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ADMINISTRATION

1. DIVISIONS OF COURT

- 1.1 The Circuit Court in each county shall consist of the Circuit Division, the Juvenile Division, the Associate Division, the Probate Division, and the Municipal Division.
- 1.2 Unless otherwise indicated in these Rules, they do not apply to the Municipal Division of any Circuit Court.
- 1.3 Unless otherwise indicated in these Rules, all references to "Clerk" shall mean the Circuit Clerk.

2. HOURS AND TERMS OF COURT

2.1 Hours of Court

- A. Circuit Division shall convene as follows:

8:30 a.m. when jury panel is called and serving

10:00 a.m. on each Monday law day

9:00 a.m. for non-jury trials and on all other law days

- B. Associate Circuit Division shall convene at 9:00 a.m. on all law days or as set by the Court

2.2 Terms of Court

- A. The Circuit Court of each county of the circuit shall be in continual session as provided by Sec. 478.205 RSMo. To the extent that a term of the Circuit Court may be required or specified by these rules, or by a provision of law, the "terms" of court for the Circuit Division shall be considered as commencing on the dates as hereafter stated;

1. Adair County -Terms commencing on the first Monday in February and August of each year.
2. Knox County - Terms commencing on the first Friday after the first Monday in January and July of each year.
3. Lewis County - Terms commencing on the first Thursday after the first Monday in March and September of each year.

(Eff. Aug 1, 1993. Amended Dec 19, 1997, eff. Jan 1, 1998; Dec 22, 2004, eff Jan 6, 2005; Amended Dec 21, 2006, eff. Jan 1, 2007)

2.3 Law Days

A. Circuit Division Law Days will be held as follows unless otherwise directed by the Court:

1. Adair County –

- a. 1st Monday – 9:00 a.m. - private counsel - criminal
- b. 1st Tuesday after the 1st Monday – 9:00 a.m. public defender - criminal
- c. 1st Wednesday after the 1st Monday – 9:00 a.m. - juvenile, including adoptions
- d. 3rd Monday – 9:00 a.m. - private counsel – civil
- e. 1st Tuesday after the 3rd Monday – 9:00 a.m. - public defender – criminal
- f. 1st Wednesday after the 3rd Monday – 9:00 a.m.- juvenile, including adoptions
- g. Every Monday – 4:00 p.m. – Drug Court

2. Knox County –

- 1st Friday after the 1st Monday – 9:00 a.m. - civil, criminal, and juvenile

3. Lewis County –

- a. 1st Thursday after the 1st Monday - 9:00 a.m. - civil and criminal
- b. 1st Wednesday after the 3rd Monday – 1:00 p.m. – juvenile, including adoptions

B. Associate Division Law Days will be held as follows unless otherwise directed by the Court:

1. Adair County –

- a. Adult Abuse & Child Protection: 2nd and 4th Tuesdays at 1:30 pm
- b. Associate Civil: 2nd and 4th Mondays at 9:00 am
- c. Associate Criminal: Every Wednesday at 9:00 am and 1:30 pm
- d. Domestic Relations: 4th Tuesday at 9:00 am
- e. Estate & Probate: 2nd Tuesday at 9:00 am

- f. Small Claims: 2nd and 4th Mondays at 1:30 pm
 - g. Other: The Adair County Associate Division Law Days are subject to change due to judicial assignments and transfers. You may call the Circuit Clerk's office to find out about changes and verify law days before noticing up any matters for setting or hearing.
- 2. Knox County - 2nd and 4th Tuesdays
 - 3. Lewis County
 - a. Criminal - 1st and 3rd Monday
 - b. Civil and Domestic – 2nd and 4th Monday
- C. The Associate Circuit Judge of Knox County will have the following regular law days for cases to which he has been assigned:
 - 1. Adair County – 1st Thursday after the 1st Monday
 3rd Thursday after the 1st Monday
 - a. 9:00 a.m. – Circuit Division cases
 - b. 1:00 p.m. – Associate Division cases
 - 2. Lewis County - 2nd Tuesday

(Eff. Aug 1, 1993. Amended Dec 19, 1997, eff. Jan 1, 1998; Amended Dec 22, 2004, eff Jan 6, 2005; Amended Dec 21, 2006, eff. Jan 1, 2007. Amended Dec 15, 2008, eff Jan 1, 2009, Amended Jan 1, 2011, eff Jan 14, 2011)

2.4 Particular Matters on Particular Days

- A. All notices of intent to call up matters for hearing on ~~Circuit Division~~ Law Days shall specify the hour that court convenes, as specified in Rules 2.1 and 2.3, unless otherwise allowed by the Court. Attorneys are expected to be present at the beginning of the docket call. If any matter is not ready when called, it will go to the bottom of the docket of its particular category, and then if not ready, it will be passed to the end of the day.
- B. Counsel desiring to have matters heard on Law Day shall register each case which they wish heard with the Clerk by noon of the last office day preceding the Law Day so the Clerk may prepare the Law Day docket as provided in Rule 8.1 B.
- C. The Clerk shall register the cases as notified by counsel and shall then

prepare and provide to the Court and counsel a listing the cases so registered.

D. It shall be the duty of counsel who wish matters to be heard on Law Day to notify opposing counsel, or non-defaulting parties, or cause them to appear by notice or agreement.

E. The Court may vary the order of hearing cases in its discretion to accommodate exigent circumstances for counsel, parties, or witnesses.

(Eff. Aug 1, 1993. Amended Dec 19, 1997, eff. Jan 1, 1998; Amended Dec 22, 2004, eff Jan 6, 2005; Amended Dec 21, 2006, eff Jan 1, 2007; Amended Dec 15, 2008, eff Jan 1, 2009)

3. PLEADINGS

3.1 Caption

A. The following caption is required for all pleadings:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

(Name) _____)

)

(Address) _____)

)

(City) _____)

)

Plaintiff or Petitioner)

)

vs.)

(Name) ** _____)

)

(Address) *** _____)

)

(City) _____)

)

Defendant or Respondent.)

Case No.: _____

CAUSE

Signed (Attorney of Record, or Party) _____

(Missouri Bar Number) _____

(Address) _____

(Telephone) _____

(Fax) _____

*If party is required to state the nature of the action on the pleading, he/she should do so under this section.

**If a corporate defendant, also list officer or registered agent in charge with address and telephone number on the petition.

If a foreign corporation, also give address of local office and name of officer in charge on the petition.

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

B. The address of any party shall not be included in any pleading after the filing of the original petition.

(Eff. Aug 1, 1993; Amended Dec 21, 2006, eff. Jan 1, 2007; Amended Dec 15, 2008, eff Jan 1, 2009)

3.2 Style

Pleadings may only be on forms 8 ½ X 11.

4. **FILING OF CASES**

4.1 Consolidated Courts

Since the Divisions of the Circuit Court in all counties have consolidated, all cases, except Municipal Division cases, shall be filed with the Clerk.

