired or such appeal is taken.

RULE 25 FACSIMILE FILINGS

Applications for search warrants and affidavits in support thereof, arrest warrants, complaints and indictments in support thereof, and other motions, applications, orders, warrants, pleadings, and the like, shall be e-filed if possible and may be filed by facsimile transmission provided it is not otherwise prohibited by law and further provided that the filing of said document does not require a filing fee or cost deposit. A pleading or other paper so filed shall have the same effect as the filing of an original document, even though it may be required to be verified or submitted by affidavit. A facsimile signature shall have the same effect as an original signature.

RULE 26 MOTIONS

Motions requiring notice and hearing, matters that require testimony for disposition, matters in default, and other proceedings set specifically by the Court, may be heard and disposed of on Law Days.

Other than Motions for Summary Judgment, a notice of hearing shall be filed within twenty (20) days of the filing of any motion. Any motions not so noticed shall be given by the clerk to the assigned judge for ruling.

Motions for Continuance shall be filed at least two business days prior to the docket or trial date. Under the e-file system, a motion or pleading is not "filed" until accepted by the clerk. Motions for Continuance, or other motions needing immediate action, which are e-filed or physically filed with the clerk in the counties without e-filing, less than two business days prior to the docket or trial date will not be considered by the court unless counsel appears in person.

PRE-TRIAL MATTERS

RULE 32 DISCOVERY

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION (No local rule)

32.2 INTERROGATORIES AND REQUESTS FOR ADMISSIONS

Any party propounding interrogatories or requests for admissions in a civil action shall set forth each question in clear and concise language, leaving an appropriate place below each question for an answer or objection to be inserted. The original and a sufficient number of copies for each party to the action shall be served upon counsel for the interrogated party

or the party if not represented. None of these papers are to be filed with the Court at this time. The interrogating party shall prepare a "Certificate of Service" as set out in Appendix B-1, attach a copy to the interrogatories or request for admissions, and file the original "Certificate of Service" with the Court at the same time the interrogatories are mailed. The "Certificate of Service" shall include the following information:

1. The party served.
2. The date and manner of service.
3. The designation of the pleading, as first or second interrogatories, etc.
4. The signature of the attorney or party serving the interrogatories or requests for admissions.

ANSWERS TO INTERROGATORIES OR REQUESTS FOR ADMISSIONS:

The answers to interrogatories or answers to request for admissions shall be typewritten in the spaces provided on the interrogatories or request for admissions. In the event an answer is too lengthy to place in the space provided, it shall be attached as an appendix and clearly identified. The interrogated or requested party shall prepare an affidavit to be signed by the appropriate party and attach it as the last page of the interrogatories or request for admissions along with a "Certificate of Service" as set out in Appendix B-2, serving a copy upon each party.

DOMESTIC RELATIONS CASES:

(See Rule 68.4.6 for Interrogatories in Domestic Relations Cases.)

32.3 DEPOSITIONS (No local rule)

32.4 MOTIONS FOR SANCTIONS (See Rule 68.8.i)

32.5 CRIMINAL DISCOVERY

Motions to Suppress shall state with specificity what evidence is sought to be suppressed and the basis for suppressing said evidence with appropriate authority attached to the Motion.

32.6 MOTIONS RELATING TO DISCOVERY

With respect to all motions relating to discovery proceedings, the Court shall not, except for good cause, hear or consider any such motion unless counsel for the movant shall first advise the court in writing that said counsel has conferred with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve differences have been made, counsel are unable to reach an accord. This written statement shall recite, in addition to the foregoing, the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel with respect to any such motion.

RULE 33 PRE-TRIAL MOTIONS

33.1 HEARING DATES

All pre-trial motions made by either party shall be filed, noticed and heard no later than seven (7) days prior to the date set for trial unless otherwise set by the Court.

Except for good cause shown, and in unusual circumstances, no motion shall be filed later than seven (7) days before the trial date. Any motion filed later than seven (7) days before the trial date shall be subject to automatic denial. Counsel shall make all reasonable attempts to obtain from opposing counsel his/her available dates to take up, hear, and have the court rule upon Evidential Motions, Pre-Trial Motions, Objections, Trial Settings, Motions in Limine, etc. and then, based upon the availability of the Court, the same shall be set for argument and presentment of evidence, if necessary, before the Court. (See also Rule 26)

33.2 BRIEFS IN SUPPORT OF MOTIONS - WHEN REQUIRED

All motions shall be in writing and accompanied by a written memorandum setting forth reasons in support thereof with citations and points relied upon. Either party thereafter upon seven (7) days' notice may call up said motion for hearing. If no memorandum is filed, the court may, after twenty (20) days from the filing of the motion, consider the motion without argument. Time to file written memorandum may be extended by the Court for good cause shown.

33.3 ORAL ARGUMENTS (No local rule)

33.4 MOTIONS IN LIMINE

All motions shall be in writing and accompanied by citations of authority. (See Rules 33.1 and 33.2)

33.5 NOTICES (See Rule 26)

RULE 34 CONTINUANCES

34.1 CIVIL CASES

34.1.1 A request for a continuance shall be made by a written motion setting forth the facts upon which the application is based, unless all adverse parties express to the Court orally, or in writing, their consent to the motion being made orally. All applications for continuances of civil matters shall conform to Supreme Court Rule 65.

34.1.2 A motion for continuance shall be taken up in the County in which the case is filed.

Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the Court.

34.1.4 If the matter for which the continuance is requested is a hearing or a trial, any motion for continuance shall include the joint available dates of all represented parties together with an estimate of the time required to be set aside by the court to hear such matter.

34.2 CRIMINAL CASES

34.2.1 A request for a continuance shall be made by a written motion setting forth the facts upon which the application is based, unless all adverse parties express to the Court orally, or in writing, their consent to the motion being made orally. All applications for continuances of criminal matters shall conform to Supreme Court Rule 24.

34.2.2 A motion for continuance shall be taken up in the County in which the case is filed.

34.2.3 No continuance shall be granted unless the Court finds the ends of justice served by taking such action outweigh the benefits of a speedy trial.

34.2.4 If the matter for which the continuance is requested is a hearing or a trial, any motion for continuance shall include the joint available dates of all represented parties together with an estimate of the time required to be set aside by the court to hear such matter.

RULE 35 PRE-TRIAL CONFERENCES

A pre-trial conference shall be held beginning at 8:30 a.m. or as otherwise designated by the court, on the first day of each jury trial. Attorneys for all parties shall be present and shall present all available exhibits for possible admission in evidence. The defendant in a criminal case shall attend the pre-trial conference. (See Rule 68.12 for Domestic Relations cases)

RULE 36 SETTING CASES FOR TRIAL

36.1 REQUEST FOR TRIAL

All cases pending before Divisions I and II may be set for trial at request of counsel on Law Days or by telephone conference call.

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 INACTIVE CALENDAR (No local rule)

36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR

Jury cases that are assigned for trial may be given a second or subsequent setting on a trial date. If, five (5) days before the trial date, the case which is set for trial first on that date is still expected to be tried, then all cases set behind such case may be removed from the trial setting upon order of the Court.

36.7 SPECIAL ASSIGNMENTS (No local rule)

RULE 37 DISMISSALS

37.1 DISMISSAL DOCKET (See Rule 8.2)

37.2 REINSTATEMENT OF CAUSE (No local rule)

RULE 41 SETTLEMENT AND DEFAULT

41.1 NOTICE OF SETTLEMENT

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

RULE 42 DEFAULT (No local rule)

TRIALS

RULE 51 COURT TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS (No local rule)

51.2 CONTESTED MATTERS (No local rule)

51.3 FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Any request for written findings of fact and conclusions of law shall be in writing and shall include the specific controverted facts for which findings are required. (Missouri Supreme Court Rule 73.01).

RULE 52 JURY SELECTION

52.1 JURY QUESTIONNAIRES

A jury questionnaire shall be delivered with the summons along with directions to fill it out and return it to the clerk's office at a given date. Jury questionnaires may be inspected by the attorneys at any time that the court is in session.

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

Per statute, at the conclusion of a criminal case all jury questionnaires shall be returned to the clerk

52.2 SUMMONING A JURY (No local rule)

RULE 53 JURY TRIALS

53.1 INSTRUCTIONS (No local rule)

53.2 ARGUMENTS (No local rule)

RULE 54 JUDGMENT ENTRY

54.1 CONTESTED CASES

Unless otherwise ordered, the attorney designed by the Court shall prepare the formal order or judgment and deliver the same to the clerk, with a copy of the same contemporaneously provided to opposing counsel. Objections to same may be made as provided by law to the Court.

54.2 DEFAULT OR UNCONTESTED CASES

In default or uncontested cases counsel for the prevailing party shall present to the Court for its approval the judgment to be entered in the cause. If no judgment is presented, then the Court will take the matter under advisement until said judgment is submitted, approved, and ordered entered.

54.3 SUBMISSION OF PROPOSED JUDGMENTS

All proposed judgments or orders shall be emailed to the clerk of the appropriate division and must be emailed in Word Format.

Any exhibits or attachments shall be emailed in PDF Format.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 TRANSFER OF CUSTODY, ADOPTION

61.1 FILING REQUIREMENTS

Upon the filing of a petition for adoption or for transfer of custody prior thereto, and upon application to the Court, the Court will appoint a guardian ad litem for the child sought to be adopted.

At the time of filing the petition counsel for the petitioners shall file a "Certificate of Adoption" (Vital Statistics Report, Section 193.360 RSMo) on a form to be provided by the clerk and affidavit as required by Section 453.070 RSMo 1989.

61.2 HOME STUDY

Unless waived pursuant to Section 453.070 RSMo, upon the filing of a "Petition for Adoption", counsel for petitioners shall prepare an "Order for Home Study" to be signed by the Court. The clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof. 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 the petitioners as parents for said child.

RULE 62 DRIVERS CASES

62.1 APPLICATIONS FOR HARDSHIP DRIVING PRIVILEGES (No local rule)

62.2 PETITIONS FOR REVIEW (No local rule)

62.3 BREATH ALCOHOL CONTENT TEST (No local rule)

RULE 63 ASSOCIATE DIVISION CASES (No local rule)

**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 (No local rule)

RULE 67 CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION

All motions to set bond or for bond reduction shall be filed. If the appropriate Division judge is not available to take up such matter, the motion shall be submitted to the Presiding Judge or his designee. The Presiding Judge shall establish and schedule an "on call" judge to be available for admitting persons to bail, or ruling on any bond reduction motions, for Friday at 4:30 p.m. until Monday at 8:30 a.m., and on holidays. (See other rules for absence of judge)

67.1.2 PERSONS AUTHORIZED TO POST BONDS

All bonds posted shall be signed by the defendant. In addition, for any cash bond sought to be posted, the person who is actually supplying the funds shall sign the bond. Any recognizance bonds or any bonds posted with 10% of the face being authorized whereby guarantors shall also be required to sign the bond shall only be signed by the person so authorized. In the event that an individual is authorized to sign or co-sign the bond, inquiry shall be made as to the marital status of the signing individual and if that individual is married, that individual's spouse shall also be required to co-sign the bond.

67.1.3 ATTORNEYS SIGNING OR POSTING BONDS

No attorney may post any bond or deliver any funds for the posting of any bond or sign any bond on behalf of any other person, subject to the exceptions in Supreme Court Rule 33.17 whereby an attorney may post said bond when the principal of said bond is the attorney's spouse, child or family member of the surety.

67.1.4 DISBURSAL OF CASH BOND PROCEEDS

At the conclusion of any criminal case where cash in the amount of the bond or any part thereof was posted, the bond funds shall be repaid back to the person who both posted said bond and signed said bond, except, however, in the event that the defendant shall have any debt arising out of said case or any other case then pending or having been previously closed in the County thereof. All sums necessary to satisfy said debt shall be taken from the amount of the bond posted prior to the release of the remaining funds. Said debts may include not be limited to any Court Costs, jail board bills, medical bills incurred while incarcerated, restitution, probation fees or any other lawful debt incurred while incarcerated, during the prosecution of any case in the County or while on probation.

67.2 PRELIMINARY HEARING (No local rule)

67.3 GRAND JURY (No local rule)

67.4 ATTORNEYS (No local rule)

67.5 ARRAIGNMENTS (No local rule)

67.5.1 IN GENERAL (No local rule)

67.5.2 DATES (No local rule)

67.6 DISCOVERY (No local rule)

67.7 MOTIONS (See Rule 26)

67.8 PLEA BARGAINING

Divisions I, II, and III do not recognize any plea bargains that involve the amount of the fine or the length of the sentence that a defendant will receive or whether or not he will receive probation.

67.9 GUILTY PLEA (No local rule)

67.9.1 WHERE ENTERED (No local rule)

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

In all felony cases wherein the defendant desires to plead guilty, the defendant and his/her attorney shall prepare a petition to enter a plea of guilty on a form adopted by this court. The petition to enter a plea of guilty shall be ready to be executed by the defendant and his attorney in open court. Copies of the petition to enter plea of guilty form may be obtained from the circuit clerk's office.

67.10 CALENDAR (No local rule)

67.11 PROBATION AND PAROLE (No local rule)

67.12: FORMAL ADMINISTRATIVE PLAN FOR COLLECTION OF COURT DEBT.

Effective June, 2014, the 32nd Judicial Circuit Court of Missouri adopts the following administrative plan for the collection of court debt to improve debt collection and ensure compliance with Court Operating Rule 21.11.

67.12.1 Prosecuting Attorney. The court staff will cooperate with the prosecuting attorney with collection of fines, costs, and restitution under §488.5030 RSMo. after all other court collection procedures have been exhausted.

67.12.2 Probation and Parole Coordination. Probation and parole Officers, whether state or private assigned to the circuit and circuit court clerks are encouraged to follow the uniform collection standards promulgated by the Missouri Division of Probation and Parole and the Office of State Courts Administrator for collection of fine, costs, and restitution.

67.12.3 Establishment of Rates and Collection of Board Bills. The board bill rate is set at \$22.50 per day. The board bill rate shall be assessed daily on all applicable cases, together with the Defendant's medical expenses; however, the judge presiding over the case may adjust the total board bill based upon financial circumstances. The court and the county will establish a civil process to collect board bills due the county.

(1) When a Defendant is committed to the Department of Corrections, all certifiable costs shall be billed to the State and then all amounts placed on a payment plan or sent to debt collection.

(2) When a Defendant is placed on probation, then revoked and committed to the Department of Corrections, the Clerk shall send all certifiable costs to debt collection.

