# TABLE OF CONTENTS

## ADMINISTRATION


1. Divisions of Court

2. Hours and Terms of Court

    2.1 Hours of Court

    2.2 Terms of Court

    2.3 Law Days

    2.4 Particular Matters on Particular Days

        2.4.1 Law Day

        2.4.2 Juvenile

        2.4.3 Term Day

        2.4.4 Presence of Sheriff and Clerk Required

3. Pleadings

    3.1 Caption

    3.2 Style

    3.3 Copies Required

    3.4 Pleadings by Electronic Transmission

        3.4.1 Electronic Transmission Pleadings Authorized

        3.4.2 Proof of Service - Fax

4. Filing of Cases

    4.1 Criminal Cases

    4.2 Civil Cases

        4.2.1 Service (In-County) - Civil Action

4.2.2 Service (Out-of-County) - Civil Action

4.3 Probate Cases

4.4 Juvenile Cases

4.5 Small Claims Cases

4.6 Municipal Cases

4.7 Filings with Judges

4.8 Confidential Filings

4.9 Filings by Facsimile

5. Fees and Costs

5.1 Filing Fee and Cost Deposit

5.1.1 Initial Fees and Costs

5.1.2 Time Payment Fee

5.1.3 Circuit-Wide Service Fees

5.1.4 Service Fees (Out-of-County)

5.2 Costs

5.3 Witness Fee

5.4 Waiver of Fees

5.5 Motion for Security

6. Assignment of Judges, Cases, and Transfer of Cases

6.1 Assignment to Associate Circuit Judges

6.1.1 By Local Court Rules or Order

6.1.2 Special Assignment

6.1.3 Orders of Protection

6.1.4 Drug Court

6.1.5 Child Support Enforcement

6.2 Assignment to Circuit Judges

6.3 Certification to Circuit Division

6.4 Trial de Novo

6.5 Disqualification of Judge

6.6 Absence of Judge

6.7 Absence of Presiding Judge

7. Withdrawal of Papers from Clerk's Office

7.1 When Allowed

7.2 Duplicating Policy

8. Publication of Dockets

8.1 Trial Docket

8.2 Dismissal Docket

9. Courtrooms

9.1 Assignment of Courtroom

9.2 Place of Hearing

9.3 Use of Counsel Table

9.4 Courtroom Decorum and Dress

9.5 Who is Permitted Within Bar

10. Court Reporters and Compensation for Same

11. Recording of Judicial Proceedings

12. Monies Paid Into Court

13. Communications With the Court

13.1 Oral Communications with the Court

13.2 Written Communications with the Court

13.3 Notice by the Clerk

**GENERAL RULES**

21. Attorneys

21.1 Resolution of Conflicting Trial Settings

21.2 Entries of Appearance

21.3 Conduct of Attorneys

21.4 Withdrawal of Attorneys

21.5 Failure of Attorneys to Answer Docket Call

21.6 Appointment of Attorneys

21.7 Agreement of Attorneys

21.8 Advise to Client and Witnesses of Courtroom Procedure

22. Appointment of Guardian Ad Litem

23. Transcripts

24. Exhibits

**PRE-TRIAL MATTERS**

32. Discovery

32.1 Use of Discovery and Certification to Circuit Division

32.2 Interrogatories - (Civil and Criminal Actions)

32.3 Depositions

32.4 Motion for Sanctions

32.5 Criminal Discovery

33. Pre-Trial Motions

33.1 Hearing Dates

33.2 Briefs in Support of Motions - When Required

33.3 Oral Arguments - When Desired and How Requested

33.4 Motions in Limine

34. Continuances

34.1 Civil Cases

34.2 Criminal Cases

35. Pretrial Conference

36. Setting Cases for Trial

36.1 Request for Trial

36.2 Date of Calendar Call

36.3 Preparation of Calendar

36.4 Calendar Call

36.5 Inactive Calendar

36.6 Revision of and Removal from Prepared Calendar

36.7 Special Assignments

37. Dismissals

37.1 Dismissal Docket

37.2 Reinstatement of Cause

37.3 Notice of Dismissal

**SETTLEMENT AND DEFAULT**

41. Settlement

42. Default

**TRIALS**

51. Court Tried Cases

51.1 Default and Uncontested Matters

51.2 Contested Matters

51.3 Preparation of Findings of Fact and Conclusions of Law

52. Selection of Jury

52.1 Jury Questionnaires

53. Jury Trials

54. Judgment Entry

54.1 Contested Cases

54.2 Default or Uncontested Cases

**RULES PERTAINING TO PARTICULAR ACTIONS**

61. Adoptions

61.1 Filing Requirements

61.2 Home Study

62. Drivers' Cases

63. Associate Division

64. Cases Arising Under Chapters 207 and 208, RSMo, 1978 (Commonly Known as Title IV-D and H.B. 601 Actions)

65. Civil Commitment

66. Condemnation

67. Criminal Cases

67.1 Pre-Trial Release

67.1.1 Motions to Set Bond and for Bond Reduction

67.1.2 Deposit of Operator's License

67.2 Preliminary Hearing

67.3 Grand Jury

67.4 Attorneys

67.5 Arraignments

67.5.1 In General

67.5.2 Dates

67.6 Discovery

67.7 Motions

67.8 Plea Bargaining

67.9 Guilty Plea

67.9.1 When Entered

67.9.2 Petition to Enter a Plea of Guilty

67.10 Calendar

67.11 Probation and Parole

67.12 Filing of Criminal Cases

67.13 Criminal Jury Dockets

67.14 Pre-Trial Conferences

67.15 Continuances - Criminal Cases

67.16 Felony Appearances

68. Dissolution of Marriage

68.1 Filing Requirements

68.2 Separation Agreement

68.3 Forms of Decrees

68.4 Filing of Financial Statements

68.5 Modification of Decree

68.6 Motions

68.7 Interrogatories

68.8 Scheduling Conference - Information Exchange

68.9 Trial Settings

68.10 Guardian Ad Litem

68.11 Ex Parte Requests

68.12 Real Estate

68.13 Pendente Lite Orders - Hearing

68.14 Parental Education Sessions

68.15 Court Ordered Mediation

68.16 Sanctions

68.17 Withdrawal of Attorneys

68.18 Applicability of Rule

68.19 Entry of Judgment Upon Affidavit - Requirements

69. Municipal Division

69.1 Filing Requirements - Municipal Cases

69.2 Appeals to Circuit Court

70. Partition

71. Administrative Review

72. Probate

73. Small Claims

74. Trust Estates

**POST TRIAL**

81. Executions

    81.1 Issuance of Executions

    81.2 Deposit Required

82. Garnishment

83. Judicial Sales

**INTERNAL ORGANIZATION**

100.

    100.1 Presiding Judge

    100.2 Local Court Rules

    100.3 Library Fund

        101.3.1 Library Fund Deposit

        101.3.2 Library Fund Procedures

    100.4 Storage of Records

    100.5 Clerk's Duties

    100.6 Selection of Veniremen

101. Treatment Court

    101.1 Treatment Court Division Established

101.2 Appointment of Treatment Court Administrator

101.3 Budget of the Treatment Court

101.4 Jurisdiction of the Treatment Court

101.5 Standards and Practices for Specialty Courts Within The Treatment Court Division

101.6 Treatment Court Fees

# CIRCUIT COURT RULES
# 44TH JUDICIAL CIRCUIT

The following Circuit Court Rules are adopted for use in the 44th Judicial Circuit, consisting of Douglas, Ozark, and Wright Counties, by all divisions of the Circuit Court, pursuant to the authority granted in Article V, Section 15 of the Missouri Constitution and the provisions of Section 478.245 R.S.Mo. These rules shall become effective as amended on August 27, 2019.