(Eff. Aug 1, 1993; Amended Dec 22, 2005, eff Dec 27, 2005; Amended Dec 21, 2006, eff. Jan 1, 2007, Amended Dec 15, 2008, eff Jan 1, 2009; Amended Dec 30, 2009, eff Jan 1, 2010)

4.2 Municipal Cases

- A. Municipal ordinance violation cases shall be filed with the Municipal Division Clerk of the appropriate Municipal Division when the municipality has made provisions for a Municipal Judge or when the municipality has requested the Associate Circuit Judge to hear such cases and the municipality has provided the suitable courtroom and Municipal Division Clerk, as provided by law.
- B. If a municipality has not provided either a Municipal Judge or a Municipal Division Clerk, as provided by law, the filing shall be with the Clerk of the appropriate county.
- C. Municipal traffic violation cases may be disposed of in municipal traffic violation bureaus if provided by the municipality under Section 479.050, RSMo.

(Eff. Aug 1, 1993; Amended Dec 21, 2006, eff. Jan 1, 2007, Amended Dec 15, 2008, eff Jan 1, 2009)

4.3 Facsimile Filing and Service

A. Authority for Rule.

This rule is promulgated under the authority conferred in Mo.S.Ct. Rule 43.01(e).

B. Facsimile Filing Authorized

- 1. Any pleading or other document, including an original filing, may be filed in any Division of this court having, maintaining or designating a facsimile machine for the receipt of such transmission, by transmission of the same to such facsimile machine.
- 2. Any pleading or document filed by facsimile transmission shall have the same effect as the filing of the original document, even though it may be required to be verified, acknowledged or sworn to by some other method.

3. The pleading or document shall be deemed filed, subject to subparagraphs (3) and (4) of this Rule, on the date and at the time actually received in the office of the Clerk. If the facsimile machine used by the Court is located in another county office, the pleading or document shall not be deemed filed until the date and at a time actually delivered to the office of the Clerk.
4. Risk of loss in transmission, receipt, or illegibility is upon the person or party transmitting and filing by facsimile.
5. If the document is not received by the Clerk, or if it is illegible, it is deemed not filed, except that in the case of partial illegibility, that part which is legible is deemed filed.
6. When any document is filed with the Clerk via facsimile transmission, as provided in this Rule, the original document shall not be filed. However, the person filing the document by facsimile transmission shall retain the original, and make it available upon order of the Court.

C. When Filing Fee or Deposit Required and Waiver.

1. If the pleading or document is to be filed under the provisions of S.Ct. Rule 77.03, or any other law allowing filing without a deposit, a motion to file the same without fee or deposit, and a proposed order allowing the same, shall be transmitted with the first transmission. The same shall be presented to the Court at the earliest opportunity for ruling. If leave is granted, the filing shall relate back to the date and time of receipt of the original transmission. If leave is denied, the filing is stricken, unless otherwise ordered by the Court.
2. If the provisions of the preceding subparagraphs A and B are not complied with, the Court may strike any pleading or document so filed, or make such other or further orders as it deems appropriate.
3. No summons or process shall be required to be issued by the Clerk until receipt of the fee or order allowing filing without fee or deposit.

D. Court Orders Transmitted by Facsimile Transmission.

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

E. Service by Facsimile Transmission

1. When service by ordinary mail or personal delivery is provided by Mo.S.Ct. Rule 43.01, or otherwise by law, such service may be made by facsimile transmission to any attorney or party to be served

who maintains a device for receipt of facsimile transmissions.

2. Publishing a facsimile phone number by pleading, letterhead or listing in a telephone directory or otherwise, constitutes prima facie maintenance of a device for receipt of facsimile transmissions.
3. Risk of loss in transmission, receipt or illegibility of the document transmitted by facsimile is upon the sender.
4. The document faxed is presumed delivered and served, unless otherwise indicated by the readout of the sender's device, to the phone number indicated by the sender's readout, and at the date and time of the end of transmission. The sender shall maintain the printout of such readout and file the same if ordered by the Court.

F. Service – How Shown.

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

G. Facsimile Archive.

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

H. Business Day Defined

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

I. Effect of Facsimile Signature:

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

J. Effective Date of This Rule.

This rule shall be effective when filed with the Supreme Court or on May 1, 1998, whichever date is sooner.

(Eff. Aug 1, 1993; Amended Dec 21, 2006, eff. Jan 1, 2007; Amended Dec 15, 2008, eff Jan 1, 2009; Amended Dec30, 2009, eff Jan 1, 2010)

4.4 Miscellaneous – Criminal

- A. In all criminal cases filed with the Court, the Prosecuting Attorney shall include in the original charging document the Social Security Number of the defendant and the Missouri charge code, as defined by Section 43.500 RSMo, for each offense charged. The complete charge code shall consist of digits assigned by the Office of State Courts Administrator, the two-digit National Crime Information Center modifiers, and a single digit designating attempt, accessory, or conspiracy. It is the responsibility of the Prosecuting Attorney to determine the appropriate charge code and to amend or correct any erroneous charge code.
- B. It shall be the responsibility of the Sheriff to assign a state offense cycle number (OCN), as defined in Section 43.500 RSMo, to each defendant arrested, taken into custody, and fingerprinted, and to furnish a copy of said OCN to the Clerk's office where said charge or charges are pending, and to the initiating Prosecuting Attorney, within ten (10) days of the date when such defendant is first taken into custody.

5. FEES AND COSTS

5.1 Filing Fees and Cost Deposit – Civil Cases

- A. In all civil cases filed, there shall be deposited with the Clerk at the time of filing, for which proper receipt will be issued, the following sums:

Circuit Division:

All original cases	\$ 100.00
Adoptions (including Guardian Ad Litem fee)	323.00

Associate Division:

All original civil cases	48.00
Small claims cases	35.00
Application for trial de novo	45.00

Probate Division:

(as provided in Sec 483.580 RSMo)

Additional fees:

Domestic Relations Cases (Domestic Violence Shelter Fee)	2.00
Service by certified mail (per defendant)	5.00
Amendment of Missouri birth certificate (adoption/change of name)	15.00

- B. Service of process costs shall be the direct responsibility of the filing party. The filing party shall be responsible for determining the service of process costs and for providing the Clerk with the name and address of the service of process officer or agency. In addition to the cost deposit, as required above, the filing party shall also deliver to the Clerk, at the time of filing, a check, money order, or certified check made payable to the

service of process officer or agency in an amount sufficient to cover service of process costs.

- C. Costs of publication shall be the direct responsibility of the filing party. Except in Adair County probate cases, upon a determination that publication is required, the filing party shall be responsible for providing the Clerk with the name and address of the newspaper and, in addition to the cost deposit, as required above, the filing party shall also deliver to the Clerk, a check, money order, or certified check made payable to the newspaper in an amount sufficient to cover publication costs. In Adair County probate cases, the filing party shall be responsible for delivering publication costs directly to the newspaper.

5.2 Costs for Out of County Service:

- A. In indigent civil cases filed under 514.040, RSMo, the Clerk shall immediately bill the county of filing for payment of the foreign sheriff's fees and costs. If judgment is entered for plaintiff, such costs shall be recovered for the benefit of the county of filing.
- B. In original cases the Clerk shall, upon disposition, immediately bill the county for any out-of-county service of process costs, and upon receipt thereof, shall immediately remit those costs to the out-of-county sheriff.