(3) When a Defendant is released from the Department of Corrections after completing a 120 day program pursuant to §559.115 RSMo. or Long Term Treatment pursuant to §217.362 RSMo. the Defendant shall be responsible for the court costs, including the amount previously certified to the State, unless specifically ordered otherwise by the judge presiding over the case.

67.12.4 Debit and Credit Card Payments. The Circuit Clerk shall accept payment by cash, money order, credit cards or debit cards. The Circuit Clerk may determine which modes of payment may be accepted at each of their offices and who among the deputy clerks is authorized to receive those payments.

67.12.5 Payment Plans.

(1) In all cases the Court shall enter an order for payment of fines, costs, and restitution. The order can be for one of the following:

- a. A specific date by which the fines, costs, and restitution shall be paid or the Defendant shall appear in person; or
- b. Establish a periodic payment plan with the Defendant.

(2) Upon Defendant's failure to pay in full by payment date, the Court may:

- a. Upon the request of Defendant, grant him/her additional time to a specific date to pay or appear; or
- b. Issue a warrant for failure to pay and appear with a cash bond for the amount due.

(3) Failure of the Court to extend the time for payment in full shall cause the matter to be automatically forwarded to debt collection by the Clerk. Upon Defendant's failure to make any periodic payment as ordered, and if the Defendant has not contacted the Court for additional time, the Clerk shall forward the matter to debt collection.

(4) The payment for each month after the initial payment shall be an amount sufficient to complete payment in full at least two months prior to the expiration of probation. These payments are due on the same day of the month as the disposition date.

(5) A Defendant shall be granted time to pay only upon providing his or her Social Security number.

67.12.6 Sanctions for Non-Payment of Debt. Possible sanctions for non-payment of debt include, but are not limited to the following: show cause orders, warrant for arrest, tax intercept, referral to debt collection agency and, on moving traffic violations, revocation of driver's license, or incarceration per §549.270 RSMo. A debt will be assigned to the State debt collection vendor when payment, under the debtor's payment plan, is more than sixty days past due. An additional twenty per cent of the amount owed will be added to debts referred to the debt collection vendor or to the prosecuting attorney for collection.

67.12.7 Settlement Agreements. The debt collector vendor may enter into settlement agreements with Defendants without court approval.

67.12.8 Discovery of Unpaid Costs. Upon discovery of any unpaid costs, the clerk shall put said amounts into the JIS system for collection.

67.12.9 Review and Write Off of Accounts Receivable. The court shall review accounts receivable reports developed by OSCA and the debt collection

vendor and those debts deemed to be uncollectible shall be written off by court order.

RULE 68 DISSOLUTION OF MARRIAGE, LEGAL SEPARATIONS, & MODIFICATIONS, AND OTHER FAMILY LAW CASES

68.1 FILING REQUIREMENTS

68.1.1 Information Sheets Due Upon Filing. Upon filing a Petition for Dissolution of Marriage, or Legal Separation, a Certificate of Dissolution of Marriage (Vital Statistics Report), as required by Section 193.360 RSMo available from the clerk's office, and a Domestic Relations Case Party Information Sheet, Form 68-V, shall be filed. In cases where there are unemancipated children an "Affidavit of Compliance with the Uniform Child Custody Jurisdiction and Enforcement Act, as set forth in Form 68-M4, shall be filed with the Petition.

Upon filing an Answer to a Petition for Dissolution of Marriage or Legal Separation, or a Motion to Modify, or a Petition to Establish Paternity, Custody and Support, a Domestic Relations Case Party Information Sheet, as set forth in form 68-V, and an "Affidavit of Compliance with the Uniform Child Custody Jurisdiction and Enforcement Act, as set forth in Form 68-M4, shall be filed.

68.1.2 Parenting Plan. In all cases wherein a parenting plan is required, the party submitting a proposed parenting plan shall, either: Submit a fully completed Form 68-A, or submit another parenting plan together with a fully completed parenting plan checklist (Form 68-B). The Parenting Plan shall be marked "Judgment Exhibit A".

68.1.3 Paternity Count. Due to issues of confidentiality, in any dissolution case in which paternity of one or more children must be established, a separate case shall be filed to establish paternity with no filing fee required. The paternity case and the dissolution case shall automatically be assigned to the same judge for disposition. In order to avoid a separate filing fee, the attorney filing the paternity case shall be responsible for advising the Clerk of the companion dissolution case and its case number.

68.2 INTERIM FAMILY LAW ORDER

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

68.3 FORMS OF JUDGMENT

See Form 68-D, Form 68-E, and Form 68-F for format containing minimal information needed for the entry of an appropriate judgment.

All proposed judgments based upon affidavits shall have courtesy copies of the affidavits

forwarded with the judgment to the judge or clerk.

All proposed judgments shall be in Word format and shall include all exhibits referred to therein, which shall be in PDF format.

All proposed judgments which contain a child support order shall have a Form 14 attached and marked as "Judgment Exhibit B".

All proposed judgments in which there is reference to a Marital Separation Agreement shall have said agreement attached and marked as "Judgment Exhibit C".

All other exhibits, such as legal descriptions, which are referred to a proposed judgment shall be labeled as "Judgment Exhibit D, E, etc."

68.4 FILING OF FINANCIAL STATEMENTS

68.4.1 Dissolution Actions - Statements of Property & Income Required. In all actions for Dissolution of Marriage or Legal Separation, a Statement of Marital and Non-marital Assets and Debts (Form 69-G) and a Statement of Income and Expenses (Form 68-H-1 or Form 68-H-2) shall be completed by each party, executed under oath, filed with the Clerk, and served on the opposing party by the one hundred twenty (120) day Call Docket. **Note:** The judges of this circuit prefer the use of Form 68-H-1.

68.4.2 Motion to Modify/Paternity - Statements of Property & Income Required. In all Motions to Modify Child Support, Alimony or Maintenance, and actions to establish Paternity and Child Support, a Statement of Income and Expenses (Form 68-H) shall be completed by each party, executed under oath, filed with the Clerk, and served on the opposing party by the one hundred twenty (120) day Call Docket.

68.4.3 Supplemented Statements of Property and Income Required. If any material changes occur prior to the trial date, the information provided on Forms 68-G and 68-H shall be updated no less than fifteen (15) days prior to trial and served on the opposing attorney with a Certificate of Service of same filed with the Clerk.

68.4.4 Sanctions May Be Ordered - When. If a party fails to timely file or update Forms 68-G or 68-H the judge may, at his or her discretion, order sanctions against that party such as prohibiting the party so failing from presenting affirmative evidence as to the values of the property, income or expenses which were not provided to the opposing party.

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

68.4.6 STANDARD DISCOVERY FOR USE IN CONTESTED FAMILY LAW ACTIONS

68.4.6.1 Dissolution - Standard Interrogatories Required. In all actions for Dissolution of Marriage or Legal Separation, the court en banc has approved standard opening Interrogatories (Form 68-J). At the one hundred twenty (120) day Call Docket counsel and unrepresented parties shall appear and advise if mediation should be ordered or the discovery process to begin. **A party serving interrogatories on another party shall serve his/her answers to said interrogatories on the opposing party at the time of service of his/her interrogatories.** When the discovery process begins **Form 68-J** shall be used and the parties shall immediately exchange the following documents:

- (a) Complete copies of any federal and state income tax returns (including all schedules, W-2 and 1099 forms) for the preceding 3 calendar years;
- (b) Complete copies of the last (six) 6 pay periods "paycheck" stubs or other evidence of wages, salaries or tips if no "paycheck" stub is issued;
- (c) Complete copies of any benefit statements wherein a party claims an interest in any form of pension, profit-sharing, or other retirement plans whether vested or non-vested;
- (d) Copies of any deeds to real estate, notes, deeds of trust, or leases;
- (e) Description of all titled motor vehicles, trailers, etc. , including VIN; (f) Any other evidence of ownership of an asset or interest in an asset claimed as marital or separate property;
- (g) Copies of most recent statement of ownership and value for any life insurance policies insuring the life of either party or a unemancipated child involved in the proceedings **which has a cash value**;
- (h) Complete copies of any appraisals relating to any marital or separate property done within 1 calendar year;
- (i) Complete copies of any trusts where a party is either the grantor or current income beneficiary of the trust;
- (j) Copies of partnership agreements and/or stock certificates in any corporation in which you hold an interest, along with the most recent statement of assets and liabilities;

UNLESS:

- (a) Both parties stipulate in writing the case is not contested; **or**
- (b) No answer or pleadings are filed within 30 days from the date of service of legal process on the adverse party; **or**
- (c) The adverse party formally files a verified entry of appearance and no other responsive pleading.

68.4.6.2 Motion to Modify - Standard Interrogatories Required.

In all Motions to Modify Child Support and/or Maintenance, and actions to establish Paternity and Child Support, the court en banc has approved standard opening Interrogatories (Form 68-K). A party serving interrogatories on another party shall serve his/her answers to said interrogatories on the opposing party at the time of service of his/her interrogatories. At the one hundred twenty (120) day Call Docket counsel and unrepresented parties shall appear and advise if mediation should be ordered or the discovery process to begin. When the discovery process begins Form 68-K shall be used and the parties shall exchange the following documents:

- (a) Complete copies of any federal and state income tax returns (including all schedules, W-2 and 1099 forms) for the preceding 3 calendar years;
- (b) Complete copies of the last (six) 6 pay periods "paycheck" stubs or other evidence of wages, salaries or tips if no "paycheck" stub is issued;
- (c) Complete copies of any trusts where a party is either the grantor or current income beneficiary of the trust;
- (d) Copies of partnership agreements and/or stock certificates in any corporation in which you hold an interest, along with the most recent statement of assets and liabilities;

UNLESS

- (a) Both parties stipulate in writing the case is not contested; **or**
- (b) No answer or pleadings are filed within 30 days from the date of service of legal process on the adverse party; **or**
- (c) The adverse party formally files a verified entry of appearance and no other responsive pleading.

68.4.6.3 Parties Required to Exchange Documents.

(See Rules 68.4.6.1 and 68.4.6.2)

68.4.6.4 Certificate of Service Required. When the interrogatory answers and documents specified in 68.4.6.1 and 68.4.6.2 are exchanged, the delivering party shall immediately file with the Court a certificate of service (Form 68-L) identifying the interrogatories answered and the documents exchanged, the fact that a document may not now exist or has never existed, or that if a document exists, but is not in the possession of the exchanging party, the name and current address of the person who has possession of the document;

68.4.6.5 Requested Information Shall be Updated Prior to Trial.

All information requested in the above interrogatories and document requests shall be updated within fifteen (15) days prior to trial if any material changes occur prior to the trial date except significant changes such as employment, income or expert witnesses which should be updated

immediately;

UNLESS:

(a) Both parties stipulate in writing the case is not contested; **or**

(b) No answer or pleadings are filed within 30 days from the date of service of legal process on the adverse party; **or**

(c) The adverse party formally files a verified entry of appearance and no other responsive pleading.

68.4.6.6 Court May Authorize Additional Discovery and Extend time for Filing. For good cause shown, the Court, upon written motion and without hearing, may authorize additional discovery. For good cause shown, the Court, upon written motion and without hearing, may extend the time for exchanging the documents required in Rule 68, or may waive the exchange of documents entirely but only for good cause shown.

68.4.6.7 Sanctions May Be Imposed for Failure to Comply Failure to timely comply with Rule 68 discovery shall, at the discretion of the Judge and upon written motion of either party, result in such sanctions as are provided by law, to include, but not limited to, preventing the non-compliant party from presenting affirmative evidence as to the matters set forth in the documents to be exchanged or answers to interrogatories and/or the award of reasonable attorney fees and/or costs against the non-compliant party.

68.4.6.8 If Mediation is Ordered Upon mediation being ordered, each party shall bring to the first mediation session a completed Form 68-G and Form 68-H for use in the mediation process. Upon completion of all mediation sessions the mediator shall forward to the Court a letter indicating whether or not mediation was successful and a separate summary letter to counsel of record of items (if any) negotiated and agreed to by the parties.

68.5 Pro Se Litigant Awareness Program and Pro Se Pleadings, Forms and Judgments

Every Petitioner not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, parentage, or modification of a judgment in any such proceeding, **upon filing any motion or petition**, shall complete the Litigant Awareness Program which is available on the website of the Supreme Court at address: (<http://www.courts.mo.gov/page.asp?id=4092>), unless waived by the Court, and shall present to the Clerk with the petition the Certificate of Completion (Form 68-U).

Every Respondent or Third Party not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, parentage, or modification of a judgment in any such proceeding, **after filing an Entry of Appearance or Answer in a case**, shall complete the Litigant Awareness Program which is available on the website of the Supreme Court at address: (<http://www.courts.mo.gov/page.asp?id=4092>), unless waived by the Court, and shall present to the Clerk with the Entry of Appearance or Answer the Certificate of Completion (Form 68-U).

Pro se Petitioners and Respondents shall use the pleadings, forms, and proposed judgments adopted by this circuit, which are contained in Local Court Rule 68 and available on line, or the pleadings, forms, and proposed judgments approved by the Missouri Supreme Court.

68.8 ENTRY OF JUDGMENT UPON AFFIDAVIT – REQUIREMENTS

68.8.1 Final Orders Entered - When. Final orders in a proceeding for Dissolution of Marriage, Legal Separation, Motions to Modify, and actions for Declaration of Paternity, may be entered upon the affidavit of either or both parties when:

(a) There are no unemancipated children of the parties and the female party 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**

(b) There are unemancipated children, one of the parties is represented by counsel, a parenting plan is submitted, Supreme Court Rule 88.01 Form 14 is followed, 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.

68.8.2 Affidavit - Filing. If one party desires to submit the matter for entry of final Judgment upon an affidavit, the submitting party shall file an affidavit (Form 68-M), a proposed judgment, a parenting plan, and a Civil Procedure Form 14 if appropriate, and all exhibits referred to in the Affidavit or Judgment.

68.11 Temporary Child Support

68.11.1 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 thirty (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 has filed a responsive pleading.

68.11.2 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.

68.11.3 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, by personal service, or by Facsimile, and shall provide a certificate of service.

68.11.3 Time to Respond - Include Form 14. The other parent shall have fifteen (15) 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.

68.11.5 Court May Rule on Motion On Verified Motions and Response. Within ten

(10) 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 Rule 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.

68.11.6 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 down for expedited hearing, which hearing shall be held within twenty (20) 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.

68.11.7 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 unemancipated children of the parties.