Honorable R. Craig Carter
Presiding Judge

## ADMINISTRATION

## RULE 1. DIVISION OF COURT

The Court shall consist of the following five divisions:
DIVISION ONE: CIRCUIT
In addition to having jurisdiction over all cases specified by statute the Division One Judge shall have jurisdiction over all juvenile cases in Division Four.
DIVISION TWO: ASSOCIATE
In addition to having jurisdiction over all cases specified by statute and these rules, the Associate Judge shall have jurisdiction over Small Claims and Municipal Cases where the municipality has not elected to maintain their own court system.
DIVISION THREE: PROBATE
DIVISION FOUR: JUVENILE
DIVISION FIVE: MUNICIPAL

## RULE 2. HOURS AND TERMS OF COURT

### 2.1 HOURS OF COURT

All sessions of court will convene at 9:00 a.m. including jury and court tried cases, unless otherwise specified by the division before which any matter is pending. Court shall be opened each morning by the formal announcement of the Sheriff or his bailiff.

### 2.2 TERMS OF COURT

The Circuit Court of each county of the circuit will be in continual session as provided by Section 478.205 R.S.Mo. To the extent that a term of circuit court may be required or specified by these rules or by any provisions of law, the "terms" of court for Division One, (unless otherwise directed by specific order of the Division One Judge) shall be considered as commencing on the dates as hereafter stated:

A) Douglas County - On Tuesday of the first full week in the months of January, May, and September;

B) Ozark County - On Wednesday of the first full week in the months of April, September, and December;

C) Wright County - Criminal cases on Thursday and Civil cases on Friday of the first full week in the months of March, July, and November.

## 2.3 LAW DAYS

The Law Day for Division One, unless otherwise designated by the Presiding Judge, shall be held as follows:

A) Douglas County - Civil cases on Monday at 1:30 PM of the first full week of each month and Criminal cases on Tuesday at 9:00 AM of the first full week of each month

B) Ozark County - On Wednesday of the first full week of each month;

C) Wright County - Criminal cases on Thursday of the first full week of each month and Civil cases on Friday of the first full week of each month.

## 2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

### 2.4.1 LAW DAY

Counsel shall notify opposing counsel, all pro se parties, and the Clerk of the Circuit Court at least five days prior to a law day of their intention to take action in a pending case. Failure to do so will result in the matter being passed to the next law day.

The cases will be placed on the docket in the order in which the clerk is notified and will be disposed of by the Court in the order in which the clerk is notified as follows:

**In Douglas County criminal cases at 9:00 am and civil cases at 1:30 pm**

**In Ozark County civil cases at 9:00 am and criminal cases at 10:00 am**

**In Wright County - Thursday criminal arraignments and docket call at 9:00 am, plea's and other settled matters at 10:30 am - remaining plea's and probation violations at 1:30 pm / Friday civil cases at 9:00 am**

### 2.4.2 JUVENILE

Juvenile cases other than adoptions will be heard at the Office of the Juvenile Officer in Mountain Grove unless a juvenile, parent, or other interested party requests a hearing in the county of domicile, or otherwise designated by the Judge hearing the cases, **on Monday of the first full week of each month.**

### 2.4.3 TERM DAY

All cases pending will be listed and those cases which have had no activity for two successive terms will be placed on the dismissal docket. The Clerk of each Circuit Court will send a term day docket to each attorney and pro se party 15 days in advance of term day. The term day docket will not be read, but leaves the responsibility to the attorneys or pro se parties to determine the status of the cases on the term day docket and to bring it to the Courts attention should such attention be warranted.

### 2.4.4 PRESENCE OF SHERIFF AND CLERK REQUIRED

The sheriff, deputy sheriff, or bailiff and the clerk or a deputy clerk shall be in the circuit court room at all times when court is in session unless excused by the judge then presiding. The sheriff, deputy sheriff, or bailiff shall maintain order in the court room. The clerk or a deputy clerk shall administer such oaths as are required to bailiff, jurors, and witnesses.

## RULE 3. PLEADINGS

### 3.1 CAPTION

The following caption is required: In the Circuit Court of _____ County, Missouri, Division ____. Each pleading shall have the name of the attorney or party whose signature appears on the document and their address, telephone number and Missouri Bar Number. The case number shall be included on all pleadings except for the initial petition filed by Plaintiff/Petitioner.

### 3.2 STYLE

All pleadings and motions intended for filing in any case shall be legibly written on one side of the paper only, either typewritten or printed, double-spaced, on 8 1/2 by 11 inch paper with a top and left-hand margin of at least one inch; shall be signed by the party or the party's attorney offering the same for filing; shall be captioned with the style and number of the case, the character of the pleadings and motions and, if a petition, the nature of the suit and, if consisting of more than one sheet, shall be securely bound at the top and with page numbers at the bottom. Paragraphs of pleadings shall be numbered consecutively. An attorney offering a paper for filing may sign it on behalf of a law firm or attorney when duly authorized to do so; but the attorney must also subscribe their own signature on said paper.

Where service of summons or other pleading is requested, a copy of the pleading for each party to be served shall be filed and shall state the name, address of each defendant, including directions if the address is a P. O. Box or Rural Route. If defendant is a corporation, the name, address and telephone number of the officer or registered agent shall also be included.

Documents shall not be accepted for filing unless a case exists with an assigned case number, except in the case of initial pleadings.

### 3.3 COPIES REQUIRED (No Local Rule).

**3.4 PLEADINGS BY ELECTRONIC TRANSMISSION** (No Local Rule).

## RULE 4. FILING OF CASES

Except as otherwise provided in these rules, effective October 26, 2015 all documents and papers filed by attorneys shall be filed electronically with the Circuit Clerk in the appropriate county in compliance with Supreme Court Operating Rule 27 and Supreme Court Rule 103. Non-attorney self-represented parties shall continue to file paper documents which will be scanned into the electronic file and maintained electronically. Paper filings shall be permitted for attorneys and self-represented parties for documents submitted for filing within a courtroom during a hearing or trial or by specific court order.

**4.1 CRIMINAL CASES**

Initial charging documents in criminal cases shall be filed in paper format until the KARPEL system supports filing of electronic documents. Thereafter, initial charging documents shall be filed electronically.

**4.2 CIVIL CASES** (No Local Rule).

**4.3 PROBATE CASES**

In addition to electronic filing, the original of the following probate documents shall also be filed with the Circuit Clerk in paper format within 72 hours after they are electronically filed: wills; codicils; commissions; trusts; corporate surety bonds; and agreements of depository and verification letters for limited access or restricted accounts. Copies of settlements (including all attachments, exhibits, vouchers, receipts and bank records), shall be filed in paper format within 72 hours after they are filed electronically.

**4.4 JUVENILE CASES** (No Local Rules).

**4.5 SMALL CLAIMS CASES** (No Local Rules).

**4.6 MUNICIPAL CASES**

All municipal cases shall be filed with the clerk of the appropriate municipal division under the law and rules governing municipal courts.