5.3 Law Library Fund

As authorized by Section 488.426 RSMo, the filing fees set forth above include a surcharge of \$15.00. The funds shall be administered in accordance with Section 488.429 RSMo. The Presiding Judge shall be the treasurer of such funds and shall collect the same from the Clerks and pay necessary law library expenses therefrom. In addition, with the approval of the Court en banc of each county, the funds may be used as otherwise authorized by statute.

(Eff. Aug 1, 1993. Amended Feb 1, 1999, eff. March 1, 1999; eff Jan 10, 2001; Amended Dec 22, 2005, eff Dec 27, 2005; Dec 21, 2006, eff. Jan 1, 2007, Amended Dec 15, 2008, eff Jan 1, 2009)

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

6.1 By Local Court Rule or Order

- A. The Associate Circuit Judges of this Circuit shall hear and determine the following Circuit Division cases on the record with tape recording under procedures applicable before Circuit Judges.
 - 1. Domestic relations matters, including but not limited to dissolutions of marriage, legal separation or separate maintenance, establishment of paternity of child, establishment or enforcement of child support.
 - 2. Modification of dissolution or legal separation decrees, including modification of child custody, visitation, and child support.

3. Contempt actions or enforcement of domestic relation decrees, including provisions relating to child custody, visitation, and child support.
 4. Cases arising under the Uniform Reciprocal Enforcement of Support Act, and paternity cases;
 5. Cases arising in the Family Support Division and Children's Division under Chapter 207 and in the Old Age Assistance, Aid to Dependent Children and General Relief under Chapter 208 RSMo.;
 6. Contempt actions for child support enforcement in addition to those arising under paragraphs (1) and (2) above;
 7. Approval of settlements in actions involving claims by or on behalf of minors;
 8. Family access motions;
 9. Appeals and trials de novo from the Municipal Division, and cases certified to the Circuit Division from any Associate, Probate, or Municipal Division for jury trial;
 10. Trust estates;
 11. Applications for hardship driving privileges, except those cases involving participants in any DWI Court program;
 12. Judicial review of suspension or revocation of driving privileges;
 13. Cases involving titles to motor vehicles;
 14. Cases under Sec. 478.250.2 RSMo before associate circuit judges;
 15. Trials de novo under Sections 302.535, 479.200, 482.365.2, and 512.180.1 RSMo;
 16. Examination of judgment debtors;
 17. Appeals from election authorities under Sections 115.429.3 and 115.429.4 RSMo;
 18. Adult abuse and child protection cases under Chapter 455 RSMo.;
 19. All misdemeanor cases certified for jury trial under Section 543.200 RSMo.
- B. The judge who heard and ruled the last proceeding in any domestic relations case, including those set forth in Subparagraphs 1, 2, 3, 4, 6, and 8, above, shall continue as the assigned judge to hear and determine any subsequent domestic relations proceeding, and shall be subject to disqualifica-

tion only as provided in Supreme Court Rule 51.05(a). In the event such judge is no longer serving as an active judge, the Associate Circuit Judge of the county in which the case is pending shall automatically be assigned to hear and determine any such subsequent proceeding.

(Amended Dec 15, 2008, eff. Jan 1, 2009; Amended Dec 30, 2009, eff. Jan 1, 2010, eff Jan 1, 2012)

6.2 Special Assignment.

- A. The Associate Circuit Judges may hear and determine the following Circuit Division cases on the record with tape recording under procedures applicable before the Circuit Judges, without further assignment:
1. Uncontested actions involving title to real estate;
 2. All replevin cases under Sec 533.240 RSMo without limitation on the value of property involved or the damages claimed;
 3. Forcible entry and detainer and unlawful detainer under Sec. 534.060 RSMo;
 4. Particular pre-trial matters, other proceedings in the case, or all proceedings in any other civil case with consent.

(Eff Aug 1, 1993. Amended eff. Nov 1, 1994; Jan 1, 1996; Amended ed Dec 22, 2005, eff. Jan 6, 2005; Dec 22, 2006, eff Jan 1, 2007. Amended Dec 15, 2008, eff Jan 1, 2009)

6.3 Certification to Circuit Division

Certification of cases by a Municipal or Associate Circuit Judge under Section 543.200 may be done by docket entry. If a municipal case is so certified, the file shall then be transmitted to the Clerk for filing in Circuit Division. See Local Rule 6.1.1 A (6) and (14).

Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

6.4 Disqualification of Judge

- A. Upon disqualification of the Presiding Judge, application shall be made to the Supreme Court for assignment of a judge to hear the case.
- B. Upon disqualification of the Associate Circuit Judge of Adair County, whether sitting as an Associate Circuit Judge, a Municipal Judge, or as a Circuit Judge under local court rules, the Associate Circuit Judge of Knox County is automatically transferred and assigned, unless on application other assignment is made by the Presiding Judge. Upon the subsequent disqualification of the Associate Circuit Judge of Knox County, application shall be made to the Supreme Court for assignment of a judge to hear the case.
- C. Upon disqualification of the Associate Circuit Judge of Knox County, whether sitting as an Associate Circuit Judge, a Municipal Judge, or a Circuit Judge under local court rules, in cases pending in Knox County, the Associate Circuit Judge of Lewis County is automatically transferred and assigned, unless on application other assignment is made by the Presiding

Judge. Upon the subsequent disqualification of the Associate Circuit Judge of Lewis County, the Associate Circuit Judge of Adair County is automatically transferred and assigned, unless on application other assignment is made by the Presiding Judge.

- D. Upon disqualification of the Associate Circuit Judge of Lewis County, whether sitting as an Associate Circuit Judge, a Municipal Judge, or a Circuit Judge under local court rules, in cases pending in Lewis County, the Associate Circuit Judge of Knox County is automatically transferred and assigned, unless on application other assignment is made by the Presiding Judge. Upon the subsequent disqualification of the Associate Circuit Judge of Knox County, application shall be made to the Supreme Court for assignment of a judge to hear the case.

(Eff. Aug 1, 1993. Amended eff. Jan 1, 1996; Amended Dec 30, 2009, eff. Jan 1, 2010, June 30, 2011, Amended eff Jan 30, 2013,)

6.5 Absence of Judge

- A. In the absence of the Presiding Judge from the circuit, the Associate Circuit Judge of each county may act as a Circuit Judge in that county, or in any other county in the circuit in the absence of the Associate Judge in that county.
- B. In the absence of an Associate Circuit Judge of any county, any other Associate Circuit Judge, or the Presiding Judge, may act as the judge of the county in which the judge is absent, and perform all duties of the absent judge.

7. WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

7.1 When Allowed

No official files of the Circuit Court shall be removed from the office of the Clerk except in the custody of employees of the Circuit Court.

7.2 Duplicating Policy

Anything to the contrary in this rule notwithstanding, each Clerk may establish procedures whereby attorneys and abstractors may remove files to other parts of the courthouse for periods of short duration for photocopying or for review.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009; Amended Dec 30, 2009, eff. Jan 1, 2010)

8. PUBLICATION OF DOCKETS

8.1 Term Docket

- A. On or before the first day of each term of court, as provided in Rule 2.2, the Clerk shall prepare a term docket of all Circuit Division cases showing their file numbers, date of filing, general nature of the case and the names of counsel. Any case in which no activity has occurred for a period of six months or more, may, at the discretion of the Court, be placed on the dismissal docket, to be processed as provided in Rule 35.1.