68.12 DOMESTIC CALL DOCKET AND PRE-TRIAL CONFERENCE

68.12.1 Call Docket. Upon filing of a domestic relations case the Clerk shall place the matter on the Court's first docket one hundred twenty (120) days after filing for review. Counsel and unrepresented parties shall appear at said time and advise the Court of the status of the case. A Discovery or Mediation Order may be entered that date.

68.12.2 Trial Setting. No case shall be set for a contested hearing:

.1 Until all discovery is complete and all required documents filed (or there is a written waiver by the Court due to lack of cooperation by one of the parties or discovery schedule ordered);

.2 If there are unemancipated children and mediation has **not** been completed or ordered, Form 68-O waiving mediation shall be filed;

.3 If venue is improper, Form 68-N shall be filed.

68.12.3 Pre-Trial Conference. If a pre-trial conference is ordered by the Court **the parties and their counsel shall appear**. The conference will be held for the following purposes: (a) To decide on the amount of time needed for the proper conduct of the trial; (b) To determine the agreed upon and contested issues in the cause; (c) To exchange any updated disclosure and file required documents.

68.13 DISMISSAL BY COURT

Without notice, the Court may dismiss any family law case or motion which is not tried or set for trial after the expiration of six (6) months from the filing date.

68.14 Employer Information for Automatic Wage Withholding of Child Support and/or Maintenance

In any case in which child support or maintenance has been ordered, upon judgment being entered, counsel for the child support or maintenance recipient shall file with the Circuit Clerk's office a completed Form 68-W.

RULE 69 MUNICIPAL DIVISION

BACKGROUND: The Missouri Supreme Court Committee on Practices and Procedures in Municipal Division recommended establishment of "Protocols for Presiding Judges and supervising Judges of Municipal Divisions." On December 29, 2016, the Supreme Court published said Protocols. Among the recommended Protocols is the adoption of a local Circuit Court Rule governing the operations of that circuit's Municipal Divisions. The Local Court Rule is to "conform to all requirements of the law." The Local Court Rule "shall specify how the Circuit's Municipal Divisions shall comply with the "Minimum Operating Standards" in Appendix A of Rule 37.04, published in September 20, 2016.

Additionally pursuant to 479.172 RSMo, Municipal Divisions shall adopt a written policy outlining the requirements and procedures to report disposition information on all intoxication related traffic offenses to the Office of State Courts Administrator's Office and Missouri State Highway Patrol. To comply with this requirement a copy shall be on file with the Office of the State Courts Administrator's Office and the Missouri State Highway Patrol and if any revisions are made to this order, they shall also be forwarded to OSCA and MSHP. To accomplish this requirement and other requirements the Municipal Divisions have enacted in various forms and iterations Municipal Court Operating Orders. The attached template for an operating order (which is incorporated herein and made a part hereof and Marked Attachment # 1) compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016, including relevant sections of Supreme Court Rule 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," including Appendix A, the Minimum Operating Standards for Municipal Courts: Municipal Divisions ("MOS"). This Order shall supersede any previous Municipal Court Orders which are now rescinded.

The local municipal court operating order is intended to apply, as is appropriate to do so, to all Court personnel, officers of the Court, attorneys, litigants, including without limitation the judge, court administrator, clerk of court, prosecuting attorney, prosecuting attorney's clerk, bailiff, and security personnel.

Appendix B of Rule 37.04 entitled "Code of Conduct for Municipal Division Personnel," was published on November 1, 2016, by the Supreme Court. The Code applies to all "full-time, part-time, and temporary court system employees in municipal divisions."

For purposes of clarity, this Rule organizes the "Minimum Operating Standards" into five separate parts.

PURPOSE OF RULE: This Rule is intended to organize, and supplement the "Minimum Operating Standards" and "Code of Conduct for Municipal Division Personnel." If there are

conflicts between this Rule and the “Minimum Operating Standards” or the “Code of Conduct for Municipal Division Personnel,” the Minimum Standards and the Code of Conduct shall prevail. All the provisions of this Order shall be subordinate to Missouri Supreme Court Rules and Missouri statutes, as amended, which may differ than the provisions of this Rule.

REPEAL OF CURRENT LOCAL RULES By adoption of this Rule 69 the Court En Banc repeals existing Rule 69 also related to Municipal Divisions.

69.01 OPERATIONS OF MUNICIPAL DIVISIONS

PART I: COURTROOM, CLERK’S OFFICE, RECORDS, SEPARATION OF POWERS

A. Courtroom – Physical Requirements

1. All courtrooms shall be suitable and meet due process requirements for all court attendees. Section 479.060.1.

2. All courtrooms shall be open to the public of all ages and large enough to reasonably accommodate the public, parties, and attorneys, unless the court orders otherwise in a particular circumstance for good cause shown.

3. The court facility’s exterior and interior signage, design, functionality and other factors shall convey an appearance to the public that it is a separate and independent branch of government.

4. The violation bureau schedule of fines and costs shall be prominently posted at the place where fines are to be paid. Rule 37.49(d).

5. The courtroom facility shall be sufficient for the purpose of a courtroom. The facility chosen for court shall take into consideration the safety and comfort of the public, parties, and lawyers. The facility chosen shall uphold the integrity and independence of the judiciary as a separate branch of government.

6. Members of the public and the news media have access to open municipal division records in accordance with Court Operating Rules (COR) 2 and 4 and other relevant law.

B. Clerk’s Office – General

1. The court division shall have a functional clerk’s office that organizes and preserves the judicial records of the court in a prudent and organized manner and in compliance with applicable laws and Supreme Court rules.

2. The court shall have a municipal clerk available at least 30 hours per week during regular business hours and court sessions to whom the person can pay fines and from whom the person can obtain information about charges, payments and court operations, pursuant to Missouri Supreme Court Rule 37.04 Minimum Operating Standard #8. The clerk should be available in person during these hours in an office open and accessible to the public and may perform other functions for the municipality that do not constitute an actual or apparent conflict

with the impartial performance of judicial duties. In the event the court does not have sufficient staff to have a clerk available for all of the 30 hours in person, the clerk may instead be made available for up to 15 of the 30 hours to provide information about charges, payments and court operations through live communication by telephone, email, or other means of electronic communication.

C. Open Records, Recordkeeping Each municipal court shall:

1. Maintain complete and accurate records of court proceedings, including warrants outstanding, bonds posted, case files and dispositions.

2. Ensure proper disposition of all cases is documented on the court dockets or backer sheets and that all court dockets or backer sheets are signed by the municipal judge, if required by law.

3. Ensure that an information signed by the prosecuting attorney is filed for each ordinance violation to be prosecuted. In addition, the court shall ensure that the prosecuting attorney signs all tickets and reviews and approves all amended and dismissed tickets. Rule 37.34.

4. Document proper disposition of cases in manual or electronic records and ensure that sufficient documentation is maintained to support all case actions.

5. Maintain procedures to generate monthly reports of court activity. The court shall submit these reports timely to OSCA and to the city in accordance with state law, COR 4.28 and 4.29, and section 479.080.3, RSMo.

6. Maintain regular computer data backup procedures and ensure such data is stored in a secure off-site location and also test its recovery on a regular, predefined basis.

7. Ensure unique user identifications and passwords are required for each employee. Ensure passwords are confidential and periodically changed. Ensure user access is periodically reviewed and unnecessary access, including that of terminated users, is timely removed. Review user access to data and other information resources to ensure access rights are commensurate with current user job responsibilities.

8. Segregate accounting duties to the extent possible. If not possible to segregate duties, the court shall ensure that documented periodic independent or supervisory reviews of court records are performed.

9. Maintain accurate records to account for all payments received and deposited, that receipts are posted accurately and timely, and that the method for payment is indicated on all receipts. All checks and money orders are endorsed immediately upon receipt. If manual receipts are in use, the court shall ensure that manual receipt slips are timely entered in the computerized system and the numerical sequence of manual receipt slips is accounted for properly. The court shall ensure that voided transactions are properly documented and approved.

10. Perform reconciliation of the composition of receipts to the composition of deposits, and deposit all monies intact and timely.

11. Perform monthly bank reconciliations, resolve reconciling items, and make appropriate, documented adjustments to accounting records timely.

12. Prepare monthly lists of liabilities and reconcile the lists to the bank account and/or city fund balance, and promptly investigate and resolve differences. The court shall establish procedures to review the status of liabilities to determine the appropriate disposition of funds held.

13. Develop procedures to ensure the monthly distributions are properly calculated and disbursed timely.

14. Establish procedures to routinely generate and review the accrued costs list for accuracy and properly follow up on all amounts due.

15. Obtain signed payment plans from all defendants granted such plans. Ensure that payment plans are incorporated in the case management system in accordance with court operating rules where applicable.

16. Notify the circuit clerk of its court's existence. Section 479.030.1.

17. Provide sufficient non-judicial personnel to ensure proper functioning of the court. Section 479.060.1.

18. Ensure all fines and costs collected shall be paid into the municipality's treasury at least monthly. Section 479.080.1.

19. Provide a monthly list of cases with required detail within 10 days of the end of each month to the municipality. Section 479.080.3. Municipal Division Summary Reports can fulfill this requirement. COR 4.29.

20. Adopt a written policy for reporting intoxication-related traffic offenses to the central repository and provide same to OSCA and the highway patrol. Section 479.172.1 and 479.172.2. A municipal court operating rule adopted by a specific municipal court shall suffice for this purpose. (see Attachment #1)

21. Provide a semiannual disposition report of intoxication-related traffic offenses to the circuit court en banc. Section 479.172.3.

22. Maintain adequate documentation to support all adjustment transactions and ensure an independent review and approval of these transactions is performed and documented.

23. Maintain a change fund at an established amount and periodically count and reconcile the monies on hand to the authorized balance.

24. Maintain bond coverage for all personnel with access to municipal division monies.

25. Ensure all bond receipts are recorded and deposited timely and intact.

26. Develop procedures and maintain records to identify applicable violations and the associated fines and court cost revenues for purposes of the revenue calculations required by Section 479.359 RSMo et seq., and provide this information to the city.

D. Separation of Powers Each court shall comply with the following requirements:

1. Administrator's and clerks of court and other nonjudicial personnel, when performing court-related functions, shall work solely under the direction and supervision of the municipal judge, the circuit clerk, or another officer of the judicial branch as to the work to be performed and the manner in which it is to be done.

2. Clerks of court and other nonjudicial personnel shall not perform any functions that could constitute an actual or apparent conflict of interest with the impartial performance of their judicial duties.

3. Judges, clerks of court, and other nonjudicial personnel shall not be subject to informal pressure, formal discipline, firing, or threats of non-retention or non-reappointment at the conclusion of a term of office by officers and administrators of the municipal government resulting from the performance of judicial duties in a manner that upholds the independence of the judiciary.

4. Judges, clerks of court, and other nonjudicial personnel shall not be subject to informal pressure, formal discipline, firing, or threats of non-retention or non-reappointment at the conclusion of a term of office by officers and administrators of the municipal government that are designed to encourage or require the court to operate in such a way as to maximize the municipal revenues derived from municipal division operations or to meet specified revenue targets without regard to whether such goals or targets are communicated formally or informally to court personnel.

PART II GENERAL COURTROOM PROCEDURES

A. Rights of Defendants Each court shall comply with the following requirements:

1. Establish standardized procedures to assure that defendants are given advice of rights pursuant to Rules 37.47, 37.48, 37.50, and 37.58.

2. Provide a "Notice of Rights," in a form approved by or substantially similar to that approved by the Supreme Court, to all defendants. This notice of rights shall be displayed prominently wherever the clerk of the court transacts business with the public and in the facility where court proceedings are held. This notice of rights shall be made available as a handout for those appearing before the court and is displayed on each public information website operated by the court or on behalf of the court.

3. Ensure announcements by the judge intended for the benefit of all present are made in such a manner to that they can be heard throughout the courtroom or are communicated adequately in other ways. Such announcements shall also be communicated to those waiting outside the courtroom or otherwise made available to them when they come into the courtroom.

4. Utilize a written "Waiver of Counsel" substantially in the form of Form 37.C. Rule 37.58(d).

B. Other General Rules. Each court shall comply with the following requirements:

1. Ensure reasonable steps are taken so that, where applicable, the Violation Bureau schedule of fines and costs is provided to an accused at the same time as a violation notice. Rule 37.33(b).

2. Ensure any violation bureau established by the court processes only those violations authorized by Rule 37.49(c).

3. Ensure no additional charges shall be issued for failure to appear for a minor traffic offense.

PART III: ARRAIGNMENT, PLEAS, FINANCIAL CONDITION INQUIRIES, INDIGENCY, PAYMENT PLAN, ON-LINE

A. Fines, Costs Surcharges, Indigency. Each court shall comply with the following requirements:

1. Fines and costs assessed on “minor traffic violations”, as defined in Section 479.353(1)(a), shall not exceed \$225.00.

2. Fines and costs assessed on “municipal ordinance violations” as defined at Section 479.350(4) shall not exceed the mandatory maximum schedule of section 479.353(1)(b).

3. Fines assessed on other ordinance violations shall not exceed the maximum amount authorized by state law and the city code.

4. Only court costs (fees, miscellaneous charges, and surcharges as defined at section 488.010) authorized by state statute shall be assessed. The OSCA bench card on municipal court costs shall be used as a reference. Sections 479.260 .1, 479.360(5), and 488.012, RSMo; COR 21.01

5. “Dismissal on Payment Costs” [DPC] shall not be permitted. Section 479.353(5), RSMo; COR 21.01(c).

6. Court costs shall not be assessed against an indigent defendant who pleads guilty to or is found guilty of a minor traffic violation or a municipal ordinance violation as defined in Section 479.350 (3) and (4). Section 479.353 (4)(5).

7. No fee shall be assessed to the defendant for the use of community service, in compliance with the requirements of Section 479.360.1, RSMo.

B. Defendant’s Rights to Present Evidence of Inability to Pay Fines. Each court shall comply with the following requirements:

1. Procedures shall be established for the judge to inquire of defendants and allow them to present evidence about their financial condition to assess their ability to pay and establishing payment requirements. The court shall ensure the indigency form provided by the Missouri Supreme Court is used in the determination of indigency. See Missouri Supreme Court Model Local Rule 69.01, Statement of Financial Condition attached.

2. Ensure procedures are in place whereby defendants may pay fines and costs within a specified period of time or make installment payments. Rule 37.65(a)(1)(2).