**4.7 FILINGS WITH JUDGES**

Applications for search warrants and affidavits in support thereof; arrest warrants and informations; complaints and probable cause statements; ex parte orders and petitions and affidavits in support thereof; mental health/drug and alcohol commitments and petitions and affidavits in support thereof; detention and protective custody orders and petitions, motions, police reports, statements and affidavits in support thereof, and other pleadings and orders as

may be desirable by the court shall be filed with the appropriate Associate or Circuit Judge by electronic transmission or paper with the approval of the Judge.

Any such document 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. An electronic signature shall have the same effect as an original signature. Any person filing by electronic transmission shall keep the original in his or her possession, as well as documentation of the transmission, and shall provide the same upon order of the court for inspection.

Court orders, commitments, docket entries, judgments or decrees, including warrants and search warrants, and any other document as may be desirable may be transmitted to the clerks of the various divisions or others by electronic transmission or paper at any time by a Judge.

### 4.8 CONFIDENTIAL FILINGS

Confidential documents shall be filed by paper filing, e-mail, or other method approved by the Court outside the electronic filing system or should be paper filed with the Circuit Clerk directly with the prior approval of the Court.

### 4.9 FILINGS BY FACSIMILE

Facsimile filings shall only be authorized for entities or parties that are not required to electronically file documents. After making the required fee deposit, documents may be filed by facsimile with the Circuit Clerk of any court who maintains fax machine capacity. Facsimile filings shall not exceed ten (10) pages measuring not larger than 8 1/2 x 11.

Facsimile transmissions received before 4:30 p.m. of a regular work day, excluding Saturdays and Sundays and holidays, shall be deemed filed as of that day at the time transmitted. Filings received after 4:30 p.m. shall be deemed filed as of 8:00 a.m. on the next regular court day and stamped "filed" by the clerk. Holidays are deemed to be national and state holidays and any days designated as a holiday by the Governor or the Missouri Supreme Court.

Every transmission for which service on another party is required shall contain a certification of service upon such parties. If such service is accomplished by facsimile transmission, the certification shall state the time and date of transmission and the telephone number to which the transmission was made, and the method of confirmation that the transmission was received.

The original of any document transmitted shall be retained by the sender and shall be made available to the court within five days of any request therefor. Failure to produce the original shall in the discretion of the court constitute grounds for striking the facsimile pleading or document appearing in the files.

The person fax filing a document bears the risk of loss in transmission, non-receipt or illegibility. If the document is not received or is not fully legible, the document is deemed not filed and totally null and void for all purposes.

## RULE 5. FEES AND COSTS

## 5.1 FILING FEE AND COST DEPOSIT

### 5.1.1 INITIAL FEES AND COSTS

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

CIRCUIT DIVISION ONE

| | |
|---|---|
| All original civil cases and registration of foreign judgments | $ 96.50 |
| Domestic relations including Dissolutions of Marriage, Motions to Modify, Family Access Motions | $ 98.50 |
| No charge for additional defendants | |
| Adoptions | $146.50 |
| No charge for additional children | |

ASSOCIATE DIVISION TWO

| | |
|---|---|
| All original civil cases | $ 46.50 |
| No charge for additional defendants | |
| Small Claims Up to $5,000.00 | $ 23.50* |

*plus the cost of service

Criminal fees and costs - according to Section 488.012

**No civil case will be filed or processed until the above fees have been deposited with the clerk of the court.**

### 5.1.2 TIME PAYMENT FEE

The Clerk of the Court in each county in the circuit shall collect a $25.00 fee pursuant to Section 488.5025, RSMo., if assessed by the Court. Ten dollars of the fee shall be retained in a fund managed by the Circuit Clerk of each county in the circuit. The fund shall be expended at the discretion of the resident Associate Judge of each county in the circuit for the purposes set forth in Section 488.5025, RSMo. (12/30/09)

### 5.1.3 CIRCUIT-WIDE SERVICE FEES

| | |
|---|---|
| Sheriff's fee deposit for service within the 44th Judicial Circuit per defendant/respondent | $50.00 |

Made by separate check directly to the County Sheriff. (9-08-08)

### 5.1.4 SERVICE FEES (OUT-OF-COUNTY)

See Rule 4.2.2

## 5.2 COSTS (No Local Rule.)

**5.3 WITNESS FEE** (No Local Rule.)

**5.4 WAIVER OF FEES** (No Local Rule.)

5.5 **MOTION FOR SECURITY** (No Local Rule.)

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

### 6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

#### 6.1.1 BY LOCAL COURT RULES OR ORDER

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

a) uncontested dissolutions of marriage, legal separations or separate maintenance proceedings;

b) uncontested motions to modify decrees of dissolution of marriage, legal separations, separate maintenance, child support and child custody;

c) proceedings for change of name;

d) the issuance of temporary emergency orders in juvenile matters;

e) uncontested proceedings for approval of settlements of suits involving claims of persons under the age of 18 years;

f) uncontested actions involving the title to real estate;

g) cases arising under the Uniform Reciprocal Enforcement of Support Act;

h) petition for review for loss of driving privileges;

i) application for hardship driving privileges.

Any associate circuit judge of the circuit may issue a warrant for arrest in any county in the circuit, provided that judge has not been disqualified in the particular case the warrant is sought and the elected judge is unavailable or unable to act for some other reason.

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

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

**6.1.2 SPECIAL ASSIGNMENT**

Absent other order from the Presiding Circuit Court Judge, the following classes of cases filed in Division One are hereby assigned to the Associate Circuit Judge presiding in the county in which the action is filed:

a) All trial de novo proceedings filed from municipal divisions;

b) All actions brought pursuant to the Adult Abuse Act;

c) All actions brought pursuant to the Protective Services for Adults Act;

d) All actions brought pursuant to the Child Protection Orders Act;

e) All Family Access Motions;

f) All actions brought pursuant to 302 R.S.Mo including, but not limited to, all petitions for review of drivers license revocations; all actions seeking reinstatement of a drivers license revoked for refusal to submit to a chemical test; and all actions seeking limited hardship licenses;

g) All pro se Petition for Dissolution of Marriage; and

h) All Child Support Enforcement actions.

**6.1.3 ORDERS OF PROTECTION**

The Associate Circuit Judge of each county in the 44th Judicial Circuit is the Judge primarily responsible for the handling of Petitions for orders of protection for adults and children filed in the county. If that Judge is unavailable to consider the petition according to the procedure set out in the "Guidelines for Judicial Availability for Orders of Protection" published by the Supreme Court and pursuant to Section 455.030.4 R.S.Mo. The Circuit Judge and the Associate Circuit Judges in the circuit shall all have concurrent jurisdiction over all Petitions for orders of protection for adults and children filed in the circuit.

**6.1.4 DRUG COURT**

All Drug Court cases shall be assigned to the Circuit Court, Division I. The Presiding Judge will appoint a Judge to preside over Drug Court in each county of the 44th Judicial Circuit and handle the day to day judicial operations of the Drug Court. The Judge presiding over any drug court case will be disqualified from any further participation in the criminal case underlying the admission of the participant to Drug Court, should the defendant withdraw or be terminated from the Drug Court Program.