- B. The Clerk shall prepare a docket of cases to be heard on a Law Day as requested by counsel by noon on the last office day preceding the Law Day. The cases shall be listed in the categories set out in Rule 2.4.D.
- C. The Clerks shall prepare and maintain execution dockets under Section 513.855, RSMo and present them to the judge of the Court for review at least two weeks before the end of the term.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

9. COURTROOMS

9.1 Use of Counsel Table

Counsel tables are reserved for the use of counsel and parties to the case being immediately presented to the Court.

(Eff. Aug 1, 1993)

9.2 Courtroom Decorum and Dress

- A. The Bailiff and the Clerk or Deputy Clerk shall be in the courtroom at all times when the Court is in session, unless excused by the Court.
- B. The Bailiff or, if excused, the Clerk, shall formally open each session of the Court, shall enforce the rules of the court and shall quietly and politely abate any noise, or display, or disruptive activity or conduct which detracts from the business of the Court.
- C. Judges shall maintain order and decorum in proceedings before them. Judges should be attired in judicial robes when presiding in the courtroom.
- D. Counsel should not hold conferences with clients or witnesses in the courtroom while the Court is hearing other matters and should assist the Court in maintaining order and proper decorum.
- E. When addressing the Court, counsel should speak while standing at the counsel table when practical.
- F. Counsel shall stand or sit at the counsel table or use podium, if available, while examining witnesses except at times when exhibits are identified or demonstrative evidence is used. Conferences at the bench or in chambers shall be conducted only by leave of court.
- G. Male attorneys should wear a coat and tie and female attorneys should wear suitable business-type attire.
- H. Each attorney shall instruct his/her client regarding appropriate courtroom dress and should further instruct the client to convey that information to family, friends or other persons who intend to appear at court proceedings. Persons who do not observe this rule may be directed to leave the courtroom by the Bailiff, absent exigent circumstances. Shorts, T-shirts, sweat suits, and thong footwear (flip-flops) are NOT appropriate attire.

- I. Parties and other courtroom visitors should also be advised that the courtroom is NOT an appropriate place for infants or young children. If parents intend to appear in court or visit the courtroom, child care arrangements should be made. Persons who do not observe that rule may be directed to leave the courtroom by the Bailiff, absent exigent circumstances .
- J. Cell phones are strictly prohibited in the courtroom galley. Cell phones shall not be used for any purpose inside the courtroom, including telephone calls, photography, audio recording, or video recording. The cell phone of any person violating this rule shall be subject to confiscation by the Bailiff until such person has left the courtroom.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009; Amended Dec 30, 2009, eff. Jan 1, 2010)

10. COURT REPORTER AND COMPENSATION

Preparation of any transcript by an Official Court Reporter for a record on appeal, except in appeals taken in forma pauperis, shall not begin until the person ordering such transcript files a written request with the Clerk and the Court Reporter and make a cash deposit with the Court Reporter of such amount as the Court Reporter reasonably estimates such transcript will cost. In the event the deposit is insufficient to pay for the transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the Court Reporter who prepared it upon delivery of the transcript.

(Eff. Aug 1, 1993)

11. RECORDING OF JUDICIAL PROCEEDINGS

11.1 Use of Magnetic Tape Recording by Circuit Judge

A Circuit Judge may, at his/her discretion, elect to use a magnetic tape recording device to preserve the record in any case where he/she deems the method appropriate as a substitute for preservation of the record by his/her Official Court Reporter.

11.2 Use of Magnetic Tape Recording Device or Court Reporter by Associate Circuit Judge.

- A. When hearing cases requiring a record of proceedings, the Associate Circuit Judge shall have the record therein preserved by electronic recording device or, upon the order of the Presiding Judge, by a certified court reporter.
- B. A certified court reporter who is not an official reporter of the Second Judicial Circuit and who is employed to report a case described in Subparagraph A of this Rule, shall be paid a daily rate as agreed between the judge and reporter which does not exceed the daily rate of pay of official court reporters.
- C. The Associate Circuit Judge for each county within the Second Judicial Circuit shall cause the Clerk to establish a filing system for maintaining and retrieving magnetic tapes used in recording proceedings in Associate and Probate Divisions, and upon direction of Associate Circuit Judge, and

with the consent of the Clerk of the county, to maintain and retrieve such tapes used in recording proceedings before the Associate Circuit Judge in Circuit Division.

- D. The Clerk of each county within the Second Judicial Circuit shall establish a filing system for maintaining and retrieving magnetic tapes used in recording proceedings in Circuit Division.
- E. Upon the request of any person, the Clerk is authorized to duplicate the electronic recording of any court proceeding on to a compact disk at a charge of \$25.00 per disk.

11.3 Unauthorized Recordings

No persons, except those authorized by the Court, shall broadcast, televise, record, or take photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in session or during recesses.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

13. **COMMUNICATIONS WITH THE COURT**

13.1 Communications with the Court

No party or attorney shall initiate ex parte communications to a judge about a pending case, except as permitted by Supreme Court Rule 2.03, and any such permissible communications will not be considered confidential and the same or memorandums of them may be placed in the court file.

13.2 Written Communications with the Court

Any attorney or party who sends a written communication to the Court is responsible for sending a copy to opposing counsel, to all unrepresented parties, and to the Clerk of the Court.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

GENERAL RULES

21. **ATTORNEYS**

21.1 Entries of Appearance

- A. Attorneys retained in pending cases shall enter their appearance promptly after their employment.
- B. Written entries of appearance by parties will not be accepted in lieu of service of summons unless they have been executed and acknowledged as required in the execution of deeds and unless they recite that the party has received a copy of the petition or motion.
- C. Out-of-state counsel, not members of the Missouri Bar, may enter their appearance and participate in a particular case under the following conditions.

1. They shall file with their initial pleading a statement identifying each court of which they are members of the Bar and certifying that neither they nor any members of their firm are disqualified to appear in any such court;
2. The statement shall also designate some member of the Missouri Bar having office in State of Missouri as associate counsel. Such designated attorney shall enter his appearance as an attorney of record.
3. The visiting attorney shall comply with the code of professional responsibility as set forth in Supreme Court Rule 4.

21.2 Conduct of Attorneys

Counsel should maintain the dignity and decorum of proceedings in court by proper demeanor towards opposing counsel, parties, witnesses, and the Court. They should refrain from making unfair or derogatory personal references to opposing counsel, parties or witnesses and from haranguing, vexatious, or offensive interrogation of witnesses, and from making objections in a discourteous fashion.

21.3 Withdrawal of Attorneys

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

- A. The attorney shall file a written motion requesting leave of court to withdraw. If the case is then set for trial, the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the Court for hearing.
- B. A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing.
- C. The last known address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.
- D. The attorney seeking leave to withdraw must appear in open court and call up the motion at the time specified in the notice. If the case in which the attorney is seeking leave to withdraw is a criminal case, it shall be the duty of the client to appear in person in compliance with the notice mentioned above.

- E. If client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his/her 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.
- F. Once a private attorney has entered his/her appearance in a case he will not be permitted to withdraw his/her appearance on the sole ground of not having collected his/her fee. No attorney, public or private, will be permitted to withdraw as counsel for a defendant unless the Court has granted said attorney leave to withdraw.