C. Alternative Payment, Community Service, Probation, Payment Plans. Each court shall comply with the following requirements:

1. The municipal court makes use of alternative payment plans. Section 479.360.1(8).
2. The granting of probation shall not be conditioned upon the payment of anything other than authorized fees. Probation shall not be denied because of the inability of the defendant to pay authorized probation fees and surcharges.
3. Any probation fees assessed shall be in compliance with Sections 549.525.2, 559.604, and 559.607, RSMo, including consideration of factors exempting a probationer from part or all of the standard monthly probation fee of \$30 to \$50 per month. The court shall advise offenders of the right to request individualized consideration of exemption from paying probation fees and surcharges under these statutes.

D. Payment On-Line Each court shall comply with the following requirements:

Ensure procedures exist to allow payments online. The court shall make available to the defendant, free, online access to information about his or her pending cases, outstanding warrants, and scheduled court dockets.

OR

Actively pursue court automation to achieve compliance with allowing payments online and making available to the defendant, free, online access to information about his or her pending cases, outstanding warrants, and scheduled court dockets.

E. Trial De Novo, Jury Trial, Change of Judge Each court shall comply with the following requirements:

1. The judge shall follow rules cutting off or limiting his or her authority to act in a case once a motion to disqualify, motion for jury trial, or motion for trial *de novo* is filed.

2. All notices of application for trial *de novo* shall be filed in writing with the municipal division within ten (10) days after the date of judgment. If no application for trial *de novo* is filed with the municipal division within ten (10) days of the judgment, the right for trial *de novo* shall be deemed waived and the municipal division shall execute the judgment and sentence.

3. If a defendant files an application for trial *de novo*, the fee for trial *de novo* shall be \$30.00 and shall be deposited with the municipal division. When an application for trial *de novo* is made without the deposit of the trial *de novo* fee, the defendant shall also complete and file a Statement of Financial Condition in the form provided by the Missouri Supreme Court under Model Local Rule 69.01 and the Statement of Financial Condition shall become part of the file certified to the circuit court. The judge assigned to hear the trial *de novo* shall be bound by the procedures established in Rule 69.01, Part III, A., B. and C.

4. When a trial *de novo* request has been filed, the court shall certify the file to the circuit court within 15 days. The court shall ensure that when a case record is certified to

the circuit court upon filing a request for trial *de novo*, all funds received in connection with the case, any bonds, and the record, shall be transferred within 15 days.

5. If the defendant requests a jury trial, the cause shall be transferred to the circuit court, [see applicable procedure regarding request for jury trial at Rule 69.03, below]

6. Once a case has been certified or transferred to circuit court, the court shall not act on that case unless and until the case is remanded to that court.

7. Upon successful change of judge requests and recusals, the procedural requirements of Rule 37.53(d) and Section 479.230, RSMo shall be followed.

8. While hearing a trial *de novo*, the circuit court shall be bound by Part III A, B and C as set out above.

PART IV: DEFENDANT IN CUSTODY, BONDS, WARRANTS and SENTENCING

A. Defendants in Custody Each court shall comply with the following requirements:

1. Procedures shall exist to prevent defendants from being held longer than 48 hours on minor traffic violations and 72 hours on other violations without being heard by a judge in person, by telephone, or via video conferencing.

2. The court shall make reasonable efforts to communicate to local law enforcement the 24-hour rule: "Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." Section 544.170.1, RSMo.

3. Confinement may, after compliance with Rule 37.65, be utilized if the defendant is found in contempt of court for nonpayment of fines and costs.

4. There shall be a duty judge available at all times to rule promptly upon warrants, bail and conditions of pretrial release, and other matters, without undue delay.

B. Bond Schedules: The municipal division shall ensure bail schedules be utilized only for persons arrested without a warrant and held no longer than 24 hours pursuant to sections 479.360.1(2) and 544.170.1, RSMo. Rule 37.17.

C. Warrants:

1. Warrants shall be issued only upon a finding that reasonable grounds exist to believe that the defendant will not appear upon a summons or that the accused poses a danger to a crime victim, the community, or any other person. Rule 37.43(b).

2. All warrants shall be signed only by judges unless the exception of a specific warrant ordered by a judge to be signed by a clerk is applicable. Rule 37.45(b)(6).

3. When a case is dismissed by the prosecuting attorney or otherwise finally resolved, or when the circumstances that justified issuance of a warrant no longer exist, the judge shall recall and cancel any outstanding warrants in that case as soon as practicable.

4. The recall and cancellation of outstanding warrants shall be communicated to law enforcement by the clerk without delay.

5. Due process procedures of Rule 37.65 shall be strictly followed before confining defendants for failure to pay fines and costs. Section 479.353(3).

D. Sentencing: No person shall be sentenced to confinement on “minor traffic violations” or “municipal ordinance violations” with the exception of violations: involving alcohol or controlled substances; endangering the health or welfare of others; or involving eluding or giving false information to a law enforcement officer. Section 479.353(2).

PART V: JUDGES’ QUALIFICATIONS, REGULATIONS and DUTIES

A. Qualifications

1. All judge(s) serving in a court municipality – full-time, part-time, substitute, and provisional – shall be selected pursuant to municipality’s ordinance or charter before serving. Section 479.020.1.
2. A judge may serve as a judge in no more than five municipalities. Section 479.020.9.
3. A judge shall not have attained the age of 75 years. Section 479.020.7.
4. All lawyer judges shall obtain the following required training and continuing education, and provide documentation thereof to the presiding circuit judge:
 - a. Orientation course completed within 12 months after beginning service. Rule 18.05(d).
 - b. Five hours of judicial CLE completed annually. Rule 18.05(a).
 - c. Two hours of judicial ethics CLE completed annually. Rule 18.05(b).
 - d. CLE compliance form is submitted to the circuit court presiding judge.
 - e. If substitute/provisional judges preside, names and CLE compliance forms have been provided to the circuit court presiding judge.
 - f. Instruction on laws related to intoxicated-related traffic offenses. Section 479.172.1.

B. Duties of Judge, Generally

1. The court shall have a mechanism in place to check for judicial conflicts prohibited by Rule 37.53(b)(2), so the judge recuses himself/herself in all instances when required to do so pursuant to this rule.
2. **Compliance with Minimum Standards.** By January 1 and July 1 of each year, each judge of a court shall certify to the presiding judge of his/her compliance with Minimum Operating Standards by completing the following form:

Municipal Division _____

Municipal Judge _____

Any Substitute or Provisional Judges _____

Address Where Municipal Division is Held _____

Dates and Times Where Municipal Division is Held _____

Municipal Division Telephone Number _____

Judge Contact Number _____

Judge Email _____

Court Clerk Email _____

I, _____, certify that this municipality complies with the following minimum operating standards together with all other minimum operating standards as approved by the Supreme Court of Missouri:

- Judge has received instruction on laws related to intoxicate-related traffic offenses. Section 479.172.1.
- A written policy for reporting intoxication-related traffic offenses to the central repository has been adopted and provided to OSCA and the highway patrol. Section 479.172.1. and 2.
- A copy of this written policy for reporting intoxication-related offenses to the central repository has been provided to the presiding circuit judge.
- Warrants are signed by the judge or by a clerk of the court when directed by the judge for a specific warrant. Rule 37.45.
- Judge complies with Rule 37.47: Initial Proceedings before the Judge, including:
- Arraignment as soon as practicable if defendant has not satisfied conditions for release.
- Judge shall inform the defendant of the:
 - Ordinance violation charged,
 - Right to retain counsel,
 - Right to request the appointment of counsel if defendant is indigent and there is a possibility of a jail sentence,
 - Right to remain silent,
 - Fact that anything that the defendant says may be used against him or her.
- Judge complies with Rule 37.48: Arraignment:
 - Arraignment shall be conducted in open court,
 - Judge reads the information to the defendant or states the substance of the charge.
 - Municipal division calls upon the Defendant to plead there to.
 - Defendant shall be afforded a reasonable time to examine the charge before defendant is called upon to plead.
- Judge complies with Rule 37.50: Right to Counsel:

- If conviction for an ordinance violation could result in confinement, the judge advises the defendant of the right to counsel and willingness of the judge to appoint counsel to represent the defendant.
 - Upon a showing of indigency, judge appoints counsel to represent the defendant.
 - Judge allows the defendant to proceed without counsel if the judge finds that the defendant has knowingly, voluntarily, and intelligently waived the right to counsel.
 - If it appears during the proceedings that because of the gravity of the ordinance violation charged and other circumstances that failure to appoint counsel may result in injustice, the judge then appoints counsel. Judge gives said counsel reasonable time to prepare.
- Choose one of the following:
 - The court allows payments online and makes available free, online access to information about pending cases, outstanding warrants, and scheduled municipal division dockets. The municipal division website is _____.
 - OR
 - The municipal division is actively pursuing court automation for compliance with payments online and making free, online access to information about pending cases, outstanding warrants, and schedule of municipal division dockets is scheduled to be in place by _____ (estimated date).
- Courtroom facility is sufficient for the purpose of a courtroom.
 - Courtroom is open to the public of all ages and large enough to reasonably accommodate the public, parties, and attorneys.
 - The facility chosen for the municipal division takes into consideration the safety and comfort of the public, parties and lawyers.
 - The facilities chosen shall uphold the integrity and independence of the judiciary as a separate branch of government.
 - Following applicable law, the judge relinquishes jurisdiction over a case when a motion to disqualify, motion for jury trial, or motion for trial de novo is filed.
 - When a case is transferred to circuit court, the transfer occurs within 15 days.
- Judge has certified substantial compliance with section 479.360.1(1 to 10). RSMo, and provided signed certification to the governing body in compliance with the state auditor's rules and procedures. Section 479.360 .1 and 2. Additionally, the judge complies with the following provisions of section 479.360.1:
 - Procedures exist to prevent defendants from being held longer than 48 hours on minor traffic violations and 72 hours on other violations without being heard by a judge in person, by telephone, or via video conferencing.
 - The municipal division has made reasonable efforts to communicate to local law enforcement the 24-hour rule: "Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." See also section 544.1701.1, RSMo.
 - Confinement to coerce payment of fines and costs is utilized only if found in contempt of court after compliance with Rule 37.65.

- The municipal division inquires of defendants and allows them to present information about their financial condition when assessing their ability to pay and establishing payment requirements for monies due.
- The courtroom is open to the public of all ages and large enough to reasonably accommodate the public, parties and attorneys.
- Alternative payment plans are utilized. See also Rule 37.65(a)(1)(2).
- Community service is utilized with no fee assessed to the defendant.
- For minor traffic violations, procedures exist for electronic payment or payment by mail.
- Court provides to the municipality adequate information for the municipality to determine excessive calculations to the state auditor.
- If judge is a lawyer, complete Section A. If judge is non-lawyer, complete Section B.

Section A

If judge is a lawyer, the lawyer has completed each of the following:

- MJEC orientation course within 12 months after beginning service. Rule 18.05(d).
- Five hours of judicial CLE annually. Rule 18.05(a).
- Two hours of judicial ethics CLE annually. Rule 18.05(b).
- CLE compliance form is submitted to the circuit court presiding Judge.
- If substitute/provisional judges preside, names and CLE compliance forms have been provided to the circuit court presiding judge.

Section B

If judge is a non-lawyer judge, the judge has completed each of the following:

- Course of instruction administered by the MJEC within six months after selection. Rule 18.04; section 479.020, RSMo.
- Five hours of judicial CLE annually. Rule 18.05(a).
- Two hours of judicial ethics CLE annually. Rule 18.05(b).
- CLE compliance form is submitted to the circuit court presiding judge.
- If substitute/provisional judges preside, names and CLE compliance forms have been provided to the circuit court presiding judge.
- Judge has read the Supreme Court's "Minimum Operating Standards for Missouri Courts: Municipal Divisions" and substantially complies with the remaining Minimum operating standards.
- Judge has attached to this certification the following:
 - Semiannual disposition report of intoxication-related traffic offenses provided to the circuit court en banc,
 - Substantial compliance certification with section 479.360.1(1 to 10),
 - CLE compliance forms.

I certify that my municipal division has complied with all of the above minimum operating standards terms.

Date

Signature

RULE 69.02 REGISTRATION OF MUNICIPAL JUDGES

Each Municipal Judge shall, within thirty (30) days of his appointment or election to office, register with the presiding judge of the circuit and with the Office of State Courts Administrator, setting forth his full name, address, telephone number, term of office and name of the municipality.

RULE 69.03 JURY TRIALS – MUNICIPAL DIVISION

1. Where authorized by law, the defendant may demand trial by jury.
2. All demands for trial by jury shall be in writing, and shall be filed with the municipal division in accordance with Missouri Supreme Court Rule.
3. Within fifteen (15) days after a demand for trial by jury is granted, the Municipal Judge shall cause all original papers filed in the case, including any bail or appearance bonds, and any cash or other property given as security upon any such bond, to be filed with the Clerk of the Circuit Court.
4. Upon receipt of the original papers by the Clerk of the Circuit Court, the Clerk shall open a file and assign the case a uniform number.
5. In any case, the Circuit Court may assess costs and fees as provided by law against the defendant, including but not limited to jury fees, clerk fees, service fees, and witness fees.
6. The costs, fees, and any fine assessed may be collected in any action allowed by law, and shall be paid into the registry of the Circuit Court. After collection, the Clerk of the Circuit Court shall disburse the monies collected to the municipal division and other recipients according to applicable statutes.

RULE 69.04 DISQUALIFICATION OF JUDGE

1. A Municipal Judge that is disqualified, pursuant to Missouri Supreme Court Rule 37.53 shall within ten (10) days after his or her disqualification inform the Presiding Judge of the disqualification.
2. The Presiding Judge shall thereupon transfer another Municipal Judge to hear the case upon which the original Judge was disqualified and said transferred Judge shall have the authority to hear and determine the case.
3. In a municipality that has appointed a provisional judge to hear and determine cases in those situations when the sitting municipal judge is unable to hear and determine a case, the provisional judge shall be immediately assigned to hear and determine the case from which the sitting

municipal judge has been disqualified. The Municipal Judge is excused from informing the Presiding Judge of this or her disqualification when the appointed provisional judge is assigned to a case upon disqualification of the sitting judge.

RULE 69.06 ADOPTION AND IMPLEMENTATION OF AN INDIVIDUALIZED MUNICIPAL OPERATING RULE

The attached Operating Rule Order (which is incorporated herein and made a part hereof and Marked Attachment #1) which is effective with the adoption of these Rules by the Court en banc, compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016, including relevant sections of Supreme Court Rule 37.04, entitled “Supervision of Courts Hearing Ordinance Violations,” including Appendix A, the Minimum Operating Standards for Municipal Courts: Municipal Divisions (“MOS”). Each municipal division shall adopt a municipal operating order using this template (marked Attachment 1) which shall supersede any previous municipal court orders which are now rescinded. After adoption of the municipal operating order pursuant to this rule, a signed copy of said order shall be provided to the Presiding Judge. Any further amended orders are also to be provided to the Presiding Judge. If a municipal division has previously adopted a rule substantially following the template (Marked attachment #1), after providing a signed copy to the Presiding Judge, it shall be deemed to be in compliance with this rule.