**6.2 ASSIGNMENT TO CIRCUIT JUDGES** (No Local Rule.)

**6.3 CERTIFICATION TO CIRCUIT DIVISION**

When a request for a trial by jury is made for a case which was not filed in Division I, the Associate Circuit Judge presiding over that action shall certify the matter to Division I. Any matter certified to Division I pursuant to this rule shall be assigned to the Associate Circuit Judge making the certification for trial on the record with procedures applicable before Circuit Judges. Municipal Judges shall notify the Presiding Judge of a jury request.

Cases which are certified to Division I by order of an Associate Judge, due to pleadings filed in the case where the case exceeds the jurisdiction of Division II, are hereby assigned to the Associate Circuit Judge making the certification. (12/30/09)

**6.4 TRIAL de NOVO**

Trial De Novo cases from Associate Divisions will be forward to the Clerk of the Circuit Court for filing. The Circuit Court Clerk shall notify the Presiding Judge for assignment of another Judge.

**6.5 DISQUALIFICATION OF JUDGE** (No Local Rule.)

**6.6 ABSENCE OF JUDGE**

When the regular judge of any Associate or Probate Division of the Circuit Court is absent from the county or is unable to act for any reason, any judge of the circuit, other than municipal judges, may, unless having been disqualified:

1) Make a determination of probable cause and issue or direct the issuance of warrants of arrest as provided in Supreme Court Rules;

2) Hold the nonadversary proceeding and issue search warrants as provided by law or Supreme Court Rule;

3) Conduct the ex parte hearings and issue the orders and warrants as provided by law, relating to adult abuse and child abuse, involuntary commitment for alcohol abuse and involuntary commitment for mental health evaluations;

4) Conduct the ex parte hearing and issue restraining orders as provided in Supreme Court Rule;

The authority hereby granted shall not require a specific transfer and all judges, other than municipal judges, are transferred and assigned to all Circuit, Associate or Probate Divisions for the purposes set forth herein. When acting under the authority of this rule, the acting judge shall make a record stating the reason he is assuming jurisdiction.

**6.7 ABSENCE OF PRESIDING JUDGE**

In the event that the presiding judge is from time to time absent from the circuit or is disabled; then, prior to such period of absence or disability, the presiding circuit judge shall appoint an associate circuit judge who shall exercise the responsibilities prescribed by law for presiding circuit judges during such period of absence or disability.

## RULE 7. WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

**7.1 WHEN**

No official files of the circuit court or any division thereof shall be removed from the office of the circuit clerk or the office of any division clerk except in the custody of employees of the circuit court, the judges, or the court reporter.

7.2 **DUPLICATING POLICY** (No Local Rule.)

## RULE 8. PUBLICATION OF DOCKETS

**8.1 TRIAL DOCKET**

The Circuit Clerk shall prepare a trial docket of all civil and criminal cases that are scheduled to be heard. Upon request, the docket shall be e-mailed to judges and attorneys at least five days before the hearing date.

**8.2 DISMISSAL DOCKET**

See Rule 37.

## RULE 9. COURTROOMS

**9.1 ASSIGNMENT OF COURTROOM**

The Circuit Clerk of each county shall prepare and maintain a master calendar of courtroom availability for the setting of cases in the Circuit Court room. All requests shall be made to the Circuit Clerk, who shall be responsible for informing Judges of availability of the court room.

9.2 **PLACE OF HEARING** (No Local Rule.)

9.3 **USE OF COUNSEL TABLE** (No Local Rule.)

9.4 **COURTROOM DECORUM AND DRESS** (No Local Rule.)

**9.5 WHO IS PERMITTED WITHIN BAR**

Only the attorneys, witnesses, officers of the court and the persons at special invitation of the Court shall be allowed within the rail.

## RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

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

If the appellant desires the circuit clerk to forward the material to the office of State Court Administrator for transcribing, the deposit will be based on rates as set out by the State Court Administrator. In the event the deposit is insufficient to pay for the transcript, the remaining unpaid portion of the cost shall be paid prior to delivery of the transcript to the person who ordered it prepared.

## RULE 11. RECORDING OF JUDICIAL PROCEEDINGS

All persons, except those specifically authorized by the judge presiding at the hearing and those persons authorized by the court to preserve the record, shall refrain from broadcasting, televising, recording, or taking photographs in the courtrooms or areas immediately adjacent thereto during sessions of court or recesses between sessions. Any request to record, broadcast, televise, or photograph any proceeding shall be authorized pursuant to Administrative Rule 16.

## RULE 12. MONIES PAID INTO COURT (No Local Rule.)

## RULE 13. COMMUNICATIONS WITH THE COURT

### 13.1 ORAL COMMUNICATIONS WITH THE COURT (No Local Rule.)

### 13.2 WRITTEN COMMUNICATIONS WITH THE COURT

All communications to the clerk or the court pertaining to any case must contain the style of the case, the case number, the division in which the case is docketed and the names and addresses of all interested counsel and parties not represented by counsel.

The attorneys of the party communicating with the court shall send a copy of written communication to opposing counsel or parties not represented by counsel.

**13.3 NOTICE BY THE CLERK**

The Clerk of the Court is responsible for the notification to each attorney of record and to each party not represented by an attorney, of all orders made by the court, including any orders by the Supreme Court or the Appellate Courts.

## 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**

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.

**21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL** (No Local Rule.)

**21.6 APPOINTMENT OF ATTORNEYS** (No Local Rule.)

**21.7 AGREEMENT OF ATTORNEYS**

Private or prior stipulation or agreement between parties or attorneys in a pending case should be made in writing and filed with the clerk or made orally in open court.

**21.8 ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE**

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

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

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

### RULE 22. APPOINTMENT OF GUARDIAN AD LITEM (No Local Rule.)

### RULE 23. TRANSCRIPTS (No Local Rule.)

## RULE 24. EXHIBITS

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

# PRE-TRIAL MATTERS

## RULE 32. DISCOVERY

### 32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

(No Local Rule.)

### 32.2 INTERROGATORIES - (CIVIL AND CRIMINAL ACTIONS)

As used in this rule, "the propounding party" shall mean the party who propounds written interrogatories to another party (who is referred to in this rule as the "responding party") pursuant to Rule 57.01, Missouri Rules of Civil Procedure.

The propounding party shall furnish to the responding party the original of the interrogatories; at the same time, the propounding party shall file with the court a Certificate of Service of Interrogatories, which shall include the caption of the case and the following information:

A. Name of the responding party;
B. Date and manner of service;
C. Descriptive title of the interrogatories, such as "Plaintiff's First Interrogatories to Defendant Jones" or "Third Party Defendant's Second Interrogatories to Plaintiffs";
D. Signature of the attorney for propounding party (or signature of propounding party if not represented by attorney).

A copy of this Certificate of Service of Interrogatories shall be included with the interrogatories served on the responding party, and a copy shall also be served on all other parties to the case. If any other party makes a request in writing to the propounding party for a copy of the interrogatories propounded by that party, then the propounding party shall furnish the copy to that party.

The party propounding interrogatories shall leave sufficient space after each interrogatory for the opposing party to insert their answer.

Answers to interrogatories shall recite each particular interrogatory immediately prior to its answer. All answers and/or objections to interrogatories shall be typewritten.