21.4 Failure of Attorney to Answer Docket Call

On the dates that cases are set for trial or hearing, all attorneys who have trial settings shall be present in the courtroom when the matter is called, unless excused by the Court, and unless the attorney is present or is excused, the case will be heard by the Court, continued, or stricken from the docket by the Court as the Court, in its discretion, deems appropriate. Any cases not tried on the date for which they are set, due to the absence of counsel for a plaintiff, are subject to dismissal, without prejudice, for lack of prosecution.

21.5 Advice to Clients and Witnesses of Courtroom Procedures

- A. All attorneys of record are to advise their clients not to discuss any phase of their case with the Court.
- B. When the exclusionary rule as to witnesses is invoked in any proceeding, each attorney has the duty to assure that his/her client's' witnesses comply therewith. If any witness violates that rule, whether willfully or otherwise, that witness shall not be permitted to testify except by consent of opposing counsel or unless the Court, in its discretion, rules that justice requires such testimony to be received.
- C. All attorneys are to advise their clients and witnesses not to discuss any matter related to a trial in process with any juror or in the presence of any juror.

22. APPOINTMENT OF GUARDIAN AD LITEM

Guardians ad litem will be appointed in civil cases for unknown or incompetent parties, members of the Armed Forces in default, minors, and those confined to prison, as required by law. Fees for the guardian ad litem will be allowed and taxed as costs as deemed appropriate by the Court.

23. TRANSCRIPTS

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 estimated costs of the work.

24. EXHIBITS

All exhibits introduced during the trial of a case, except depositions, shall remain in the custody of the attorney or attorneys introducing the same before, during and after the trial. Exhibits shall be subject to examination by opposing counsel at all times. Exhibits should be marked for identification prior to the trial, and each party shall provide an exhibit list to the Court, the Court Reporter or Clerk responsible for the electronic recording of a court proceeding, and to opposing counsel.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

PRETRIAL MATTERS

32. DISCOVERY

32.1 Interrogatories

Copies of all interrogatories and answers thereto shall be sent to all parties. Answers and objections to interrogatories shall state the question being answered or objected to immediately before the response.

33. PRETRIAL MOTIONS

33.1 Hearing Dates

The Clerk shall set motions on the docket for the next Law Day occurring at least ten days after the motion is filed for hearing under Law Day procedures and without further notice to counsel for the parties.

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. Within five days after service of such a motion, an opposing party may serve and file an opposing memorandum. Unless waived by the Court, failure to file a supporting memorandum may be grounds for overruling of the motion for failure of prosecution, and not on the merits. The time to file written memorandum may be extended by the Court for good cause shown.

33.3 Motions in Limine

All motions in limine shall be in writing and accompanied by citations of authority.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009.)

34. CONTINUANCES

34.1 Civil Cases

An application for continuance shall be made by written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally or the Court

waives the requirement of a written motion. For good cause shown, the Court may continue a civil action to a fixed day or to a day for trial to be set thereafter. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the Court. All applications for continuances shall conform to Supreme Court Rule 65.

34.2 Criminal Cases

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally. A continuance will be granted in criminal cases only if the Court finds the ends of justice served by taking such action outweighs the benefits of a speedy trial. For good cause shown, the Court may continue a criminal proceeding to a fixed day, or to a date to be set thereafter. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the Court. All applications for continuances shall conform to Supreme Court Rule 24.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

35. **PRETRIAL CONFERENCES**

- A. On the motion of any party, or on the Court's own motion, the Court may make a pretrial order and may require the parties to appear at a pretrial conference, as provided by Supreme Court Rules 62.01 or 24.12, for the purposes set out in such Rules and, with the following:
 - 1. A list of the names and addresses of all witnesses proposed to be called at trial and a brief statement of the subject matter of their testimony;
 - 2. A list of all portions of depositions by page and line number which a party proposes to introduce in evidence at trial;
 - 3. The production of all exhibits marked for identification for purposes of introduction at trial;
 - 4. Proposed jury instructions;
 - 5. A short, concise statement of all legal and factual issues of the case, including the citation of authorities upon which a party intends to rely at trial.
- B. Except for good cause shown, no party shall be permitted to offer in evidence, other than in rebuttal or as impeachment, the testimony of any trial witness, or any deposition or part thereof, or any exhibit not listed or submitted by said party as herein required, or to submit requests for any further or additional instructions for consideration by the Court.

(Eff. Aug 1, 1993 Amended Dec 15, 2008, eff Jan 1, 2009.)

36. SETTING CASES FOR TRIAL

36.1 Request for Trial

- A. Upon request of counsel, cases may be set for trial on any regular scheduled Law Day with five days written notice to opposing counsel or parties, or at any time by agreement of all parties or upon the Court's own motion.
- B. The Clerk shall give notice to all parties or counsel, not present at the time of setting, of all trial settings not made by agreement of the parties. Counsel who have obtained a trial setting from the Court by agreement of opposing counsel shall give immediate written confirmation of the trial setting to opposing counsel, the Court, and the Clerk.
- C. Objections to trial settings must be made at the Law Day, or other date upon which notice has been given to make the trial setting. Objections to trial settings made at any other times must be made in writing within ten days after notice thereof, with copies to opposing counsel and the Court.

(Eff. Aug 1, 1993 Amended Dec 15, 2008, eff Jan 1, 2009.)

37. DISMISSALS

37.1 Dismissal Docket

When a case has been placed on the dismissal docket as provided for in Rule 8.1, notice shall be sent to attorneys of record, or to parties not represented, that the case will be dismissed without prejudice in 30 days for failure to prosecute unless the attorney of record or the party not represented contacts the Court and obtains an order removing the case from the dismissal docket within such 30 day period.

37.2 Reinstatement of Cause

Such cases shall be reinstated only upon written motion showing good cause, timely filed under Supreme Court Rules.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

SETTLEMENT AND DEFAULT

41. SETTLEMENT

41.1 Notice of Settlement

The Court and the Clerk shall be notified promptly if a case is settled.

(Eff. Aug 1, 1993. Amended Dec 15, 2008, eff Jan 1, 2009)

TRIALS

51. COURT-TRIED CASES

51.1 Preparation of Findings of Fact and Conclusions of Law

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

(Eff. Aug 1, 1993.)

52. SELECTION OF JURY

52.1 Jury Questionnaires

The jury questionnaire shall be delivered with the summons with directions to complete and return it to the Board of Jury Commissioners within ten days. The jury questionnaire is a matter of public record and may be inspected by the attorneys at any time that the Court is in session. Jury questionnaires shall be available prior to the day of any jury trial by contacting the Clerk. At the completion of the voir dire examination, it is the responsibility of the attorney to return his/her copy of the jury questionnaires to the Clerk.

(Eff. Aug 1, 1993. Dec 15, 2008, eff Jan 1, 2009)

53. JURY TRIALS

53.1 Closing Arguments

Plaintiff may divide his/her time between opening and closing argument, but not more than one-half of his/her time may be spent in closing. Time may be extended at the discretion of the Court. Arguments by multiple parties are made in the order named in the pleadings, unless otherwise agreed to by the parties or directed by the Court.

(Eff. Aug 1, 1993. Amended Dec 15, 2008, eff Jan 1, 2009)

54. JUDGMENT ENTRY

54.1 Contested Cases

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the form of judgment entry to the Court for its approval within seven days after rendition, with copy to opposing counsel or unrepresented party.

54.2 Default or Uncontested Cases

In default or uncontested cases, counsel for the prevailing parties shall, on the day of rendition, present to the Court for its approval the judgment or decree to be entered in the cause.

(Eff. Aug 1, 1993. Amended Dec 15, 2008, eff Jan 1, 2009)

RULES RELATING TO PARTICULAR ACTIONS

61. ADOPTION

61.1 Filing Requirements

At the time of filing the petition, counsel for the petitioners shall file a Certificate of Adoption (Vital Statistics Report) on a form to be provided by the Clerk, as required by Section 193.125, RSMo.

61.2 Home Study

Unless waived pursuant to Section 453.070, RSMo, upon the filing of a petition for adoption, the Division of Social Services, Children's Division, or other agency designated by the Court, shall conduct an investigation of the suitability of petitioner as parent for said child. The Clerk shall notify the appropriate agency to conduct such investigation and to file a written report thereof.

(Eff. Aug 1, 1993 Amended Dec 15, 2008, eff Jan 1, 2009.)

67. CRIMINAL CASES

67.1 Pretrial Release

A. Motions to Set Bond and for Bond Reduction

1. Motions to set bond and for bond reduction shall be made in writing and shall be filed with the Clerk. In the event of the absence or unavailability of the judge before whom the case is pending, such motion may be submitted to the Presiding Judge, or, in his/her absence, to another Associate Circuit Judge within the Circuit.
2. Approval of bonds requires full compliance with the applicable statutes and Supreme Court Rule. The forms used for such bonds must be either form number 26 or form number 27 of the Criminal Procedure Forms, Missouri Rules of Court. The terms, conditions, and obligations of such bonds shall be continuing in nature from the Associate Circuit Division to the Circuit Division.
3. No person shall be accepted as an individual surety upon any bail bond unless he/she shall possess all the qualifications required by

Supreme Court Rule 22.17, and shall justify those qualifications by affidavit (forms 23, 24, and 25 of Criminal Procedure Forms, Missouri Rules of Court) as provided by Supreme Court Rule 33.18.

4. Whenever an outstanding forfeiture or unsatisfied judgment thereon shall have been entered upon any bail bond in any court of this state or of the United States, such surety shall thereafter be disqualified as surety for bonds in any causes wherein the defendant is charged with a crime. Such disqualification shall continue so long as such forfeiture or unsatisfied judgment exists and until compliance with the provisions of Supreme Court Rule 33.13, 33.14 and 33.15.
5. Nothing contained in this rule shall be construed as abridging or otherwise limiting the power of any judge having jurisdiction over any criminal cause to release any person accused on his/her own recognizance either with or without conditions for release under Supreme Court Rule 33.01 (d).

67.2 Deposit of Operator's License.

- A. The officers of the Missouri State Highway Patrol, the Sheriffs and their deputies of Adair, Knox, and Lewis Counties, and such police officers of the cities within those counties who are authorized to accept bail are authorized, in their discretion, to accept the chauffeur's or operator's license, issued by the State of Missouri, or any person arrested and charged with violation of a traffic law of the State of Missouri or a traffic ordinance of such cities in lieu of any other security for his/her appearance in court to answer any such charge.
- B. The license shall not be deposited in lieu of bail in the following instances:
 1. Driving while intoxicated;
 2. Driving under the influence of intoxicating liquor or drugs;
 3. Leaving the scene of an accident;
 4. Driving while his/her license is suspended or revoked;
 5. Any charge made because of a motor vehicle accident in which a death has occurred.
- C. The deposit of the license in lieu of other security shall be under, and subject to, the provisions of Section 544.045, RSMo. The officer accepting the license shall issue a receipt to the licensee for the license on a form approved by the Director of Revenue.
- D. A licensee may, until he has appeared at the proper time and place as stated in the receipt to answer the charge against him, operate motor vehicles while in possession of the receipt. If a continuance is requested and granted, the licensee shall be given a new receipt for his/her license.
- E. If the driver fails to appear, the Clerk shall notify the Director of Revenue within ten days.

67.3 Attorneys

- A. The Defendant shall be permitted to proceed in trial without assistance of counsel only after the trial judge makes thorough inquiry and is satisfied that such defendant:
 - 1. Has been clearly advised of his/her right to the assistance of counsel, including the right to assignment of counsel if he is indigent;
 - 2. Possesses the intelligence and capacity to appreciate the consequences of counsel, including the right to assignment of counsel if he/she is indigent;
 - 3. Comprehends the nature of the charges and proceedings, the range of permissible punishments, and any additional facts essential to a broad understanding of the case.
- B. When the defendant has been permitted to proceed without counsel, the trial court shall consider the appointment of a standby counsel to assist the defendant when called upon and to call the judge's attention to matters favorable to the defendant upon which the judge should rule on his/her own motion. Standby counsel shall always be appointed in cases expected to be long or complicated in which there are multiple defendants.
- C. No colloquy, argument or discussion directly between counsel in the presence of the judge or jury will be permitted except as allowed by the Court.

67.4 Arraignments

- A. All defendants scheduled for arraignment shall be present in person and shall have their counsel present.
- B. Each Associate Circuit Judge shall order all persons accused of a felony who are bound over by said judge to appear in the Circuit Division at 10:00 a.m. on the next following law day at least five days thereafter.
- C. If a plea of not guilty is made at Circuit Court arraignment, a date shall then be set for the filing and hearing of all pretrial motions and/or for trial setting.

67.5 Presentence Investigations

- A. Presentence investigations shall be had in all felony cases, unless the Court approves a waiver, and in such misdemeanor cases as requested by the Court.
- B. If the probation officer is not present in court, the Circuit shall notify the probation officer of the presentence investigation request, with the confirmation thereof to the court file.

- C. The sentencing assessment report shall be filed with the Court and copies provided the requesting judge, prosecuting attorney, and defense attorney.
- D. Sentencing assessment reports, progress reports, citations, and violation reports are confidential and are not to be open for general public inspection. Defense counsel should not reveal reports to any one other than the defendant except by his/her permission.

67.6 Work Release, School Release, and Counseling Release

- A. Applications for work release, school release, or counseling release shall be made by motions in writing which shall specify hours and conditions of such release and which shall make specific proposals as to defendants payment of his/her court costs, crime victim judgment, jail board, restitution, and family support, if appropriate. Such motions shall be filed with the Clerk.
- B. If such release is approved, counsel for the defendant shall submit an original written order with copies for the prosecutor, the sheriff, the defendant, and, if appropriate, the probation officer.

67.7 Violations and Warrants

- A. Probation officers may, in their discretion, order probationers to appear before the Court for the report and review of minor or technical violations even when revocation is not to be sought.
- B. In the event a probationer violates conditions of probation and the supervising probation officer intends for the probationer to be placed in custody, the probation officer shall notify the Court of the violation and shall request that the Court issue a warrant for the probationer's arrest. Probation officers shall not issue probation warrants in lieu of court ordered warrants except in exigent circumstances in which the safety of the public, the probationer, or other persons requires the immediate arrest of the probationer or the conduct of the probationer otherwise requires the probationer's immediate arrest.

67.8 Revocation Proceedings

- A. Violation reports and citations shall be filed with the Clerk with copies to the judge, prosecuting attorney, and the defendant.
- B. Preliminary hearings on probation violations shall be conducted by the Board of Probation and Parole at the earliest possible time. If probable cause for revocation is determined, the Board shall make and file its findings and recommendations for revocation with the Clerk of the Court, with copies to the judge, the prosecuting attorney, the defendant, and the attorney representing the defendant at the time probation was granted.

- C. A written motion to revoke shall be filed by the prosecuting attorney if revocation is sought, with copies to the defendant, his/her attorney and the probation officer. The motion to revoke may incorporate, by reference, the probation violation report or the findings and recommendations for revocation by the board of probation and parole.
- D. Unless a notice to take up the motion to revoke is filed, the Clerk shall thereupon set the motion to revoke upon the next law day docket of the sentencing judge for setting, hearing, or appointment of counsel, as appropriate.

67.9 Restitution

- A. In all cases involving property loss, damage to property, or personal injury, the probation officer shall thoroughly investigate the circumstances of the loss, the amounts claimed, and the probationer's version of the loss. A restitution report shall be made to the Court.
- B. A restitution hearing may be had upon proper motion under Section 546.630 and 546.640, RSMo. if agreement as to restitution is not reached within a reasonable time after probation is granted, or upon request of the probationer, the victim claimant, the prosecuting attorney or the probation officer.

67.10 Suspended Imposition of Sentence.

In cases where imposition of sentence was suspended, the probation officer shall advise the probationer of the necessity of making a motion for withdrawal of the plea, and for a requested dismissal of the case upon successful completion of probation

(Eff. Aug 1, 1993.Amended Dec 15, 2008, eff Jan 1, 2009)

68. DISSOLUTION OF MARRIAGE

68.1 Filing Requirements

- A. At the time of filing the petition, the attorney for the petitioner shall file:
 - 1. In his/her petition, or in an affidavit attached to it, information, under oath, concerning child custody and custody proceedings.
 - 2. A Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the Clerk, as required by Section 193.205, RSMo.
- B. After hearing, unless transfer of title to real estate is effected by deed executed by the appropriate party, the attorney who prepares a decree affecting the title to real estate, shall include, directly or by reference, the complete legal description of such real estate, and shall file an addi-

tional copy of such decree for each county in which real title is transferred by the decree.

- C. After hearing, the attorney, who prepares a decree of dissolution or legal separation, shall file an additional copy of the decree along with a statement of the last known mailing address of the respondent. The Clerk shall mail a certified copy thereof to the respondent.

(Eff. Aug 1, 1993. .Amended Dec 15, 2008, eff Jan 1, 2009)

68.2 Separation Agreement

In all cases where written separation agreements are made under the provisions of Section 452.325, RSMo, a copy of such executed agreement shall be submitted to the Court prior to the hearing.

(Eff. Aug 1, 1993.)

68.3 Filing of Financial Statements

- A. In all cases for dissolution of marriage, separate maintenance, legal separation, or involving the support of children, motions pendente lite and any motion to modify a decree with respect to support or maintenance, questionnaires entitled “Income and Expense Statement” and “Financial Statement” to be obtained from the Clerk, shall be completed by each party under oath and shall be filed with the Clerk.
- B. In all cases for dissolution of marriage, separate maintenance and legal separation, the legal description of each parcel of real estate in which the parties, or either of them, have an interest shall be typewritten on a separate sheet of paper and attached to the parties’ “Financial Statement” and filed with the Clerk.
- C. Copies of the completed “Income and Expense Statement” and “Financial Statement” shall be mailed to the attorney for the opposing party, or to an unrepresented party at the time the completed statements are filed with the Clerk. The original statements shall be marked as exhibits and offered as evidence in the case.
- D. A party shall file such statements within twenty (20) days after the filing of the statements by the other party, or at least five (5) days prior to the date of the hearing of the case, whichever shall be sooner. In the event a party shall fail to comply with this provision, the Court may impose appropriate sanctions.

(Eff. Aug 1, 1993. Amended Dec 22, 2004, eff. Jan 6, 2005)

68.4 Educational Seminars for Parents

- A. All parents in any action for dissolution, legal separation, paternity, change of custody/visitation, and other domestic relations actions, but excluding adult abuse, child abuse, and Juvenile Court proceedings, filed on or after May 1, 1993, who are parents of a minor child or chil-

dren under the age of seventeen (17) years old, where custody is to be determined by the Court, shall be required to attend the seminar entitled “Children In Between” presented by Preferred Family Healthcare, Inc., and Assistance, Inc. of Kirksville, Missouri, or a similar program presented by any agency approved by the Court.

- B. The seminar shall be attended by each parent within ninety (90) days of service of the original pleading upon the respondent in the proceeding. The Clerk shall give petitioner a notice of this rule and its requirements, and an informational pamphlet at the time of the filing of the petition. The Clerk shall attach a copy of such notice, rule, and pamphlet to the summons and petition issued to respondent.
- C. Each parent shall be required to pay the cost for participation in the seminar directly to the provider (pursuant to a court approved sliding scale.)
- D. The agency which presents the seminar shall file a certificate of attendance with the appropriate Clerk upon completion of the seminar by each participant.
- E. Upon the failure to of any parent to attend the seminar pursuant to this rule, the Court may, upon its own motion or upon the motion of any other party to the action, take appropriate action to enforce compliance with this rule.
- F. For good cause shown, the Court may waive the requirements of this rule.
- G. This rule and its provisions shall be mandatory in the Circuit Court of Adair County.
- H. This rule and it s provisions shall be mandatory in the Circuit Courts of Knox and Lewis Counties only:
 - 1. When a party or parties request participation in the Adair County program;
 - 2. When the hearing judge in a particular case finds that the program is required in the best interest of the child or children, or
 - 3. Upon the development of a local program in those counties approved by the Court en banc.

(Eff. Aug 1, 1993.)

68.5 Entry of Judgment Upon Affidavit

- A. A final judgment and decree in any action for dissolution of marriage, legal separation, or declaration of paternity, or in any action in modification thereof, may be entered upon the affidavit of any party when;

1. There are no minor unemancipated children of the mother and father and the mother is not pregnant, or the parties are represented by counsel and have entered into a written agreement determining child custody, visitation and support; and
 2. The respondent has been served in accordance with the Missouri Rules of Civil Procedure or has filed with the Court a verified entry of appearance or responsive pleading; and
 3. There is no genuine issue as to any material fact; and
 4. There is no marital property to be divided, or the parties are represented by counsel and have entered into a written agreement for the division of their marital property.
- B. Any party requesting a final judgment upon affidavit shall file with the Court an affidavit containing the facts necessary to establish the jurisdiction of the Court and support the relief requested, together with a proposed final judgment and decree, any written agreement to be submitted to the Court for approval, a completed Form 14, and all other supporting documents.
- C. The filing of an affidavit shall not shorten any statutory waiting period required for entry of a final decree of dissolution of marriage for legal separation.
- D. The Court is not required to enter a final judgment upon the affidavit of any party but may, on its own motion, require an evidentiary hearing to determine any or all issues presented by the pleadings.

(Adopted Nov 1, 1999. Eff. Jan 1, 2000)

68.6 Motions to Modify – Notice

- A. Notice of any hearing on a motion to modify a prior order of child support, visitation, or child custody shall be served by ordinary mail at the last known address on any person who has been served with a copy of the motion to modify, and who has not filed a verified response consenting to modification of the prior judgment.

(Adopted Nov 1, 1999. Eff. Jan 1, 2000)

68.7 Filing of Child Support Worksheets

Missouri Supreme Court Civil Procedure Form No. 14 shall be completed by each party or his/her attorney of record, as provided by Supreme Court Rule 88, and filed with the Clerk. A copy shall be served upon the attorney for the other party, or upon an unrepresented party, at the time of filing with the Clerk. The originals shall be marked as exhibits and offered as evidence in the case.

(Eff. Aug 1, 1993. Amended Dec 22, 2004, eff. Jan 6, 2005, Amended Dec 15, 2008, eff Jan 1, 2009)

68.8 Retroactive Payment of Support

- A. In any action to establish, or to modify, an obligation for support of a spouse or a former spouse or a minor child in a decree of dissolution, decree of legal separation or order of paternity, there shall exist a presumption that any obligation for payment, or modification of the obligation for payment, of support for a spouse or a former spouse or a minor child shall be retroactive to the date of filing of movant's Statement of Income and Expense or the date of service of movant's motion to modify, whichever shall later occur.
- B. If the obligation for payment of support for a former spouse or a minor child is increased, any amounts paid by a party in excess of the then existing support obligation under a decree of dissolution, decree of legal separation or order of paternity after the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award.
- C. If the obligation for payment of support for a former spouse or a minor child is decreased, any amounts paid by a party in excess of the support obligation, as modified, under a decree of dissolution, decree of legal separation or order of paternity after the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever is later, shall be credited toward any arrearage and the balance, if any, applied to future support.

(Adopted Nov 1, 1999, eff. Jan 1, 2000, Amended Dec 15, 2008, eff Jan 1, 2009)

72. **PROBATE**

72.1 Attorneys

It is recommended that the fiduciary in decedent and conservatorship estates maintain the representation of an attorney for administration of the entire estate. Except for cases handled by the public administrator, all estates shall be required to have an attorney at least through the filing and approval of the first annual settlement. Thereafter, an attorney shall be required as the court may require.

72.2 Estate Bank Accounts

It shall be the duty of the fiduciary to open estate bank accounts as soon as practicable. All estate funds and income shall be deposited into estate bank accounts. All estate obligations and disbursements shall be paid by check from estate bank accounts.

72.3 Settlements

Settlements shall account for all income received and disbursements made

by the fiduciary. All settlements shall be typed or legibly written in ink and signed by the fiduciary.

72.4 Verification

Verification shall be filed with all settlements. All bank accounts and certificates of deposit shall be verified by bank statements for the entire settlement period. All disbursements shall be verified by canceled check, substitute check (front and back, or as approved by the Court), voucher, or receipt from payee or distributee. Other verification shall be provided as the court may request.

74. **TRUST ESTATES**

74.1 Inventory

Within thirty (30) days after appointment every trustee shall file and present to the Circuit Court, a written inventory of the property and effects comprising the trust estate.

74.2 Reports

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

(Eff. Aug 1, 1993)

75. **JUVENILE DIVISION**

75.1 Filing of Statement of Income and Expenses and Form 14

In any Juvenile Division proceeding in which either parent seeks an order to temporarily abate or modify an existing order to pay child support for any child who is under the jurisdiction of the Juvenile Division, the Court may, in its discretion, require that such parent prepare and file with the Court an “Income and Expense Statement” on a form provided by the Clerk, and a “Civil Procedure Form No. 14”, as provided in Supreme Court Rule 88. A copy of such forms shall be provided to the Juvenile Officer, the Children’s Division, the Guardian Ad Litem, and the other parent if the motion is not a joint motion. Upon the failure of the parent to file the Form No. 14, as provided herein, the Court may, in its discretion, prepare its own Form 14 if sufficient information is provided to the Court for the completion of said Form if the ends of justice so require.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)

76. **ADULT ABUSE AND CHILD PROTECTION CASES**

In any case filed pursuant to Sections 455.010 RSMo et seq. seeking an adult order of protection or filed pursuant to Section 455.500 et seq. seeking a child order of protection, the Court may, in its discretion, require that any petitioner seeking an

order for child support prepare and file with the Court an “Income and Expense Statement” on a form to be provided by the Clerk, and a “Civil Procedure Form No. 14”, as provided in Supreme Court Rule 88. A copy of such forms shall be served upon the respondent prior to the hearing on the petition for full order of protection. Upon the failure of petitioner to file the Form No. 14, as provided herein, the Court may, in its discretion, prepare its own Form 14 if sufficient information is provided to the Court for the completion of said Form if the ends of justice so require.

(Eff Jan 1, 2009)

POST TRIAL

81. EXECUTION

Executions shall not be issued by the Clerk except upon written application thereof verified by the oath of the judgment- creditor or the judgment creditor’s attorney. The written application shall contain the following:

- A. Style and number of the case in which judgment was obtained;
- B. The date judgment was entered or last revived;
- C. The amount of the original judgment, the amount of the accrued interest on the original judgment, 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 levied upon;
- F. The return date on the execution (30, 60, 90, 120, 150, or 180 days);
- G. Any special instructions to be provided to the sheriff performing the execution, e.g. where garnishment or special levy is sought.

(Eff. Aug 1, 1993)

INTERNAL ORGANIZATION

100. INTERNAL ORGANIZATION

100.1 Presiding Judge

A. Duties of Presiding Judge.

1. The Presiding Judge shall have general administrative authority over the Court and all the divisions thereof.and shall call and preside at all meetings of the Court en banc.

2. The Presiding Judge shall supervise the preparation of all budgets with respect to the Circuit Court and all activities thereof.
- B. The Presiding Judge shall have the authority to assign cases to judges and judges to various cases, Divisions or counties, and to assign other court personnel among the various Divisions and within the Circuit so as to efficiently expedite the business of the Court. The Presiding Judge shall coordinate all duties and vacations of personnel and handle all media and government contacts.

(Eff. Aug 1, 1993)

100.2 Local Court Rules

- A. Local Circuit Court Rules shall be formulated by the Presiding Judge with the assistance of the Court en banc.
- B. The Presiding Judge may appoint members of the bar as an Advisory Rules Committee for the purpose of reviewing and making recommendations as to the local rules.
- C. The Clerks within each county shall distribute, within 30 days after receipt of new or amended rules, copies thereto to each attorney in their county, and to out of circuit attorneys who regularly enter that county for the practice of law. Clerks shall file and maintain copies of the rules in their respective offices, keep them supplemented to date and make them available to the public and bar. No charge shall be made for initial distribution of the rules, but the cost of reproduction will be charged for subsequent copies.

(Eff. Aug 1, 1993, Amended Dec 15, 2008, eff Jan 1, 2009)