Attachment #1

NOTE: This is intended as a template for the municipal division courts to use in implementing a local municipal division operating rule. It contains informational notes within the body of the order which should be deleted before signing the final order. Other sections may contain several options where those that do not apply should be deleted, and/or blanks which must be filled in before signing the final Order. In preparation of the operating order, the municipal division should assure that any modifications comply with and are not inconsistent with Missouri Statutes; Missouri Supreme Court Rules and orders, including the Minimum Operating Standards for Missouri Courts: Municipal Divisions (“MOS”) and the 32nd Judicial Circuit Local Rules.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

32nd JUDICIAL CIRCUIT

MUNICIPAL DIVISION – THE CITY OF _____

MUNICIPAL DIVISION OPERATING ORDER

Including Eight Local Court Rule provisions

Effective Date – _____, 20

**Background and Purpose of Division Operating Order
and Eight Applicable Local Court Rules**

A. This Division Operating Order compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016, including relevant sections of Supreme Court Rule 37.04, entitled “Supervision of Courts Hearing Ordinance Violations,” including Appendix A, the Minimum Operating Standards for Missouri Courts: Municipal Divisions (“**MOS**”). This Order shall supersede previous Court Operating Orders, which are hereby rescinded. The term “Municipal Division” shall be referred to herein as “Division.”

B. This Order is intended to include in one consolidated Division Order, such relevant statutes, rules and standards, to provide for and achieve procedural fairness, order and convenience for those who appear before this Division. This Order is intended to apply to all Court personnel, officers of the Court, attorneys, and litigants, including without limitation the Judge, Court Administrator, Clerk of Court, Prosecuting Attorney, Prosecuting Attorney's Clerk, Bailiff, and security personnel.

C. This Order is not intended to supersede, supplant, or alter any Missouri Supreme Court Rule, including the MOS, or any local circuit court rule adopted which governs the operations of a municipal division and reporting obligation, as provided in the "Protocols for Presiding Circuit Court Judges Supervising Municipal Court Judges" adopted by the Supreme Court in November, 2016. All the provisions of this Order shall be subordinate to Missouri Supreme Court Rules, Missouri statutes, and local circuit court rules, which may differ than the provisions of this Order.

D. This Order also includes in Part I, Section B, several local circuit court rules, which are not technically "operating orders" or "operating rules." The term "Court Administrator" as used in Part I, Section B, and elsewhere, also applies to those Divisions which utilize the term "Court Clerk." The Term "Division Clerk" shall also be considered synonymous, when that term is used in place of "Court Administrator" or "Court Clerk." The same is true for "Deputy Court Administrators," "Deputy Division Clerks, or "Deputy Court Clerks," which are the same position.

PART I – ADMINISTRATION OF MUNICIPAL DIVISION

A. General Administrative Procedures.

1. **General Duties of Court Administrator.** Court Administrator shall ensure that the Court regularly communicates with the Circuit Clerk and the Presiding Judge on all relevant matters, including the Division's existence. The Court Administrator shall comply with the standards set forth in "Open Records and other Recordkeeping Matters" contained in the MOS, following MOS #10. Such standards shall include maintenance of complete and accurate records of all Division proceedings, including warrants outstanding, bonds posted, case files and dispositions. All documentation "backer sheets" shall be signed by the Judge. The Court Administrator shall ensure that Division's computer data is backed-up, stored in secure offsite locations, and that passwords are kept confidential and periodically changed. Courts using the statewide case management system shall follow any published security guidelines.
2. **Case Numbering and Case Indexing.** Case index records shall be maintained on all municipal cases. Judgment index records shall be maintained on all municipal judgments. Case indexes shall be maintained for each case filed, including traffic or non-traffic violations. The index shall include the full name of the defendant, case number, date the case was filed with the court, and the case disposition. Confidential cases shall be accessible only by authorized personnel.

Cases filed by the prosecutor shall be assigned a unique number by the Division. The numbering system shall be that used by the Office of State Court Administrator ("**OSCA**") or that computer software vendor approved by the State Judicial Records Committee. All forms used by the Division shall be numbered sequentially and accounted for, including tickets, summons, complaints, receipt slips, bond forms, and payment agreements. (*Source: §§483.065, 483.075, and 483.082 RSMo; Supreme Court Operating Rule ("**COR**") 4.04.; payment agreement source State Auditor recommendation, Municipal Clerk Manual ("**Clerk Manual**") Section 1.1c.*)
3. **Violation Bureau Schedule – Posting and Availability to Accused.** The Judge shall, from time to time, appoint a Court Administrator to be the Violation Bureau Clerk. This shall be by a separate order. The Violation Bureau Schedule shall list and process only those violations authorized by Supreme Court Rule 37.49(c). It shall be prominently displayed at the place where fines are to be paid. The Court Administrator shall periodically communicate with the police department to ensure, where applicable, the schedule of fines and costs payable through the Violation Bureau is provided to an accused at the same time as a violation notice. (*Source: Supreme Court Rules ("**SCR**") 37.49 and 37.33(b).*)

4. Budget. The Court Administrator shall communicate regularly with the Judge and the City Finance Department (“**City**”) regarding any budget issues involving the Division. Any budget disputes shall be resolved through a settlement conference with the Presiding Judge, if necessary. The Court Administrator shall work with the City to identify associated fines and costs revenues for the purpose of the revenue calculations required by law. (*Source: Mo. Constitution, Article II; §479.359 RSMo; COR 13.*)
5. Advising Litigants of Their Rights in Court. The Court Administrator shall take necessary steps to ensure that defendants are given advice of rights pursuant to the SCR and MOS #9, including a “Notice of Rights in Municipal Division” form as approved by the Supreme Court. (*Source: SCR 37.47, 37.48, 37.50, and 37.58; MOS #9.*)
6. Compliance with Certifications and Reports to Auditors – Highway Patrol. The Court Administrator shall communicate with Missouri State Highway Patrol (“**MSHP**”) and OSCA to be compliant with their policies and management agreements regarding information, including terminal operations. The Court Administrator shall communicate with the Judge and with the City to facilitate compliance with requirements of other agencies with respect to the information systems provided to the Division.

B. Applicable Local Circuit Court Rules.

NOTE: The following eight provisions are not “operating orders,” but in the nature of local court rules, are included here for convenience.

1. Court Administrator. The Court Administrator (or, as known in some Divisions, the “Court Clerk” or “Division Clerk”), shall be the chief administrator of the Division. The Court Administrator and all Deputy Clerks, shall be responsible for the orders contained in Parts I, II and III, except when such orders are applicable only to the Judge, to the Prosecuting Attorney, to the Prosecuting Attorney’s Clerk, or to other personnel other than the Court Administrator. The Court Administrator shall, when applicable, cooperate with the City to assist the Court Administrator to effectuate applicable provisions of this Order. To the extent not prohibited by the MOS, or other relevant law or rule, the Court Administrator shall cooperate with the Prosecuting Attorney’s Clerk, the police department, and the City.
2. Minor Traffic Violations – Special Rule. The Court Administrator shall clearly mark the jacket or outside of case files which fall under the current definition of “Minor Traffic Violations” so that the Division may readily recognize such cases when handling the file. The Court Administrator shall communicate with the Division, and with the Prosecuting Attorney’s Clerk and Prosecuting Attorney, so that all court personnel are aware of the limitations with respect to fines, costs, and other conditions imposed upon the Division by legislation. (*Source: §§479.353 and 479.360 RSMo.*)
3. Municipal Ordinance Violations – Special Rule. Fines and costs assessed on a “Municipal Ordinance Violation” (as defined by law) shall not exceed the mandatory maximum schedule set forth by statute. The Court Administrator shall clearly mark the Division files, to report any previous relevant violations of “Municipal Ordinance Violations” so that the Court may not impose a fine in an amount which exceeds the mandatory maximum schedule. (*Source: §§479.350(4) and 479.353(1)(b) RSMo.*)
4. Segregation of Duties. The Court Administrator shall abide by MOS #7 and, as applicable, take all steps necessary to segregate the duties of the Prosecuting Attorney and law enforcement from that of the Court Administrator. The Court Administrator and the Prosecuting Attorney’s Clerk shall cause there to be separate filing systems for prosecutor-related documents and communications, from those documents and communications under the authority of the Court Administrator.
5. Hours of Court Administrator’s Office. The Court Administrator shall communicate regularly with the Division and with the City so that the Court Administrator’s office is open and accessible to

the public for the required number of hours per week, or the Court Administrator is available, all in accordance with MOS #8.

6. Confidential and Closed Records.

- a. Identify Records. The Court Administrator shall identify all Division records that contain confidential information and maintain all confidential records in accordance with those procedures set forth in Chapter 5 of the then current Clerk Manual. The Court Administrator shall permit closed records to be inspected by the defendants, courts, and those agencies as are set forth in Section 610.120 RSMo. The Court Administrator shall identify all Court records (including docket entries for cases that have been nolle prossed, dismissed, Substance Abuse Traffic Offender Program (“**SATOP**”), or the defendant found not guilty) that contain confidential information. The Court Administrator, on behalf of the Judge, shall request the city provide adequate and secure file cabinets for the retention of confidential records and closed files. The Court Administrator shall comply with laws regarding confidentiality of identifying information contained in Court documents regarding victims of sexual or domestic assault, or stalking. (Source: §§566.226, 610.105 and 610.120 RSMo; Section 5.1 of Clerk Manual.)
- b. Confidentiality of SATOP Programs. If the Division orders the defendant to participate in a SATOP program, the Court Administrator shall file all documents received from the program provider in the case file, and all documents relating to the program assessment, assignments and completion shall remain confidential. (Source: 42 CFR Part 2, 42 U.S.C. 290 dd-3.)

7. Record Retention and Destruction. The Court Administrator shall retain all Division records unless there shall be an order signed by the Presiding Judge of the Circuit Court to destroy same. The Court Administrator shall follow COR 8 and the City shall cooperate with the Court Administrator to follow a regular schedule to destroy and/or transfer cases eligible for transfer or destruction in accordance with COR 8. The Court Administrator shall abide by those recommended procedures set forth in Chapter 5 of the then current Clerk Manual. All requests to destroy or transfer records shall be signed by the Presiding Judge. (Source: COR 8; Section 5.2 of Clerk Manual.)

8. Conflicts. In order to comply with the requirements of MOS #5, the Judge, in cooperation with the Court Administrator shall, as far as practicable, manage a conflict plan enacted by the Judge, in order to ensure there are no judicial conflicts as prohibited by SCR. The Judge shall recuse himself/herself in all instances when required to do so. Further, the Division, Court Administrator, and other non-judicial personnel shall not perform any functions which constitute an actual or apparent conflict of interest with the impartial performance of their duties. (Source: SCR 37.53(b)(2); MOS #5 and #7.)

C. Reporting Requirements of the Municipal Division.

1. Reporting to the City. Unless substituted with the report required under COR 4.28, within the first ten (10) days of each month, the Court Administrator shall submit to the City Clerk copies of the dockets of all cases heard during the preceding month by the Division and those cases in which there was an application for a trial de novo. If a record is closed under Chapter 610, RSMo., the Court Administrator shall not include the name of the defendant in the monthly report. For all cases that are nolle prossed, dismissed, or those in which the defendant is found not guilty, the Court Administrator shall supply all the required information, but black out the defendant's name. The Court Administrator may, pursuant to the authority in COR 4.29, substitute submission of the dockets to the City Clerk with the report required to be sent to OSCA under COR 4.28. (Source: §§479.080.1 and 479.080.3 RSMo, COR 4.28 and 4.29; Section 1.4 of Clerk Manual.)

2. Reporting to the Department of Revenue.

- (a) Case Disposition. The Court Administrator shall report case disposition information on all moving traffic violations, alcohol and drug-related traffic offenses, including suspended imposition of sentence, all convictions while driving a commercial motor vehicle, including commercial driver's license holders driving a personal vehicle, to the Missouri

Department of Revenue (“DOR”). The Court Administrator shall abide by the “Case Processing Procedures” found in Chapter 3 of the then current Clerk Manual published by OSCA. The Court Administrator shall ensure that the disposition is received by the DOR within seven (7) days of the disposition. If defendant requests a *trial de novo* within the ten (10) day period after judgment against defendant, then the DOR shall not receive the disposition. (Source: §§302.225.1 and 577.051 RSMo; Section 1.4 of Clerk Manual.)

NOTE: For the judge authoring the order, three options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide Use]

The Court Administrator shall insure the accuracy of data entered into the automated case management system approved for statewide use by the State Judicial Records Committee, so that OSCA can automatically extract required reporting information to electronically provide to the DOR. In an effort to comply with this requirement, the Court Administrator shall actively review and correct data errors identified through the case management system’s problem logs.

[2. Divisions Using an Automated Case Management System Approved for Local Use and Approved for Electronic Reporting to the Department of Revenue]

The Court Administrator shall insure the accuracy of data entered into the automated case management system and ensure required reporting information is transmitted electronically in a format approved by the DOR.

[3. Divisions Not Using an Automated Case Management System or Using an Automated System Not Approved for Electronic Submission to Department of Revenue]

The Court Administrator shall complete the report by submitting a completed “Abstract of Court Record,” portion of the Uniform Citation, or by submitting a completed “Record of Conviction” form referenced in SCR form 37.B – *Record of Conviction*. (Source: SCR 37.B.)

(b) Crime Victims Compensation Fund. The Court Administrator shall cause a \$7.50 Crime Victims Compensation Fund (“CVC”) surcharge to be assessed on all non-moving and moving traffic violations and all other non-traffic municipal ordinance violations, unless the case has been dismissed, or costs have been waived due to the Division finding the defendant indigent. The Court Administrator shall forthwith cause the CVC charge to be reported to the DOR and disbursed as follows: 95% (\$7.13 of each fee) shall be sent to the DOR no less than monthly and 5% (\$.37 of each fee) to the general fund of the City in accordance with IV.C, *infra*. (Source: §§488.5339 and 595.045.6 RSMo.)

The Court Administrator shall be familiar with and abide by those provisions set forth in Sections 4.2 and 4.3 of the then current Clerk Manual.