When a party files objections to any interrogatory, the interrogatory objected to shall be set out in full before the stated objection. The objection to each interrogatory shall be specific and shall cite the authority relied upon.
The responding party shall attach to the interrogatories an affidavit to be signed by the appropriate person attesting to the accuracy of the answers (unless objections are made to all interrogatories, in which event an affidavit on the part of the responding party is not required).

Failure to abide by any part of this rule shall, in the discretion of the Court, be grounds for striking the entire set of interrogatories or the objections thereto.

**32.3 DEPOSITIONS** (No Local Rule.)

**32.4 MOTION FOR SANCTIONS**
(No Local Rule - See Rule 68.16 for Domestic Sanctions)

32.5 **CRIMINAL DISCOVERY** (No Local Rule.)

## RULE 33. PRE-TRIAL MOTIONS

**33.1 HEARING DATES** (No Local Rule.)

**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 five (5) days notice may call up said motion for hearing. If no memorandum is filed, then upon notice by either party, the court will consider the motion without argument. After submission the court may require such memoranda or briefs as the court may deem advisable. Time to file written memorandum may be extended by the court for good cause shown.

Motions to dismiss on all grounds other than jurisdiction and venue will be considered by the court in chambers and ruled on by the court without further argument unless requested by a party. The opposing party will be granted 20 days to answer.

Motions for continuance shall contain a statement that the opposing party has been notified and whether or not that party objects or agrees to the continuance. The court will not consider any Motion for Continuance that does not contain the aforementioned language.

**33.3 ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED**
(No Local Rule.)

33.4 **MOTIONS IN LIMINE** (No Local Rule.)

## RULE 34. CONTINUANCES

**34.1 CIVIL CASES**
(See Rule 33.2)

**34.2 CRIMINAL CASES**
(See Rule 33.2)

## RULE 35. PRETRIAL CONFERENCE (No Local Rule.)

## RULE 36. SETTING CASES FOR TRIAL

**36.1 REQUEST FOR TRIAL**

Division One contested matters to be tried by the court or by jury may be set on the law day for setting cases, or by agreement of counsel, or at the discretion of the judge. A written request shall be made to the clerk containing the style of the case, the case number, the names and addresses of all interested counsel and of parties not represented by counsel. A copy of such request shall be mailed to all interested counsel and to all parties not represented by counsel. The request to the clerk and notice to counsel and to all parties not represented by counsel shall be at least five (5) working days prior to the date a setting will be requested.

Division One contested matters shall not be heard on any law day without prior approval of the Court.

36.2 **DATE OF CALENDAR CALL** (No Local Rule.)

**36.3 PREPARATION OF CALENDAR**

It is the responsibility of the Clerk of the Court to maintain all cases on the court calendar. See Local Rule 2.4.1 and Local Rule 9.1.

36.4 **CALENDAR CALL** (No Local Rule.)

**36.5 INACTIVE CALENDAR**

The Clerk of the Court is to maintain all cases on the court calendar; no case is to be off the court's calendar or inactive for more than 90 days. Any case which is off the court's calendar for more than 90 days shall be placed on the next law day docket for review by the Court.

**36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR**
(No Local Rule.)

36.7 **SPECIAL ASSIGNMENTS** (No Local Rule.)

## RULE 37. DISMISSALS

**37.1 DISMISSAL DOCKET**

A dismissal docket shall be maintained by the Clerk of the Circuit Court. At the end of each term, the Clerk shall prepare a Dismissal Docket and Notice of Dismissal both of which shall be forwarded to each attorney or pro se party whose case appears on the docket. After 30 days from issuance of the Notice, a case will be dismissed without prejudice unless an attorney or interested party secures an order from the Court removing the case from the docket **for good cause**.

**37.2 REINSTATEMENT OF CAUSE**

After a case has been dismissed for failure to prosecute it may be reinstated if the attorney appears in open court or by written communication and shows good cause for reinstatement.

**37.3 NOTICE OF DISMISSAL**

If a case is dismissed under Rule 37.1, the Clerk shall mail a copy of the written dismissal or docket entry to the attorneys of record for each party, or a party without counsel, at his or her last known address, by ordinary mail to notify the person of the dismissal under this rule. Proof of mailing by the Clerk shall constitute notice as required in this rule.

## SETTLEMENT AND DEFAULT

### RULE 41. SETTLEMENT

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

### RULE 42. DEFAULT

Cases in default or in which consent judgments may be entered may be tried on any regular law day, or at any other time upon approval of the court.

## TRIALS

### RULE 51. COURT TRIED CASES

**51.1 DEFAULT AND UNCONTESTED MATTERS** (No Local Rule.)

**51.2 CONTESTED MATTERS** (No Local Rule.)

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

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

### RULE 52. SELECTION OF JURY

**52.1 JURY QUESTIONNAIRES**

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

Copies of jury questionnaires shall be available on 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 copy of the jury questionnaires to the clerk.

The jury questionnaire is also a matter of public record and may be inspected by the attorneys at any time that the court is in session.

Attorneys should not, as a part of the voir dire examination, examine a member of the jury panel as to any matter contained on the jury questionnaire, without the permission of the court, except as to events that have occurred since the signing of the questionnaire.

## RULE 53. JURY TRIALS (No Local Rule.)

## RULE 54. JUDGMENT ENTRY

**54.1 CONTESTED CASES**

Unless otherwise ordered, the attorney for petitioner or plaintiff shall prepare and submit the suggested judgment entry to the court for its approval. A copy of the suggested judgment shall also be served on the attorney for the opposing party for review. Unless a written objection is filed within seven (7) days after receipt or the court modifies the proposed judgment on its own motion to conform with the courts orders, the court will sign and file the judgment with the court clerk.

**54.2 DEFAULT OR UNCONTESTED CASES**

The suggested judgment entry shall be submitted to the court by the prevailing party at the time of hearing of the default for the court's approval and signature.

# RULES RELATING TO PARTICULAR ACTIONS

## RULE 61. ADOPTIONS

**61.1 FILING REQUIREMENTS**

At the time of filing the petition, counsel for the petitioners shall file a Certificate of Adoption (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360 R.S.Mo.

All Petitions for adoption must contain the names and addresses of the foster parents or custodian for notice to be made of the filing and hearings.

**61.2 HOME STUDY**

Unless waived pursuant to Section 453.070 R.S.Mo, upon the filing of a petition for adoption, petitioners shall initiate an investigation of the suitability of the child for

adoption, and the suitability of petitioners as parents for said child. A written report shall be filed by the agency conducting the investigation.

**RULE 62. DRIVERS' CASES** (No Local Rule.)

**RULE 63. ASSOCIATE DIVISION** (No Local Rule.)

**RULE 64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO, 1978 (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**
Motions to set bond, for bond reduction, to revoke bond, or for a change in the bond conditions shall be filed with the clerk of the court where the case is pending. A copy of the motion shall be filed with the judge, the defendant, and the opposing counsel.

**67.1.2 DEPOSIT OF OPERATOR'S LICENSE** (No Local Rule.)

67.2 **PRELIMINARY HEARING (**No Local Rule.)

67.3 **GRAND JURY** (No Local Rule.)

**67.4 ATTORNEYS** (No Local Rule.)

**67.5 ARRAIGNMENTS**

**67.5.1 IN GENERAL**
All defendants shall appear for arraignment and scheduling conference with their attorney on the next scheduled law day after having been bound over after the preliminary hearing or waiving their right to a preliminary hearing to the Circuit Court Division One.

67.5.2 **DATES** (No Local Rule.)

67.6 **DISCOVERY** (No Local Rule.)

**67.7 MOTIONS**

(See Rule 33.2)

**67.8 PLEA BARGAINING**

In order for a plea agreement to be approved in any felony criminal case, the plea agreement shall be in writing and signed by the prosecuting attorney, the defense attorney, and the defendant and shall be made a part of the permanent court file.

**67.9 GUILTY PLEA**

**67.9.1 WHEN 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 attorney shall prepare a **Petition to Enter 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 the defendant's attorney in open court. Copies of petitions to enter a plea of guilty forms may be secured from the clerk's office.

**67.10 CALENDAR**

(No Local Rule.)

**67.11 PROBATION AND PAROLE**

(No Local Rule.)

**67.12 FILING OF CRIMINAL CASES**

The Clerk of the Court shall not accept for filing an Information or Complaint from the prosecuting attorney unless the prosecuting attorney has included the charge code for each offense charged. In every case in which an offence cycle number is required, the prosecuting attorney shall provide the Clerk of the Court with the offense cycle number within 30 days from the date of arrest or from the date the case is filed, whichever is later, and the prosecuting attorney shall also include the offense cycle number on all Information's filed in Division I. (12/30/09)

**67.13 CRIMINAL JURY DOCKETS**

The Circuit Court will set aside days for criminal jury dockets in each county as may be needed. The cases will be called for trial in the order in which they were placed on the docket. Cases will be removed from the docket **for good cause shown** or upon the announcement of a plea agreement. All parties whose cases are on the docket shall be prepared for trial if called.

**67.14 PRE-TRIAL CONFERENCES**

The Court will order a pre-trial conference in each criminal case. At the pre-trial conference, the Court will review jury instructions, entertain pre-trial motions, and

consider approval of plea agreements. The defendant will be present at the pre-trial conference unless excused by the Court. No plea agreement will be accepted after pre-trial conference, so that in subsequent pleas the Court will not be bound by the recommendation of the state.

**67.15 CONTINUANCES - CRIMINAL CASES**
(See Rule 33.2)

**67.16 FELONY APPEARANCES**
All defendants charged with a felony must appear at each case setting, regardless if the case has been continued and rescheduled by agreement, unless approved by the court prior to the setting.

## RULE 68. DISSOLUTION OF MARRIAGE

**68.1 FILING REQUIREMENTS**
At the time of filing the petition, the attorney for the petitioner shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360 R.S.Mo.

Department of Health Certificates shall be filed, in duplicate, in all dissolution and adoption cases with the original petition. All children of the parties, if any, whether under or over the age of 12 years, need not appear at any hearing unless requested by counsel.

**68.2 SEPARATION AGREEMENT**
In all cases where written separation agreements are made under the provisions of Section 452.325 R.S.Mo, a copy of such executed agreement shall be submitted to the court prior to the hearing.

**68.3 FORMS OF DECREES**
All decrees of dissolution of marriage or modification decrees shall contain the name, mailing address and Social Security Numbers of the parties as well as the names, mailing addresses and Social Security Numbers of any minor children of the marriage.

**68.4 FILING OF FINANCIAL STATEMENTS**
(See Rule 68.8)

**68.5 MODIFICATION OF DECREE (**No Local Rule.)

**68.6 MOTIONS**
(See Rule 33.2)

**68.7 INTERROGATORIES**
Interrogatories shall be limited to a total of 20 including the sub-parts thereof. With leave of Court, upon good cause shown, additional interrogatories may be propounded.

(1) The original of the interrogatories shall be served upon adverse counsel at or before the scheduling conference. The interrogatories are not to be filed with the Court, except as provided by Paragraph D herein. The interrogating party shall show on the interrogatories the Certificate of Mailing and shall file with the Court at the time they are mailed a Certificate of Mailing of the interrogatories which shall include the following:

[a] The party to whom mailed.
[b] The date of mailing.
[c] Designation of pleading as first interrogatories, second interrogatories, etc.
[d] The signature of attorney or party mailing the interrogatories.

(2) The party propounding interrogatories shall leave sufficient space after each interrogatory for the opposing party to insert their answer.

(3) Where a party files objections to any interrogatories, the interrogatory objected to shall be set out in full before the stated objection. The objection to each interrogatory shall be specific and shall cite the authority relied upon. General objections will not be sufficient.

(4) Unless otherwise ordered, the Court will not entertain any discovery motion unless counsel for the moving party has conferred, or has made reasonable effort to confer, with opposing counsel concerning the matter prior to the filing of this motion. Counsel for the moving party shall certify compliance with this rule in any discovery motion.

(5) Failure to abide by any part of this rule shall, in the discretion of the Court, be grounds for striking the entire set of interrogatories or the objections thereto.

(6) All answers and/or objections to interrogatories shall be typewritten.

(7) A party need not respond to interrogatories served after the scheduling conference unless ordered by the Court.

**68.8 SCHEDULING CONFERENCE - INFORMATION EXCHANGE**

90 days after a case is filed, the Clerk of the Court shall place the case on the next law day docket for the setting of a scheduling conference. Counsel who may not be present in court on law day shall file with the Clerk of the Court, prior to law day, a letter setting out their available dates for the setting of the case for scheduling conference.

On or before the setting of the scheduling conference, each party shall file with the Court and exchange with opposing party the following:

A. Form DR-1 - a sworn Statement of Marital and Non-Marital Property and Liabilities. (Form Dr-1 may be obtained from the Clerk of the Court).
1) Form DR-1 may be supplemented or amended with Court approval upon showing of discovery of facts not ascertainable when originally filed.
2) A party who fails to file Form DR-1 by this date, shall be deemed to have admitted the contents of the opposing party's DR-1.

B. Form DR-2 - Statement of Income and Expenses (Form DR-2 may be obtained from the Clerk of the Court).

At the scheduling conference the court will consider whether or not to order mediation. The court will discuss with the parties any motions for temporary relief which may be pending, discovery issues, and the setting of the case for trial.

Unless specifically excused in advance by the Court, all litigants shall appear in person and by trial counsel at the scheduling conference. If a litigant has not retained counsel and fails to appear in person at the scheduling conference, the Court may at that time conduct an evidentiary hearing and enter judgment against said litigant.

**68.9 TRIAL SETTINGS**

Contested cases shall be set for trial only after a scheduling conference has been held and Form DR 1 and DR-2 (if applicable) are filed.

**68.10 GUARDIAN AD LITEM**

When a Guardian Ad Litem is appointed by the Court, each party shall advance the sum set by the Court as a deposit against the fees and expenses incurred by the Guardian Ad Litem.

**68.11 EX PARTE REQUESTS**

Upon ex parte request of any party, the court may at any time enter an order under which, during the pendency of the proceeding, all parties are prohibited from transferring, concealing, encumbering or in any way disposing of any property, marital or separate, except in the usual course of business or for the necessities of life and, if so enjoined, are required to notify all parties of any proposed extraordinary expenditures and account to the court and the parties for all such expenditures after the date of issuance of the order. Any order entered hereunder shall remain in full force and effect until final judgment without the necessity of further order of the court. A bond is not required unless ordered by the court.