(c) Abuse and Lose Procedures. In the event that the Judge shall enter an order suspending or revoking the defendant’s driving privileges under the Abuse and Lose law, the Court Administrator shall, within ten (10) days of the order, send any Missouri license surrendered to the Division, along with the certified copy of the Order of Suspension on the official DOR form, to the DOR. The Court Administrator shall follow those procedures regarding Abuse and Lose reporting as set forth in Section 3.8 of the then current Clerk Manual. (Source: §§577.500 through 577.505 RSMo.)

(d) Failure to Appear or Pay – License Suspension. The Court Administrator shall notify defendants within ten (10) days of that defendant’s failure to dispose of a moving traffic violation, that the Division will order the DOR to suspend that defendant’s license in thirty (30) days, if the charges are not disposed of or fully paid. This provision shall not apply to Minor Traffic Violations as defined in Section 479.353 RSMo (2015). For such violations for which a notice may be sent to defendants, such notification shall not be sent until a summons has been mailed to the defendant and defendant thereafter shall fail to appear. On non-Minor Traffic Violation cases that apply, the Court Administrator shall send the Failure to Appear or Pay Traffic Violation (F.A.C.T.) form to the DOR when a

defendant has failed to appear on a court date after a summons has been issued to the defendant, when the defendant fails to appear on a subsequent court date to which the case has been continued, or, when the defendant, without good cause, fails to pay any fine or costs assessed against him or her.

Upon payment of all fines and costs, or, if earlier ordered by the Judge, a compliance notice on forms approved by the DOR shall be issued to the defendant, and the Court Administrator shall forthwith advise the DOR of such compliance. (Source: §§302.341 and 427.353 RSMo; Section 3.5 of Clerk Manual.)

- (e) Withholding Renewal of License. In the event a defendant shall fail to appear when ordered, and without being first granted a continuance, and appropriate summons to follow the failure to appear, the Court Administrator shall notify the DOR within ten (10) days of the failure to appear, by using the "Lieu of Bail" form provided by the DOR, except such notification shall not be required if the Court Administrator has utilized the notification procedures set forth in Paragraph 5, *supra*. When the case is disposed of, the Court Administrator shall report the disposition as on any other traffic case. (Source: §544.045.4 RSMo; Section 3.5 of Clerk Manual.)
- (f) Non-Resident Violator Program. In the event a defendant who is not a resident of Missouri fails to appear, the defendant shall be notified by regular mail and given a specific amount of time to dispose of the traffic ticket before notification is made to the DOR. If defendant fails to comply, the Court Administrator shall forward the Non-Resident Violator Compact (NVRC) Form provided by the DOR, to the Compact Administrator at the DOR. This provision shall be in effect for non-resident defendants from all other states in the United States which are members of the Non-Resident Violator Compact. (Source: §544.046 RSMo; Sections 3.5 and 3.6 of Clerk Manual.)
- (g) Driver Improvement Programs. In the event that the Judge has ordered a non-CDL holder defendant to complete the Driver Improvement Program, the Court Administrator shall send notice of its completion to the DOR within fifteen (15) days of Program completion. The Court Administrator shall not send any notice of the Driver Improvement Program if the moving traffic violation has been amended to a non-moving violation by the Prosecuting Attorney. (Source: §302.302 RSMo; Section 3.7 of Clerk Manual.)
- (h) Ignition Interlock Device. When the Judge shall order the use of an ignition interlock device ("**IID**"), the Court Administrator shall forthwith send the Order to install the IID to the DOR properly executed, containing the requirements for the period of the use of the IID. (Source: §§577.600 through 577.614 RSMo; Section 3.2 of Clerk Manual.)

3. Reporting to OSCA.

NOTE: For the judge authoring the order, three options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide Use]

The Court Administrator shall insure the accuracy of data entered into an automated case management system approved for statewide use by the State Judicial Records Committee, so that OSCA can automatically extract required reporting information as provided by COR 4.28. In an effort to comply with this requirement, the Court Administrator shall actively review and correct data errors identified through the case management system and filing and disposition exception reports. (Source: COR 4.28; Section 1.4 of Clerk Manual.)

[2. Divisions Using an Automated Case Management System Approved for Local Use]

The Court Administrator shall insure that required reporting information is transmitted either electronically or manually in a format according to provisions of COR Rule 4.28. The Court Administrator shall insure the accuracy of data entered in the case management system. This information shall be submitted to OSCA no later than the 15th day of each month, with data

completed from the previous month's Division activity. (Source: COR 4.28; Section 1.4 of Clerk Manual.)

[3. Divisions Not Using an Automated Case Management System]

The Court Administrator shall complete and deliver the "Municipal Division Summary Reporting" form to OSCA no later than the 15th day of each month, with data completed from the previous month's Division activity. This data shall be delivered by e-mail or fax to OSCA on the then current form provided by OSCA. The Court Administrator shall complete the form in accordance with the instructions submitted from time-to-time by OSCA, and as contained in the then current Clerk Manual. A copy of the OSCA form shall be submitted to the Judge each month. (Source: COR 4.28; Section 1.4 of Clerk Manual.)

4. Reporting to the MSHP (Criminal History Reporting including Intoxication-Related Traffic Offenses, "Fingerprint Cards").

The Court Administrator shall report to the MSHP any violations of municipal ordinances involving alcohol or drug related driving offenses or any violations deemed to be "comparable ordinance violations" as defined by Section 43.503 RSMo and as listed in the Missouri State Charge Code Manual. The Court Administrator shall report violations without undue delay or within 30 days of case disposition.

At any court appearance for any reportable offense, the Court Administrator shall inform the Division that the defendant needs to be fingerprinted and photographed, if not already obtained. The order for fingerprints shall contain the offense, charge code, date of offense and any other information necessary to complete the reporting.

For any reportable violation, the Court Administrator shall report to the MSHP a record of all charges filed, including all those added subsequent to the filing of the case, amended charges, and all final dispositions of cases where the central repository has a record of an arrest. The Court Administrator shall abide by reporting requirements found in Sections 1.4 and 3.3 of the then current Clerk Manual. (Source: §§479.172, 43.503 RSMo; Sections 1.4 and 3.3 of Clerk Manual.)

Dispositions that must be reported to the MSHP are:

- Not guilty, dismissed, nolle prossed or acquittal
- Plea of guilty or finding of guilt
- Suspended imposition of sentence
- Suspended execution of sentence
- Probation
- Conditional sentences
- Sentences of confinement

NOTE: For the judge authoring the order, two options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide Use]

The Court Administrator shall insure the accuracy of data entered into an automated case management system approved for statewide use by the State Judicial Records Committee, so that OSCA can automatically extract required reporting information and forward it to the MSHP. In an effort to comply with this requirement, the Court Administrator shall actively review and correct data errors identified through the case management system's problem log reports. (Source: §§ 43.503 and 43.506 RSMo; Sections 1.4 and 3.3 of Clerk Manual.)

[2. Divisions Using an Automated Case Management System Approved for Local Use or a Manual Case Management System]

The Court Administrator shall insure that required reporting information is transmitted manually by completing and sending to the MSHP the Prosecutor Action and/or Court Action Segment(s) of the State Criminal Fingerprint Card, which contains an Offense Cycle Number (OCN), pursuant to Section 43.506 RSMo. (Source: §§ 43.503 and 43.506 RSMo; Sections 1.4 and 3.3 of Clerk Manual.)

The Court Administrator shall provide any information received by the Division Administrator to the Judge, so that the Judge shall comply with the statutory requirement to receive "adequate instruction on the laws related to intoxication-related traffic offenses." (Source: §479.172.1 RSMo.)

5. Reporting Intoxication-Related Traffic Offenses to Circuit Court en Banc

The Court Administrator shall prepare a report twice annually, by June 30th and December 31st, which shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending in that Division. The Division shall submit said report to the Circuit Court en Banc. The report shall include the six-month period beginning January 1st and ending June 30th and the six-month period beginning July 1st and ending December 31st of each year. The report shall be submitted to the Circuit Court en Banc no later than sixty (60) days following the end of the reporting period. The Judge shall attach the same report to the Presiding Judge in accordance with I.C.7. of this Order by January 1st of the year, recognizing that there is no sixty (60) day period to submit the report following the end of the reporting period as there is for the report to the Circuit Court en Banc. (Source: §479.172.3 RSMo; MOS; Section 1.4 of Clerk Manual.)

NOTE: For the judge authoring the order, two options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide]

Unless instructed by the circuit court to provide additional information or report in a different manner, the Court Administrator shall run the Report.net reports described in Chapter 1 of the then current Clerk Manual and complete the "Municipal Division Summary Reporting Form." The Court Administrator shall send the "Municipal Division Summary Reporting Form" along with a cover letter to the Presiding Circuit Judge to meet the semi-annual reporting requirement to the Circuit Court en Banc.

[2. Divisions Using an Automated Case Management System Approved for Local Use or a Manual Case Management System]

Unless instructed by the circuit court to provide additional information or report in a different manner, the Court Administrator shall use the "Municipal Division Summary Reporting Form" that is submitted monthly to OSCA to meet the semi-annual reporting requirement to the Circuit Court en Banc. The Court Administrator shall make copies of each month's report for the required reporting period and send along with a cover letter to the Presiding Circuit Judge.

6. Reporting to OSCA and MSHP (Intoxication-Related Traffic Offense Written Policy)

The Court Administrator shall provide a signed copy of this Order to the MSHP and OSCA at the addresses shown below. If any revisions are made to this Order, the Court Administrator shall provide a revised copy to the MSHP and OSCA. (Source: §479.172 RSMo; Section 1.4 of Clerk Manual.)

Addresses and facsimile numbers where copies shall be sent are:

Office of State Courts Administrator
Attention: Court Services Division, DWI Reporting Policy
P.O. Box 104480
2112 Industrial Drive
Jefferson City, Missouri 65110
Fax: 573-522-5961

Missouri State Highway Patrol
Criminal Justice Information Services Division
P.O. Box 9500
Jefferson City, Missouri 65102
Email: mshpcjis@mshp.dps.mo.gov

7. Reporting to the Presiding Circuit Judge. The Court Administrator shall meet with the Judge to review the "Minimum Operating Standards Form" to be submitted semi-annually to the Presiding Circuit Judge, to ensure compliance with the items to be certified in such Form. (*Source: MOS #10.*)
8. Reporting to State Auditor. The Court Administrator shall meet and confer with the Judge to ensure that the City shall timely file with the State Auditor, together with the City's report due under Section 105.145 RSMo, the City's certification of its substantial compliance signed by the Judge with the Division procedures set forth in Section 79.360.1(1)(10) RSMo. The Court Administrator and the Judge shall meet periodically to review the provisions of Section 479.360(1) in order to ensure compliance with the State Auditor requirements.
9. Reporting to Judge. The Court Administrator shall assemble the reports submitted to DOR, the MSHP, OSCA, the Presiding Circuit Judge, and the State Auditor, and maintain same in a file for periodic review by the Judge, so that the Judge is aware that all reporting requirements have been complied with for the previous period.
10. Reporting to the Department of Insurance. The Court Administrator shall report all unsatisfied judgments against bail bond agents and sureties, and subsequent satisfactions of those judgments, to the Department of Insurance. The Court Administrator shall utilize those procedures set forth in the Clerk Manual. (*Source: § 374.763 RSMo; Section 2.3 of Clerk Manual.*)

D. Fines, Division Costs, Surcharges and Fidelity Bonds.

1. General Rules.
 - (a) The Court Administrator shall utilize his/her best efforts so that on each case adjudicated by the Judge, the Judge's appropriate fines are assessed and general Division costs are assessed only in the amounts set forth by statute or ordinance. These shall include CVC surcharges, police officer standard and training commission ("**POST**") surcharges, law enforcement training fine ("**LETF**") surcharges, recoupment, and other legal surcharges as set forth by law and city ordinance. Those fines and costs that shall be collected shall be remitted timely to the City, and to the DOR respectively, in accordance with this Order. (*Source: MOS #4.*)
 - (b) The Court Administrator shall use the OSCA Cost Card on municipal division costs as a reference. Dismissal upon payment of costs shall not be permitted. Division costs shall not be assessed against indigent defendants, as per law. (*Source: §479.353(4)(5) RSMo; MOS #4.*)
 - (c) The Division shall be in compliance with the then current statutes regarding community service utilization and its costs or fees. (*Source: §479.360.1 RSMo; MOS #2 and #4.*)
 - (d) The Court Administrator shall have present at all times in the courtroom sufficient copies of procedural forms so as to allow defendants to present evidence of their financial condition in assessing their ability to pay, and for the Division to establish payment plans.

The Court Administrator shall have other forms as available from OSCA to comply with requirements by law. (Source: §479.360.1 RSMo; Rule 37.65; MOS #2.)

2. Overpayment. The Court Administrator is not required to refund any overpayment of court costs of \$5.00 or less. The Court Administrator is not required to pursue collection of underpayments of court costs of less than \$5.00. Any overpaid court costs may be retained by the City for operation of the Division. The Court Administrator shall pay such overpaid funds to the City on a regular basis.
(Source: Court Cost: City Ordinance; CVC: §§488.5339. and 595.045 RSMo; POST: §488.5336 RSMo; LETF: §488.5336 RSMo.; Overpayments/ Underpayments: §488.014 RSMo.)
3. Receipts for Payment of Fines, Division Costs and Surcharges. The Court Administrator shall issue a pre-numbered receipt for all collections and provide such a receipt to the payer if payment is made in person, and retain a duplicate copy of the receipt in the receipt book or maintain the receipt in an approved automated system. In the event that the automated system is unavailable, manual receipts shall be issued and the payment shall be accounted for immediately following the restoration of the automated system. If payment is made by mail, the Court Administrator shall file the original copy of the receipt with the case file information, or maintain the original receipt in a pre-numbered receipt book or approved automated system cross-referenced with the docket entry, unless the payer requests the receipt be returned by mail, and provides a self-addressed, stamped envelope. (Source: COR 4.53 and Section 4.5 of Clerk Manual.)
4. Electronic Payments. The Court Administrator shall communicate with the City to create an appropriate system to allow court payments online and further, to make available free, online access to information about pending cases, outstanding warrants and scheduled Division dockets. (Source: MOS #6.)
5. General Compliance with Recommended Accounting Procedures for Municipal Divisions; Deposit of Fines, Costs, Surcharges and Bonds to be placed into Applicable Accounts.
 - (a) The Court Administrator shall follow those recommended accounting procedures for municipal divisions as set forth in Section 4.5 of the Clerk Manual. The Court Administrator shall cooperate with the City to comply with the provisions of law limiting the percentage of revenue from Municipal Ordinance Violations and Minor Traffic Violations for reporting purposes. (Source: §479.359 RSMo.)
 - (b) The Court Administrator shall deposit all fines, costs, surcharges and bonds collected in the Division's or City's bank accounts on a daily basis, or when the amount on hand reaches \$100.00, if not on a daily basis. The Court Administrator shall, to the extent possible, work jointly with the City to effectuate all deposits by delivery of same for deposit by police officers or other city personnel. The Court Administrator shall cause specific surcharges, including, but not limited to, CVC, POST, LETF, police recoupment, and, if applicable, domestic violence and inmate security surcharges, to be placed as separate line items or in separate accounts and to be remitted to the proper entity or account no less than monthly. (Source: COR 21; Section 4.5 of Clerk Manual; MOS "Open Records and Other Recordkeeping Matters" and "Financial and Bookkeeping" provisions.)
6. Fidelity Bonds. The Court Administrator shall request the City to maintain fidelity bonds, in an amount established by the City, in consultation with its auditors, covering the Court Administrator and all other personnel who handle collection or deposit of fines, court costs and surcharges related to the Division. The Court Administrator shall obtain a copy of the declaration sheets of any such bonds obtained by the City to keep in the Division permanent files. (Source: Section 4.5 of Clerk Manual; MOS "Financial and Bookkeeping" provisions.)

E. Surety Bonds and Confinement.

1. **Bond Qualifications.** The Court Administrator shall keep a list of those sureties who have qualified to post surety bonds. No person shall be accepted as a surety on any bail bond unless he or she is licensed by the Department of Insurance. (*Source: SCR 37.29 and §374.710 RSMo.*)

No lawyer, elected or appointed official or municipal or state employee shall be accepted as a surety on any bond unless related to the defendant.

2. **Cash Bond Schedule.** Any cash bond schedule approved by the Judge shall provide for procedures to comply with law. Such procedures shall include, but not limited to the following:

- (a) Procedures to prevent defendants from being held longer than 48 hours on Minor Traffic Violations and 72 hours on other violations without being heard by the Judge in person, by telephone or via video conferencing.

- (b) Procedures for the Court Administrator and others requiring reasonable efforts to communicate to the city police department the “24 hour Rule,” as described in Section 544.170.1 RSMo, relating to the right to review of conditions for release when no “conditions for release” have been imposed.

- (c) Procedures for the Court Administrator to communicate with the Judge and with the city police that there shall be no confinement to coerce payment of fines and costs, except after compliance with SCR 37.65.

(*Source: §§479.360.1, 479.360.2, 544.170.1 RSMo; SCR 37.1, 37.20 and 37.65; MOS #1.*)

3. **Unclaimed Bond Funds and other Funds.** The Court Administrator shall follow those procedures set forth in the then current Clerk Manual to pay to the State Treasurer’s Office Unclaimed Property Division, all funds unclaimed for three (3) years and cash bonds unclaimed for one (1) year, from the date the bond was due back to a person. The Court Administrator shall send a letter of notification and otherwise reasonably attempt to contact the person and return the funds. Said report shall be sent to the State Treasurer’s Office by November 1st of each year, and the Court Administrator shall remit said unclaimed funds with the report. The Court Administrator shall request the City assist in processing, reporting and remitting to the State Treasurer. (*Source: §§447.532, 447.539. and 447.595 RSMo; Section 4.4 of Clerk Manual.*)

F. Warrants.

1. The Court Administrator shall follow those procedures and guidelines concerning warrants as directed by the Judge, and in compliance with MOS #1. The Court Administrator shall ensure that warrants are signed only by the Judge, unless the exception of a specific warrant ordered by a Judge shall be signed by the Court Administrator is applicable. The Court Administrator shall ensure that when a case is dismissed by the prosecuting attorney or otherwise finally resolved, or when the circumstances that justified issuance of a warrant no longer exist, that the Judge is informed to cancel any outstanding warrants in that case as soon as practicable. (*Source: SCR 37.45.*)

2. The Court Administrator shall work with the Judge to create procedures to ensure that the recall and cancellation of all outstanding warrants is communicated to the police department by the Court Administrator without delay. The Court Administrator shall coordinate with the police department and the Judge to make sure there is a duty judge available at all times to rule promptly upon warrants, bails, conditions, and pretrial release, and other matters. (*Source: Chapter 2 of Clerk Manual; MOS #1.*)

- G. **Administrative Search Warrants.** The Court Administrator shall keep the application and any supporting affidavits, and a copy of all search warrants issued by the Judge in the records of this Division. (*Source: Chapter 542 RSMo; Section 2.11 of Clerk Manual.*)

[NOTE: Section G is only applicable for Divisions that have city ordinances allowing the issuance of administrative search warrants.]

- H. **Accounting Procedures.** The Court Administrator shall to the fullest extent possible, abide by those accounting procedures as are mandated by law, and in particular as are set forth in Chapter 4 of the then current edition of the Clerk Manual. (Source: §§479.080, 479.350, 479.353, 479.359, 483.075, and 483.082 RSMo; Chapter 610 RSMo; SCR 37; MOS “Financial and Bookkeeping” provisions; COR 4, 8 and 21.)

In particular, the Court Administrator shall work with the Judge and the City, to ensure that the “Financing and Bookkeeping” provisions of MOS are abided by as far as can be practicably accomplished.

- I. **Marriage Records.** If the Judge performs marriages, the Court Administrator shall communicate with parties desiring to have a marriage solemnized by the Judge. The Court Administrator shall require that the parties provide a marriage license and a Certificate of Marriage blank form to the Court at least ___ days [NOTE: Number of days should be entered by local court based on local need] before a scheduled wedding to ensure adequate review of such license.

The Court Administrator shall assist the Judge in completing the license and the Certificate of Marriage. The Court Administrator shall retain a full record of the solemnization performed by making a copy of the completed marriage license and a copy of the executed Certificate of Marriage, and keeping both documents in a permanent binder or folder. The Court Administrator shall cause the executed marriage license return to be sent to the appropriate licensing official as soon as possible, but not later than 10 days after the marriage is performed. (Source: §§451.110 through 451.130 RSMo, COR 14)

PART II – ORDERS REGARDING OPEN DIVISION AND EXCEPTIONS

A. General Rule.

1. **Division Shall be Open to the Public.** The Division courtroom shall be open to the public of all ages and large enough to reasonably accommodate the public, parties and attorneys. The Court Administrator and Judge should take reasonable steps if it appears that longer hours or additional court dates are required to meet this provision. (Source: §479.360.1 RSMo; MOS #8.)
2. **Opening of Division Doors.** Division personnel shall open the doors to the courtroom at least one hour prior to the commencement of the Division’s docket, unless a different order of the Division shall specify otherwise.
3. **No Refusal of Entry.** Division personnel shall not refuse entry by any person, whether defendant or other person, except and unless such person shall be in violation of any published dress code, is acting in an inappropriate manner, or if such entrance would violate the Fire Code. Division personnel shall have the right to ask persons entering the courtroom if they are a defendant or visitor, but only for purposes of directing where to sit, or to mark a name off the docket. Division personnel shall have the right to check purses, camera bags, and similar items.
4. The Division’s website and general correspondence shall not state that certain persons are prevented from attending any session of Division, except that there may be reference stating that those not in compliance with any published dress code adopted by the Division will not be admitted.

B. Exceptions and Limitations to the Above General Rules Regarding Open Division.

The Division recognizes and shall abide by the provisions of Sections 476.170, 479.060, 479.360 and 479.060 RSMo and MOS #8, requiring that the courtroom be open to the public of all ages and large enough to reasonably accommodate the public, parties and attorneys. The following are limited exceptions to this General Rule, as set forth in Paragraphs 1 through 5 below:

1. **Disruptive Persons.** If any person attending a Division session shall become disruptive in any manner, including, but not limited to, talking in anything other than a respectful whisper, creating other noise, not remaining seated, or in any other way becoming disruptive as observed by the Division personnel, that person shall be first cautioned by Division personnel, and if the offensive conduct is not immediately corrected, removed from the courtroom. The name of any defendant associated with the disruptive person shall be recorded. The defendant may be allowed to stay

outside until the Judge permits re-entry to take up defendant's case.

2. Persons under the Clear Influence of Alcohol or Drugs. If any person attending a court session shall appear to Division personnel to be clearly under the influence of alcohol and/or drugs, that person shall be, if a defendant, asked for his or her name and then be asked to leave the courtroom. The defendant shall be asked to remain outside the courtroom for determination by the Division whether to continue the matter or take other action. If the affected person is not a defendant or witness in a trial, that person shall be removed from the courtroom.
3. Appropriate Attire. When a person who desires to enter the courtroom does not meet any published dress code adopted by the Division, Division personnel shall require that said person leave the courtroom until such time as the person is appropriately dressed to meet the Code, or the Judge may continue the case upon request of the Prosecuting Attorney or defendant.
4. Overcrowding in Violation of the Fire Code. In the event of large attendance, bailiffs, police officers and other Division personnel shall count the persons present in the courtroom and shall limit access so as not to be in violation of the Fire Code. The number of persons who may be present in the courtroom without violation of the Fire Code is _____.

When it appears to the Division during any single Division session, that there will be more persons attempting to enter the courtroom than are permitted under the Fire Code, then the Division shall take such appropriate action as would be consistent with all legal and constitutional requirements.

5. Children. Subject to the right of the public of all ages to attend Division sessions, the Division may limit the presence of children unaccompanied by an adult. This shall not apply to persons under the age of seventeen (17) who are present in the courtroom as a defendant. For children sixteen (16) and under, the Division shall be open except as follows:
 - (a) When a child becomes noisy or will not remain seated, the parents or guardians of that child will be asked to remove said child or children. The bailiff or police officer shall record the name of the defendant associated with the child, and ask that the defendant and children remain in the hallway or outside the courtroom until their name is called on the docket. At such time as the defendant's name is called, the bailiff shall summon the family, including children, who may then enter the courtroom for purposes of arraignment or other business with the Division.
 - (b) The Division may exclude children if the nature of a matter being heard may be, in the Division's discretion, inappropriate for children.

(Source: §§476.170, 479.060, 479.360 and 479.060 RSMo; MOS #8.)

C. **Closing of the Courtroom.** Other than closure to those persons as set forth in Sections B.1 – 5, if the Judge, Prosecuting Attorney or defendant, desires to close the courtroom during any particular motion or trial, the Judge shall will conduct a brief hearing on whether to enter an order to close the proceedings and shall be guided by the following Sections:

1. The proponent of closure must present a showing of a compelling interest for such closure. The Judge shall balance the public's right of access with the interest identified by the proponent of closure and shall determine whether the interest identified by the proponent is such that closure of the courtroom is essential to preserve the interest under the circumstances.
2. Anyone present in the courtroom when the closure motion is made shall be given an opportunity to object to the closure.
3. The proposed method for curtailing open access shall be in the least restrictive means available for protecting the interest identified by the proponent of closure.
4. The order shall be no broader in its application or duration than necessary to serve its purpose.

See: State ex rel Pulitzer, Inc. v. Autrey, 19 S.W.3d 710 (Mo. App. E.D. 2000 and State v. Salazar, 414 S.W.3d 606 (Mo. App. 2013)

- D. **Retention of Rights.** The Judge retains the right to post and enforce additional rules of conduct in order to maintain the integrity and decorum of the courtroom, not to conflict with MOS #8.

PART III – OTHER GENERAL RULES

A. **Fax and Electronic Memoranda.**

- 1. This Division shall be always open for purposes of receiving faxes, electronic entries of appearance and motions. Notwithstanding, entries of appearances and motions for continuances shall be submitted for any particular court session no later than twenty-four (24) hours prior to the scheduled court date.
- 2. Requests for warrant recall may be submitted by fax.

- B. **Access to Division Files.** Members of the public, news media and attorneys of record shall have access to open Division records. There shall be an exception that requests to review files not on the docket must be made prior to the start of Division docket proceedings. The Court Administrator shall not be required to pull files not on the docket during Division sessions unless there is sufficient time to do so. (Source: Chapter 610 RSMo; COR 2 and 4; MOS #8.)

- C. **Access required by ADA.** Pursuant to the American with Disabilities Act, this Division shall provide, based on expressed needs, auxiliary aids or services to interpret any proceeding for a person who is deaf or hard of hearing. This requirement applies to a person who is a party, juror, witness, spectator, or a juvenile whose parent, guardian or foster parent is deaf or hard of hearing if the juvenile is brought to any proceeding. (Source: §§476.750-476.766 RSMo.)

SO ORDERED:

DATE _____

Judge, City of _____



**SUPREME COURT OF
MISSOURI**

en banc

September 19, 2016 as Amended December 14, 2016

In re: MODEL LOCAL RULE 69.01 - DETERMINING INDIGENT STATUS IN
MUNICIPAL DIVISION CASES

ORDER

1. The Court hereby approves for distribution the following model local rule:

69.1 DETERMINATION OF INDIGENT STATUS

(a) A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court the following “Statement of Financial Condition.”

STATEMENT OF FINANCIAL CONDITION
Name: _____ Case Number: _____
Address: _____
Your Age and Date of Birth: _____
Phone Number: _____ (Is it OK to text you at this number? Yes/No)
1) If you plead guilty or are found guilty, can you pay your fines and costs today? Yes/No
If you answered “No,” why not? _____

If you answered “No” to Question #1, or if you want the court to consider your financial situation, please answer the following questions and provide the following information:

2) Are you currently in the custody of the Children’s Division or DYS? Yes/No

3) Have you spent a night in jail during the past year because you were unable to post a bond?

Yes/No If “Yes,” how much was your bond? \$ _____

4) Are you receiving public assistance? Yes/No If “Yes,” please tell us what type of public assistance you are receiving (for example, food stamps, TANF, Medicaid, housing assistance, other types of public assistance): _____

5) Please list the following income from the **previous month** for your **entire household**:

Take home pay for the month including overtime and bonuses:

Social security income (including social security disability): _____

Workers’ compensation income: _____

Unemployment income: _____

Retirement income: _____

All other income: _____

Total: _____

6) How many people live in your household? _____

7) Do you have cash, bank accounts, or any other assets, including vehicles or real estate free of debt that totals more than \$5,000? Yes/No If “Yes,” what type

If you are facing the possibility of jail time and cannot afford to hire a lawyer, you are entitled to have a lawyer appointed by the court to represent you.

Do you want a lawyer to represent you in this case? Yes/No

Can you afford to hire a lawyer to represent you in this case? Yes/No

Are you asking the court to give you some more time to hire a lawyer? Yes/No

Are you asking the court to appoint a lawyer for you today? Yes/No

The above information is true and correct to the best of my knowledge under penalty of law.

Applicant

[The above form is for the Judge's use and does not replace the Legal Aid Application.]

(b) A person is presumed indigent if the person:

(1) Is in the custody of the Children's Division or the Division of Youth Services; or

(2)(A) Has unencumbered assets totaling under \$5,000, and

(B) Has total household monthly income below 125% of Federal Poverty Guidelines, which currently are:

1 household person:	\$1,238
2 household person:	\$1,669
3 household person:	\$2,100
4 household person:	\$2,531
5 household person:	\$2,963
6 household person:	\$3,394
7 household person:	\$3,826
8 household person:	\$4,259

[Add \$433 for each additional person]

2. The state courts administrator shall provide copies of this order to every presiding circuit court judge and such other persons as the administrator deems appropriate.

3. It is ordered that notice of this order be published in the Journal of the Missouri Bar.

4. It is ordered that this order be published in the South Western Reporter.

Day – to – Day

PATRICIA BRECKENRIDGE
Chief Justice

RULE 70 PARTITION (No local rule)

RULE 71 ADMINISTRATIVE REVIEWS (No local rule)

RULE 72 PROBATE (As established by the Probate Divisions)

72.1 ADVERSARY PROCEEDINGS

All adversary proceedings, as defined in Section 472.140 and Section 472.141 RSMo., in any Probation Division of this Circuit shall be governed by the following Missouri Rules of Civil Procedure: 41-54; 56-81; and 85-100.

RULE 73 SMALL CLAIMS (No rule, see assignment rules above)

RULE 74 TRUST ESTATES (No local rule)

74.1 INVENTORY (No local rule)

74.2 REPORTS (No local rule)

74.3 RECORD (No local rule)

74.4 AUDIT (No local rule)

POST-TRIAL

RULE 81 EXECUTION

Executions shall not be issued by the clerk except upon written application signed by the judgment-creditor or attorney. The written application shall contain the following:

- a. Style and number of case in which judgment was obtained;
- b. Date judgment was 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 performing the execution.

RULE 82: GARNISHMENT

In addition to the informational requirements of Rule 81, the following information must be supplied for a garnishment: a. The name and address of garnishee; b. The percentage amount of wages to be withheld pursuant to the Federal Garnishment Law, 15 USCA 1673(a),(b).

RULE 83: JUDICIAL SALE (No local rule)

INTERNAL ORGANIZATION RULE 100: JUDGES

100.1 PRESIDING JUDGE

100.1.1 ELECTION

The circuit and associate circuit judges shall elect a Presiding Judge who must be a Circuit Judge from within this circuit. The meeting shall be held in the month of November or December of each even numbered year. The term shall be for two years beginning in January of the next following odd numbered year. The Presiding Judge shall be elected by ballot and must be elected by a 4/6 vote of all judges.

A circuit judge shall not be elected to a consecutive term as Presiding Judge unless by a 5/6 vote of all judges.

A quorum for any en banc meeting is hereby established as four (4) judges present in person with at least one being from Bollinger or Perry County.

100.1.2 DUTIES OF PRESIDING JUDGE

The Presiding Judge is the general administrative authority for the Court. In this function he shall: (a) preside at all Court en banc meetings; (b) supervise and

appoint any needed committees; (c) supervise preparation of the budget; (d) coordinate all duties and vacations of personnel; (e) handle media and government contracts; and (f) standardize procedures between divisions.

The Presiding Judge has the authority to assign cases to judges and judges to divisions however a case shall not be assigned contrary to Supreme Court Rule, Missouri Law, or Local Court Rule.

The Court shall meet en banc on the first Thursday of each even numbered month at such place and time as designated by the Court. No meeting shall be cancelled except by a majority vote of the judges. Additional meetings of the Court en banc may be called by the Presiding Judge, or by any two judges giving written notice. If any judge so requests a meeting will be held on the record. The Presiding Judge has one vote and a majority vote rules. The Presiding Judge may call a special term of Court. The Presiding Judge may appoint a secretary and any additional personnel to aid in the judicial business of the circuit.

In the absence of the Presiding Judge from the Circuit, the other Circuit Judge shall be the Acting Presiding Judge. In the event both circuit judges will be absent from the Circuit, the Presiding Judge may appoint one of the Associate Circuit Judges as Acting Presiding Judge.

100.2 LOCAL COURT RULES

100.2.1 FORMULATION

New Local Court Rules and amendments to existing rules may be made from time to time by the court en banc.

100.2.2 PUBLICATION

The circuit clerk of each county shall forward a copy of these rules to each attorney or law firm with offices in that county and shall keep copies in the clerk's office for distribution to other counsel.

100.3 LIBRARY FUND

Pursuant to Sections 514.440 and 514.450 RSMo 1996, a surcharge of \$15.00 on all civil cases filed in the circuit court for the maintenance and upkeep of the law library in each respective county is hereby established. This fee shall not apply to proceedings when costs are waived, or which are to be paid by the county, or state, or any city.

SEMO Lawyers Library, Inc. is designated as the treasurer of the Cape Girardeau County Law Library Fund.

The Associate Circuit Judge for Bollinger County and the Prosecuting Attorney are designated as the co-treasurers of the Bollinger County Law Library Fund.

The Associate Circuit Judge for Perry County is designated as the treasurer of the Perry County Law Library Fund.

Each clerk who is responsible for the collection of said surcharge shall pay out said funds as set out in Section 514.450 RSMo 1996.

RECORDS AND FILES

100.4 STORAGE OF RECORDS (No local rule)

100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES AND THEIR CONTENTS (No local rule but see Rules 24 and 32.3)

100.4.2 REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES AND THEIR CONTENTS (No local rule)

100.4.3 RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTER NOTES (No local rule)

100.4.4 IDENTIFICATION OF REPORTER' NOTES (No local rule)

100.4.5 INDEX (No local rule)

100.4.6 STORAGE OF RECORDS (No local rule)

100.4.7 NOTES OF SUBSTITUTE REPORTERS (No local rule)

100.4.8 STORAGE OF NOTES UPON RETIREMENT, TERMINATION, OR DEATH OF COURT REPORTER (No local rule)

100.4.9 BOXING AND STORING OF OLD NOTES (No local rule)

100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS AND SPACE FOR STORAGE OF COURT REPORTER (No local rule)

100.4.11 PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL RECORDS (No local record)

100.5 CLERK'S DUTIES

100.5.1 MONIES PAID INTO COURT

No Clerk shall accept for filing in any criminal or civil case a bond assignment.

100.6 SELECTION OF VENIREMEN

Selection of veniremen shall be made by the Jury Commission Board of each county in accordance with Chapters 494 and 495 RSMo.

RULE 101 ADMINISTRATIVE RULES

101.1 TIME STANDARDS

Pursuant to Missouri Supreme Court Administrative Rule 17, as amended, the time standards as set forth on Table 1 are hereby adopted as the Time Standards for the 32nd Judicial Circuit until further order of the Court *en banc*.

APPENDIX A

CIRCUIT COURT OF _____ COUNTY, MISSOURI

(Name))
(Address))
(City)
)
Plaintiff,)
)
vs.) Case No. ____
)
(Name)**)
(Address)***)
(City)
)
Respondent.)

CAUSE*

Signed
(Attorney of Record)
(Address)
(Telephone)
(Missouri Bar Number)
(Email Address)

* If the Party is required to state the nature of the cause of the action on the pleading it should be stated here using the codes on attached list, if applicable.

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

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

(To be filed with the Court upon mailing of Interrogatories)

CERTIFICATE OF SERVICE

The original and _____ copies of the foregoing interrogatories were served by (mailing, delivery, etc.) upon _____ this ___ day of __, 20__.

(Signature)
Attorney for ___

APPENDIX B-2

(To be attached to the Original Interrogatories when answered and mailed to the Court.)

CERTIFICATE OF SERVICE

Original copy of the completed interrogatories filed with the Clerk and copies thereof mailed or delivered to: _____ on this ____ day of _____, 20__.

(Signature)
Attorney for __

**SCHEDULE OF DEPOSITS AND FEES
32nd JUDICIAL CIRCUIT - PROBATE DIVISIONS
Effective February 1, 2025**

PART 1 - Proceedings for Deceased Persons

Orders for Refusal of Letters – Deposit includes 1 certified copy:

- | | | |
|----|-------------------------------------|---------|
| 1. | Spouse | \$68.50 |
| 2. | Creditor | \$68.50 |
| 3. | Unmarried Minor | \$68.50 |
| 4. | Amended Refusals | \$68.50 |
| 5. | Each additional certified copy | \$ 2.50 |
| | (1 page Order) Each additional page | \$ 1.00 |

Wills:

- | | | |
|----|------------------------------------|---------|
| 1. | Application for Probate of Will | \$68.50 |
| 2. | Application for Rejection of Will | \$68.50 |
| 3. | Deposited for Safekeeping** | \$ 3.00 |
| | ** (During testator's lifetime) | |
| 4. | Will filed <u>only</u> after death | \$ 0.00 |

Affidavits for Collection of Small Estates

Deposit includes 1 certified copy:

- | | | |
|----|---|-----------|
| 1. | With a Will | \$103.50* |
| | (Requires Application for Probate of Will) | |
| 2. | Without a Will | \$ 68.50* |
| 3. | Amended Small Estates | \$ 68.50* |
| 4. | Each additional certified copy (\$1.00/page plus \$1.50 for the court seal) | |

* Publication is required on small estates over \$15,000. See Part 6

Miscellaneous Proceedings (Deceased)

Deposit includes 1 certified copy of Judgment unless noted:

- | | | |
|----|---|-----------|
| 1. | Petition to Require Administration
(Publication required if letters are granted) * | \$ 68.50 |
| 2. | Petition to Determine Heirship | \$ 68.50* |
| 3. | Petition to Dispense with Administration | \$ 35.00 |
| 4. | Petition for Presumption of Death (requires 2 publications) | \$ 68.50* |
| 5. | Filing of Authenticated Copies of Will, Order Admitting and/or
Letters by Non-Resident Personal Representative | \$ 68.50 |
| 6. | Petitions to Open Safe Deposit Box (includes 1 originally
sealed order) | \$ 10.00 |

* Plus publication - See Part 6

Applications for Letters - Supervised or Independent Administration
Deposit includes one certified copy of Letters:

- | | | |
|----|---|----------|
| 1. | Application for Probate of Will and Letters Testamentary | \$183.50 |
| 2. | Application for Letters Testamentary-Will Admitted Previously | \$115.00 |
| 3. | Application for Letters of Administration | \$148.50 |

Additional Statutory Fees Based on Inventory Value:

<u>Inventory Value</u>	
\$ 50,001 - \$100,000	\$50.00
\$100,001 - \$150,000	\$100.00
\$150,001 - \$200,000	\$150.00
\$200,001 - \$250,000	\$200.00
\$250,001 - \$300,000	\$250.00
\$300,001 - \$350,000	\$300.00
\$350,001 - \$400,000	\$350.00
\$400,001 - \$450,000	\$400.00
Over \$450,000	\$450.00

Miscellaneous Fees (Deceased):

- | | |
|---------------|----------|
| Annual Charge | \$ 30.00 |
|---------------|----------|

PART 2 - Proceedings for Guardianship and/or Conservatorship – Adult

Petitions for Appointment – Deposit includes one certified copy of Letters:

1. Petition for Appointment of Guardian and/or Conservator
\$108.50 plus \$300.00 for Guardian ad Litem fee
2. Petition for Appointment of Conservator for Missing Person
\$108.50 plus \$150.00 for Guardian ad Litem fee; Plus see Part 6

Miscellaneous Proceedings (Minor)

Deposit includes 1 certified copy of Judgment:

- | | | |
|-------------------------------------|-------------|---------|
| Sale of Real Estate by Non-Resident | Conservator | \$68.50 |
|-------------------------------------|-------------|---------|

Miscellaneous Fees (Adult):

1. Annual Charge \$30.00
2. Publication Costs – Petition to Sell Real Estate: See Part 6

PART 3 - Proceedings for Guardianship and/or Conservatorship – Minor

Petitions for Appointment - Deposit includes one certified copy of Letters:

Petition for Appointment of Guardian and/or Conservator
No Service \$ 93.50
Service by Publication See Part 7
Plus \$150.00 deposit for Guardian ad Litem Fee

**Miscellaneous Proceedings (Minor)
Deposit includes 1 certified copy of Judgment:**

- | | | |
|----|--|---------|
| 1. | Petition to Dispense with Conservatorship | \$68.50 |
| 2. | Each additional certified copy of Judgment (one page Judgment) | \$ 2.50 |

Miscellaneous Fees (Minor):

Annual Charge \$25.00

PART 4 - Proceedings for Trusts

- | | | |
|----|---|---------|
| 1. | Trust Registrations | \$78.50 |
| 2. | Trust Filings per 456.6-604.1(3) RSMo | \$78.50 |
| 3. | All other trust filings | \$78.50 |
| 4. | Certified copy of Judgment (\$1.00/page plus \$1.50 for the court seal) | |

PART 5 - Other Clerk Fees

- | | | |
|----|--|---|
| 1. | Court Reporter Fee | \$15.00 |
| 2. | Copies | \$ 1.00 per page of document |
| 3. | Certified Copies | \$ 1.50 plus \$1.00 per page of document |
| 4. | Certified Copies of Letters for Decedent,
Adult/Minor Guardianship/Conservatorship
Estates | \$ 2.50 |
| 5. | Authenticated Copies
document | \$ 3.00 plus \$1.00 per page of
document |

PART 6 – Publication Costs

Contact newspaper for publication costs. Publication costs are not collected. Attorney is billed direct.

Cape Girardeau County - Indicate your choice of newspaper: CashBook Journal or Southeast Missouriian

PART 7 – Service

1. Summons or Notice of Hearing - Paid by attorney direct to Sheriff or process server.
2. Service by publication: Attorney is billed direct.
Cape Girardeau County - indicate choice of newspaper:
CashBook Journal or Southeast Missourian
3. Service by certified mail, restricted delivery approximately \$12.00 per envelope.

PART 8 - No Deposit Required

1. Petitions filed by State of Missouri
2. Motion and Affidavit in Support of Request to Proceed as Poor Person granted
3. Certificate of Inability to Pay Costs signed by Judge