**68.12 REAL ESTATE**

All decrees of dissolution of marriage affecting title to real estate shall be delivered by counsel that is preparing same to the recorder of deeds of recording, and said fees for recording shall be paid as the parties may agree among themselves or shall be taxed as costs as the court may direct. When required, legal descriptions shall be set forth in the decree.

**68.13 PENDENTE LITE ORDERS - HEARING**

a) Upon the filing of a verified application by any party, after reviewing the pleadings, including each party's Statement of Income and Expenses, Statement of Property, and Form 14, the court may enter an order pendente lite, without the necessity of a formal hearing, for child support, maintenance, attorney's fees, and visitation and custody of any minor child. However, when an application is filed, the movant or movant's attorney shall first certify and file proof of service of: (1) written notice of intent to file the application on a certain day; (2) a copy of the application; and (3) movant's verified suggestions and affidavits in support thereof on all other parties at least ten (10) days before the day on which the movant files proof of service and application. Suggestions and affidavits in opposition to the application shall be filed on any day until and including the day in which the application will be considered. If the notice is given by

mail, the provisions of the Missouri rules of civil procedure pertaining to notice by mail shall apply.

b) An oral hearing may be requested on the order pendente lite, or other relief requested in the application, but any request will not suspend or delay commencement of the rights and obligations under the order pendente lite. Any modification of the order pendente lite after an oral hearing shall be retroactive to the effective date of the original order.

**68.14 PARENTAL EDUCATION SESSIONS**

As required by Section 452.600 R.S.Mo., in a petition for dissolution of marriage or motion to modify same, where there is at least one child under the age of seventeen, both parties to the action shall attend a court approved educational session to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects. In any other case involving paternity, custody, or visitation the court may, at the discretion of the Judge, order one or both parties to attend a court approved educational session.

The petitioner or movant shall complete said session within 45 days of the filing of the petition or motion. The respondent shall complete said program within 45 days of the date of service of process. Each participant shall file a certificate of completion with the Circuit Clerk. If parties fail to attend the session as required by this rule and Missouri law, they risk their action being dismissed or responsive pleadings stricken. The Court may also impose any other sanction appropriate under Missouri law.

No dissolution of marriage, legal separation or paternity action, including defaults, involving minor children shall proceed to final hearing until there has been compliance with this order.

This requirement may be waived by the Judge assigned to the case for good cause shown.

The educational session will be conducted as designated by the Judge hearing the case.

**68.15 COURT ORDERED MEDIATION**

The Court, at its discretion, may order both parties to attend mediation. Mediation shall be scheduled by the parties from an appointment of court approved Mediators.

The Mediator shall be required to complete a Statement of Non-Compliance for any party which failed to appear at the mediation session. In the event the petitioner does not attend the program, the court may dismiss the pending case. If the respondent does not attend, the court may strike responsive pleadings. The court may impose any other sanctions provided by law.

**68.16 SANCTIONS**

Failure to comply with the discovery rules or failure to cooperate with the scheduling conference rules may result in one or more of the following sanctions:

1) The awarding of attorney fees to opposing counsel.

2) Refusal of the Court to allow further participation in discovery.
3) The loss of ability to present evidence on certain issues.
4) Such other sanctions as the Court may find reasonable.

**68.17 WITHDRAWAL OF ATTORNEYS**

The Court will not allow withdrawal of counsel within thirty (30) days of trial except after hearing and for good cause. Lack of payment is not good cause.

**68.18 APPLICABILITY OF RULE**

This rule shall apply to all petitions for dissolution of marriage or decree of legal separation, motions to modify, and petitions for declaration of paternity filed on or after February 1, 1997.

**68.19 ENTRY OF JUDGMENT UPON AFFIDAVIT – REQUIREMENTS**

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

(a) There are no minor children of the parties and the female party is not pregnant, or one of the parties is represented by counsel and the parties have entered into a written agreement determining custody and child support; and

(b) 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 responsive pleading; and

(c) There is no genuine issue as to any material fact; and

(d) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

(2) Affidavit – Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit (Exhibit A attached).

## RULE 69. MUNICIPAL DIVISION

**69.1 FILING REQUIREMENTS - MUNICIPAL CASES** (No Local Rule.)

**69.2 APPEALS TO CIRCUIT COURT**

In all appeals to circuit court from the municipal division, the municipal division shall follow Supreme Court Rule 37.73 by transmitting a transcript of the record duly certified, the appeal bond, and all original papers filed in said cause to the Clerk of the Circuit Court Division One.

## RULE 70. PARTITION (No Local Rule.)

## RULE 71. ADMINISTRATIVE REVIEWS (No Local Rule.)

**RULE 72. PROBATE** (No Local Rule.)

**RULE 73. SMALL CLAIMS** (No Local Rule.)

**RULE 74. TRUST ESTATES** (No Local Rule.)

## POST TRIAL

### RULE 81. EXECUTIONS

**81.1 ISSUANCE OF EXECUTIONS**

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

1) Style and number of case in which judgment was obtained;
2) Date judgment entered or last revived;
3) The amount of the original judgment, the amount of accrued interest on the original judgment, and the amount of the judgment and interest still unsatisfied;
4) The full name and current address, if known, of the judgment-debtor;
5) A full description of the property to be executed on;
6) The return date on the execution (30, 60, or 90 days);
7) Any special instructions to be provided the Sheriff performing the execution.

**81.2 DEPOSIT REQUIRED**

A deposit to apply toward sheriff's fees shall be paid to the clerk at the time of filing the application as required in Rule 5.1.

**RULE 82. GARNISHMENT** (No Local Rule.)

**RULE 83. JUDICIAL SALES** (No Local Rule.)

## INTERNAL ORGANIZATION

### RULE 100

**100.1 PRESIDING JUDGE** (No Local Rule.)

**100.2 LOCAL COURT RULES** (No Local Rule.)

**100.3 LIBRARY FUND**

**100.3.1 LIBRARY FUND DEPOSIT**

In accordance with Section 488.426 and 488.429 R.S.Mo, the attorney or attorneys for any party filing suit shall at the time of filing the suit, deposit with the clerk of the court the following sums:

Division One

All original civil cases $10.00

Division Two

All civil cases filed under Chapter 517 &
All probate cases $10.00

This amount is included in the civil deposits as required in Rule 5 and no summons shall issue until such deposit has been made.

This rule shall not apply to actions sent to the county on change of venue, cases filed under small claims procedures, applications for trial de novo, or to suits, civil or criminal, filed by the county or state or any city.

The clerk of the court shall dispense the funds so collected in accordance with Section 488.429 R.S.Mo and Local Rule 100.3.2.

**100.3.2 LIBRARY FUND PROCEDURES**

The Circuit Clerk of each Circuit Court of this Circuit is herewith designated as Treasurer, Law Library Fund, of their respective counties. In such capacity, the Treasurer shall receive and receipt for such monies delivered to the Treasurer pursuant to Section 488.429 R.S.Mo, and shall deposit such monies in an interest bearing account. Expenditures from such Library Fund shall be for the maintenance and upkeep of the respective county law libraries and such
expenditures may be authorized by the Presiding Judge of this Circuit as to all counties, and the Associate Circuit Judge of the Circuit Court in each respective county. The Treasurer of each Law Library Fund shall account on a calendar year basis, and shall deliver his report of the status of his accounts and expenditures to the Presiding Judge on the Law Day or Term Day in February in his respective county.

The county commission may elect to directly fund, from the general revenue of the county, the expenses of the law library. If the commission elects to do so, and such election is approved by the court en banc, the treasurer shall pay that money collected as court costs for the law library fund to the general revenue.

100.4 **STORAGE OF RECORDS** (No Local Rule.)

100.5 **CLERK'S DUTIES** (No Local Rule.)

100.6 **SELECTION OF VENIREMEN** (No Local Rule.)

# RULE 101. TREATMENT COURT

**101.1 TREATMENT COURT DIVISION ESTABLISHED**

A treatment court division is hereby established in the Circuit Court of each county within the 44th Judicial Circuit in order to provide an alternative for the judicial system to dispose of cases which stem from, or are otherwise impacted by, substance use. Specialty courts in the treatment court division of the Circuit Court of each county within the 44th Judicial Circuit shall include adult treatment court and DWI court. These courts shall be collectively referred to as the "Treatment Court."

**101.2 APPOINTMENT OF TREATMENT COURT ADMINISTRATOR**

The Presiding Judge shall appoint a Treatment Court Administrator to administer the day to day operations of the Treatment Court.

**101.3 BUDGET OF THE TREATMENT COURT**

The budget of the Treatment Court shall be prepared by the Treatment Court Administrator in accordance with the regular procedures of the 44th Judicial Circuit and shall be approved by the Presiding Judge.

**101.4 JURISDICTION OF THE TREATMENT COURT**

All Treatment Court cases shall be assigned to the Circuit Court, Division I. The Presiding Judge shall appoint a Judge to preside over each specialty court in the Treatment Court. The Judge presiding over any Treatment Court case shall be disqualified from any further participation in the criminal case underlying the admission of the participant to Treatment Court, should the participant withdraw or be terminated from Treatment Court.

**~~101.5~~ STANDARDS AND PRACTICES FOR SPECIALTY COURTS WITHIN THE TREATMENT COURT DIVISION**

The criteria upon which a person is deemed eligible for a specific specialty court within the Treatment Court and for determining successful completion of that specialty court program shall be set forth in the Operations Manual for each specialty court. The Operations Manual for each specialty court and any amendments thereto, shall comply with Chapter 478 of the Revised Statutes of Missouri, as revised from time to time, and shall be approved by a majority of the Court En Banc in the 44th Judicial Circuit.

**101.6 TREATMENT COURT FEES**

Treatment Court participants shall be required to pay a fee for participation in Treatment Court, which shall be approved by the Court En Banc and set forth in the Operations Manual for each specialty court within the Treatment Court. All Treatment Court fees shall be receipted by the Circuit Clerk of each county. The Circuit Clerk shall, at least monthly, pay all Treatment Court fees collected to the Douglas County Treasurer for transfer into the 44th Judicial Circuit Treatment Court Fund. A participant may, in the discretion of the Court, be held financially responsible for outstanding Treatment Court fees, board bills, and other fees associated with Treatment Court if the participant is

unsuccessfully terminated from Treatment Court. The Treatment Court Administrator shall prepare a monthly report of income and expenditures for the 44th Judicial Circuit Treatment Court Fund and send an electronic copy to each judge in the 44th Judicial Circuit.

**(Exhibit A)**
**IN THE CIRCUIT COURT OF (COUNTY NAME) COUNTY, MISSOURI**

**DIVISION ONE**

*** )

| | | |
|---|---|---|
| SSN: ***, | ) | |
| **Petitioner,** | ) | |
| | ) | |
| **vs.** | ) | **Case No. _____** |
| | ) | |
| *** | ) | |
| SSN: ***, | ) | |
| **Respondent.** | ) | |

**AFFIDAVIT FOR JUDGMENT**
(Pursuant to Local Rule 68.19)

1. My name is ____ and I am the (Petitioner) (Respondent) in the above dissolution of marriage case.

2. I currently reside at ____, ____County, State of ____.

3. I have been a resident of the State of Missouri for at least 90 days and the County of ____ for at least 60 days immediately prior to the filing of the petition herein.

My spouse has been a resident of the State of Missouri for at least 90 days and the County of ____ for at least 60 days immediately prior to the filing of the petition herein.

4. My spouse (currently resides) (and I have resided) during the marriage in the State of Missouri.

5. Both my spouse and I are over the age of 18 years.

6. I was married to ____, the (Petitioner)(Respondent) herein, on ____ and the marriage is registered in ____, State of ____.

7. My spouse and I separated on or about ____.

8. Neither my spouse nor I are on active duty in the armed services at the present time or any time since the filing of the petition.

9. There is no reasonable likelihood that the marriage can be preserved and the marriage is irretrievably broken.

10. (I am)(My Wife is) not pregnant.

11. There are no living minor children born or adopted of the marriage.

There (are)(is) ____ minor, unemancipated child(ren) of the marriage, to wit:

_____ born ____, SSN ____

_____ born ____, SSN ____

A Parenting Plan to include a Form 14 is attached hereto as Exhibit ____.

11a. There is no other litigation pending in this or any other state concerning the custody of the minor, unemancipated child(ren) and there are no persons other than my spouse and myself who have physical custody of the minor child(ren) or claims any rights with respect to the minor child(ren), (except)____.

12. It is in the best interest of the minor child(ren) that (I)(my spouse) be awarded custody of the minor child(ren).

It is in the best interest of the minor child(ren) that my spouse and I be awarded joint legal custody of the minor child(ren) and that (I) (my spouse) be awarded physical custody of the minor child(ren) pursuant to a Parenting Plan attached hereto.

It is in the best interest of the minor child(ren) that my spouse and I have joint legal and physical custody of the minor child(ren) pursuant to a Parenting Plan attached hereto.

13. Child support has been calculated pursuant to Form 14.

The child support calculated pursuant to Form 14 is unjust or inappropriate because ____.

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

I am unable to support myself through appropriate employment and have insufficient assets from which I can support myself. Therefore, I am in need of maintenance in the amount of $____ per month.

15. My spouse is able to support (herself) (himself) through appropriate employment or has sufficient assets from which (she) (he) can support (herself) (himself) and therefore (she) (he) is not entitled to receive maintenance. I know of no medical, health or other condition which would prevent my spouse from supporting (herself) (himself) in the future.

My spouse is unable to support (herself) (himself) through appropriate employment and has insufficient assets from which (she) (he) can support (herself) (himself). Therefore my spouse is in need of maintenance in the amount of $____ per month.

16. My spouse and I have entered into a separation agreement which divides all our marital and non-marital property and is signed by both my spouse and myself. The agreement, attached hereto and marked as Exhibit ____, is fair and reasonable, and is not unconscionable. I request that the court incorporate the separation agreement into its judgment herein.

There is no marital or non-marital property for the court to divide.

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

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

18. I request that the court restore to (my spouse) (me) the (maiden) (former) name of ____. I know of no third parties, such as creditors, who would be adversely affected by the said change of name.

_____
(Petitioner) (Respondent)

STATE OF MISSOURI )
:
COUNTY OF )

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

_____

Subscribed and Sworn to before me, a Notary Public, at my office in ____, Missouri, this _____ day of _____, _____.

_____
Notary Public

My Commission Expires: