THIRD JUDICIAL CIRCUIT OF MISSOURI LOCAL RULES

Comprising the Counties of: Grundy, Harrison, Mercer and Putnam

EFFECTIVE 02/01/2026

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ADMINISTRATION

RULE 1. DIVISIONS OF COURT

The Circuit Courts of Grundy, Harrison, Mercer, and Putnam Counties shall consist of the following:

a. Division I, Circuit
b. Division I, Juvenile, Circuit
c. Circuit Court, Division II, Probate
d. Circuit Court, Division II, Small Claims
e. Circuit Court, Division II, Municipal
f. Circuit Court, Division II, Civil
g. Circuit Court, Division II, Criminal

RULE 2. HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

Unless otherwise ordered for good cause, all sessions of court shall convene at 9:00 a.m.

2.2 TERMS OF COURT

For purposes of jury selection and tenure there shall be three terms of court each year. The January term shall commence on January 1st and continue until April 30th; The May term shall commence on May 1st and continue until August 31st; and the September term shall commence on September 1st and continue until December 31st.

2.3 LAW DAYS

a. The Law Day for Division I shall be held as follows unless otherwise ordered or directed by the Circuit Judge for good cause:

1. Mercer County, second Wednesday after the first Monday of the month.
2. Grundy County, second Thursday after the first Monday of the month.
3. Putnam County, third Wednesday after the first Monday of the month.
4. Harrison County, third Thursday after the first Monday of the month.

b. The Juvenile Court Day for Division I shall be held as follows, unless otherwise ordered or directed by the Circuit Judge for good cause:

1. Mercer County, immediately following conclusion of the Law Day docket.
2. Grundy County, on the second Friday after the first Monday of the month.
3. Putnam County, immediately following conclusion of the Law Day docket.
4. Harrison County, on the last Monday of the month.

c. All Division I Law Days shall commence at 9:00 a.m. in all counties, unless otherwise ordered or directed by the Circuit Judge for good cause. The Juvenile Court Day for Division I shall commence at 9:00 a.m. in Grundy County and Harrison County, unless otherwise ordered or directed by the Circuit Judge for good cause.

d. Law Days for Division II of Circuit Court shall be held as follows, unless otherwise ordered for good cause:

1. In Grundy County, Division II, Civil Law Day, shall be held on the third Wednesday of each month at 10:00 a.m.; Division II, Criminal Law Day, shall be held on the second and fourth Tuesday of each month at 9:00 am.; and Division II, Municipal Court, shall be held on the first and third Tuesday of each month at 9:00 a.m.

2. In Harrison County, Division II, Civil Law Day, shall be held on the third Monday of each month at 1:30 p.m.; Division II, Criminal Law Day, shall be held on the first and third Wednesday, after the first Monday of each month, at 1:30 p.m.; Division II, Municipal Court, shall be held on the third Wednesday after the first Monday of each month at 9:00 a.m.

3. In Mercer County, Division II, Civil Law Day, shall be held on the first and third Wednesday at 10:00 a.m.; Division II, Criminal Law Day, shall be held on the first and third Tuesday of each month at 10:00 a.m.; and Division II, Municipal Court, shall be held on the second Monday of each month at 1:00 p.m.

4. In Putnam County, Division II, Civil Law Day, shall be held on the fourth Thursday of each month at 9:30 a.m.; Division II, Criminal Law Day, shall be held on the second and fourth Tuesday of each month at 9:30 a.m.; and Division II Municipal Court, shall be held on the fourth Thursday of each month at 9:30 a.m.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

a. The Circuit Clerk shall prepare, prior to the time designated below, a written docket of all cases to be heard in the Circuit Division, which will be available upon request.

b. Division I Criminal Cases. All criminal cases heard by the Circuit Judge, unless otherwise ordered for good cause, will be called as follows:

1. Mercer County, second Wednesday following the first Monday of the month.
2. Grundy County, second Thursday following the last Monday of the month.
3. Putnam County, third Wednesday following the first Monday of the month.
4. Harrison County, third Thursday following the first Monday of the month.
5. In any County, by special setting.

c. Division I Civil Cases. All civil cases heard by the Circuit Judge, unless otherwise ordered for good cause, will be called as follows:

1. Mercer County, second Wednesday following the first Monday of the month.
2. Grundy County, second Thursday following the first Monday of the month.
3. Putnam County, third Wednesday following the first Monday of the month.

4. Harrison County, third Thursday following the first Monday of the month.
5. In any county, by special setting.

d. Division I Civil or Criminal Cases assigned to an Associate Circuit Judge. All Division I civil or criminal cases assigned to an Associate Circuit Judge will be scheduled pursuant to the availability of the assigned Associate Circuit Judge and relevant court staff.

e. The clerk shall be notified by counsel at least three business days preceding any Law Day of all matters to be heard on Law Day. The clerk shall provide to the court and counsel a written list or docket of cases for disposition in order of notification as follows:

1. All matters requiring docket entries only i.e., trial settings.
2. All motions whether civil or criminal, but limited to fifteen (15) minutes.
3. Arraignments.
4. Sentencing.
5. Pleas.
6. Probation violations.
7. All matters not noticed up properly to be placed on the docket.

f. If any matter is not ready when called, it will be placed at the end of the docket for its particular category and then if not ready, it will be passed to the end of the day or the next Law Day.

g. All defendants bound over in felony cases and all defendants taking change of venue in criminal cases shall unless otherwise directed appear on the first Law Day following filing of information, indictment, or the original case file in the Office of the Circuit Clerk.

RULE 3. PLEADINGS

3.1 CAPTIONS

a. The following caption is required in Division I:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

(name)
(address)
Plaintiff,

vs. Case No._____
Division I ***

(name)**
(address)
(city)
Defendant.

CAUSE*

Signed (Attorney of Record)
(Address)
(Telephone Number)
(Missouri Bar No.)

* The party shall state nature of action.
** If a corporate defendant, also list officer or registered agent in charge with address on the petition. If a foreign corporation, also give address or local office and name of officer in charge on the petition.
*** If the case is a juvenile proceeding the word "Division I-Juvenile" will be on the petition.

b. The following caption is required in Circuit Court, Division II: "In the Circuit Court of _____County, Missouri, Division II", thereafter shall appear the names and designation of the parties in the usual manner. To the right side of the designation of parties shall appear "Case No.____" below which shall appear the words "Circuit Court, Division II". All cases filed in Division II for probate proceedings will be designated "Circuit Court, Division II, Probate"; the words "Circuit Court, Division II, Small Claims" shall designate small claims cases; the words "Circuit Court, Division II, Municipal" shall designate municipal cases; the words “Circuit Court, Division II, Civil” shall designate civil cases; and the words “Circuit Court, Division II, Criminal” shall designate criminal cases.

3.2 STYLE

a. 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, on 8.5 by 11 inch paper, with a top and left-hand margin of at least one inch; shall be signed by the party or his or her attorney offering the same for filing together with the address, telephone and bar identification numbers and e-mail address of the attorney in 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 have 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 he or she must also subscribe his or her 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 include the address for each party to be served.

b. Accompanying the pleading or motion should be a fully completed Confidential Case Filing Information Sheet. The form will be furnished by the Circuit Clerk.

c. The Circuit Clerk shall not receive for filing any pleadings, motions or papers unless there has been complete compliance with this rule.

3.3 REDACTION REQUIREMENT FOR DOCUMENTS SUBMITTED FOR JUDICIAL SIGNATURE

Any document, including but not limited to proposed judgments, submitted by an attorney or party in any manner (either electronically, pro se/via paper, or in court) for a judge’s signature that will be public (Security Level 1 or 2), once signed and filed, must include an unredacted and redacted version that removes all confidential information as set forth in Court Operating Rule 2 or other applicable authority.

RULE 4. FILING OF CASES

4.1. CRIMINAL CASES

The following matters shall be filed as designated:

a. All cases of misdemeanor or infraction should be filed with the Court Clerk of Circuit Court, Division II, Criminal or Municipal, as applicable.

b. All complaints charging a felony shall be filed with the Court Clerk of Circuit Court, Division II, Criminal.

c. All indictments shall be filed in the Office of the Circuit Clerk.

4.2. CIVIL CASES

a. All civil cases, unless otherwise indicated in this rule, shall be filed with the Circuit Clerk.

b. All civil cases where the sum demanded does not exceed twenty-five thousand dollars ($25,000.00); all cases arising under Chapters 213, 272, 302 (except §302.535), 303, 388, 429, 430, 444, 482, 521, 533, 534, 535, 577 and §193.115, RSMo., shall be filed with the Court Clerk of Circuit Court, Division II of the appropriate county.

4.3. PROBATE CASES

All probate cases shall be filed with the Court Clerk of Circuit Court, Division II, Probate, of the appropriate county.

4.4. JUVENILE CASES

All juvenile cases, including adoptions, shall be filed with the Circuit Clerk of the appropriate county.

4.5. SMALL CLAIMS CASES

All small claims cases shall be filed with the Court Clerk of Circuit Court, Division II, Small Claims, of the appropriate county.

4.6. MUNICIPAL CASES

Municipal ordinance violation cases shall be filed with the clerk of the appropriate municipal division when that municipality has made provisions for a Municipal Judge as provided by law. If the municipality has not made such provisions, the filing shall be with the Court Clerk of Circuit Court, Division II, Municipal, presided over by the Associate Circuit Judge.

4.7. ELECTRONIC FILING

a. Authority for Rule. Effective May 23rd, 2016, all pleadings, motions and other documents shall be filed electronically, as provided by Supreme Court Rule 103 and Court Operating Rule 27, except for the following documents which may be filed on paper:

1. Documents filed by pro se litigants;
2. Documents prepared within a courtroom during trials and hearings;
3. Documents filed by special court order.

b. No attempt to file documents via e-mail or fax shall be accepted unless otherwise authorized by the court.

c. Risk of Loss. Risk of loss of transmission, failure of receipt by the clerk, or illegibility of the document is upon the person or party transmitting and filing electronically. If the document is lost in transmission, or is otherwise not received by the clerk, the document shall be deemed to not have been filed. If the document is only partially received, or is only partially legible, only that part which is received, or is partially legible shall be deemed filed.

RULE 5. FEES AND COSTS

5.1. FILING FEE AND COST DEPOSIT

a. In all cases filed in this circuit there shall be deposited with the appropriate clerk for which proper receipt shall be given, the following amounts. No summons or process shall be issued by the clerk until receipt of the fee, or until granting of an order waiving the fee as provided by law or these local rules.

b. Electronically Filed. In all cases filed by electronic format in this circuit, a designated filing fee, if required by statute, court operating rule, or other applicable authority, shall be deposited with the appropriate clerk, for which the clerk shall give a receipt. The amount of required filing fee/s are provided within the e-filing system. If a filing fee is not designated within the e-filing system, litigants may contact the appropriate clerk to determine the required filing fee/s.

c. Not Electronically Filed/Pro Se Filings. In all cases filed by paper format in this circuit, a designated filing fee, if required by statute, court operating rule, or other applicable authority, shall be deposited with the appropriate clerk, for which the clerk shall give a receipt. Litigants may contact the appropriate clerk to determine the required filing fee/s.

5.2. COSTS

a. In all criminal cases an additional fee of $2.00 shall be assessed as costs by the Circuit Clerk, Associate Court Clerk, or Municipal Court Clerk, as provided by law, order of the county court, or ordinance of the municipalities to be used for training of law enforcement personnel (§488.5336 RSMo.).

b. In all circuit civil domestic cases a sum of $2.00 shall be assessed and taxed as costs for the Green Hills Women's Shelter (§488.445 RSMo.).

c. In all civil cases a sum of $3.50 shall be assessed and taxed as costs for the Juvenile Justice Preservation Fund Surcharge (§211.435.1 RSMo., Senate 793 and 800).

d. The fees provided for in this rule shall be collected by the Circuit Clerk, Associate Court Clerk, or Municipal Court Clerk and are included in the filing fee and deposit. All fees are paid over to the County Treasurer as required by law.

e. Additional fees and costs may be required from time to time as provided by statute, court operating rule, or other applicable authority.

5.3. WITNESS FEE

(No Local Rule.)

5.4. WAIVER OF FEES

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

b. If a filer does not comply with the provisions of the above paragraph 5.4.a., the court may strike any pleading or document so filed, or make such other or further orders as it deems appropriate.

5.5 MOTION FOR SECURITY

(No Local Rule.)

5.6 DETERMINATION OF INDIGENT STATUS

(See Supreme Court Model Rule 69.01.)

a. A person is presumed indigent if the person:

1. Is in the custody of Children's Division or Division of Youth Services; or
2. Has unencumbered assets totaling under $5,000; and
3. Has total household monthly income below 125% of Federal Poverty Guidelines, applicable to the 48 Contiguous States, (as published by the U.S. Department of Health and Human Services (DHHS), which are for 2025:

1 household person: $ 15,650
2 household persons: $ 21,150
3 household persons: $ 26,650
4 household persons: $ 32.150
5 household persons: $ 37,650
6 household persons: $ 43,150
7 household persons: $ 48,650
8 household persons: $ 54,150
(Add $5,500 for each additional person.)

b. If DHHS hereafter publishes updated guidelines, the court shall follow the amounts as set out in updated DHHS guidelines. Please see the latest updated guidelines on the U.S. Department of Health and Human Services website located at https://www.hhs.gov/answers/hhs-administrative/when-are-the-poverty-guidelines-published-and-made-effective/index.html for the latest updates.

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

a. The following cases will be heard by an Associate Circuit Judge under the procedure applicable under Chapter 517 RSMo.:

1. All civil actions filed in Associate Circuit Court;
2. Actions against any railroad company to recover damages for killing or injuring animals;
3. Actions for unlawful detainer authorized by Chapter 534 RSMo.;
4. Action for rent and possession authorized by Chapter 535 RSMo.;
5. Petitions for review of driver's license revocations and hardship driving privileges;
6. Such other cases that could be heard and determined by an Associate Circuit Judge without assignment by the Presiding Judge, as provided by law.

b. In addition to the above cases, an Associate Circuit Judge shall hear and determine the following cases:

1. Cases of misdemeanor or infraction, except as otherwise provided by law;
2. Felony cases prior to the filing of information;
3. Municipal ordinance violation cases when provision is not made for a Municipal Judge. When municipal violation cases are heard by an Associate Circuit Judge, on request from municipality, they may be determined individually or by means of a Municipal Traffic Violation Bureau established on authority of this Rule and by order of the Associate Circuit Judge;
4. "Small claims" cases under Chapter 482 RSMo.;
5. Cases that a Circuit Judge can hear in chambers, when a Circuit Judge is absent from the county.

c. The Associate Circuit Judges of this circuit shall hear and determine the following cases on the record under procedures applicable before Circuit Judges:

1. Approval of settlements in actions involving claims by or on behalf of minors;
2. Change of name proceedings;
3. Trials *de Novo* from the municipal division;
4. All domestic relations matters, including but not limited to dissolutions of marriage, legal separations or separate maintenance, modification of child custody and child support, establishment of paternity of child, establishment or enforcement of child

support including contempt proceedings, except any party may file a written request that the case be heard by the presiding judge with time limits as prescribed by Supreme Court Rule 51.05(b).;

5. Uncontested actions involving the title of real estate;

6. Adversary proceedings in the probate division;

7. Adult abuse cases under Chapter 455 RSMo.;

8. In the absence or unavailability of the Presiding Judge, Juvenile Detention Hearings, Protective Custody Hearings, and Preliminary Child Welfare Proceedings, may be heard by an Associate Circuit Judge of this circuit. Absence or unavailability of the Presiding Judge shall include to mean when such hearing or proceeding cannot be set on the Presiding Judge's regularly scheduled juvenile docket of the appropriate county within the time frame required by statute and rule.;

9. The issuance of temporary emergency orders in juvenile matters in the absence of the Circuit Judge;

10. Trust estates after trustees are appointed and authorized to begin administration of trust. (See Local Court Rule 74.);

11. Cases assigned to Associate Circuit Judges by order of the Presiding Judge.

6.1.2. SPECIAL ASSIGNMENTS

(No Local Rule.)

6.2 ASSIGNMENTS TO CIRCUIT JUDGES

(No Local Rule.)

6.3. CERTIFICATION TO CIRCUIT DIVISION

(No Local Rule.)

6.4. TRIAL DE NOVO

(No Local Rule.)

6.5. DISQUALIFICATION OF JUDGE

(No Local Rule.)

6.6. ABSENCE OF JUDGE

In the event of any extended absence of an Associate Circuit Judge or Municipal Judge, the Presiding Judge shall designate by order another Associate Circuit Judge, Municipal Judge or the Presiding Judge, as may be indicated, to serve during such absence.

6.7. ABSENCE OF PRESIDING JUDGE

In the event the Presiding Judge shall be absent from the circuit for an extended period, the Presiding Judge may by order, designate an Associate Circuit Judge as acting Presiding Judge during such absence.

6.8. CHANGES OF VENUE WITHIN THE CIRCUIT

When a party has requested a change of venue in an Associate Court case and the case is ordered transferred to a county within the circuit, the Associate Circuit Judge in the county where the case is transferred shall preside over the case.

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1. WHEN ALLOWED

No official files of the Circuit Court or any division thereof shall be removed from the office of any Circuit Clerk, Associate Court Clerk or Probate Clerk except in the custody of employees of the Circuit Court.

7.2. DUPLICATING POLICY

Requests for copies of court records should be directed to the respective court clerk. No charge shall be made for copies of documents furnished to any city, county, state agency or state department. The Circuit Clerk of each county shall establish policy and/or procedure regarding charges for paper copies or other duplications, which shall comply with Missouri Supreme Court Operating Rule 21.01. Individual parties shall be charged no more than $25.00 per CD or other electronic recording provided by the court clerk.

7.3. INSPECTION OF CONFIDENTIAL COURT RECORDS

Requests to inspect confidential court records shall be directed to the respective court clerk. The Circuit Clerk of each county shall establish policies and/or procedures regarding requests to inspect confidential records. Subject to applicable legal authority, it shall be at the discretion of the judge assigned to the case, or currently serving judge for the division relevant to the request, whether the request shall be approved or denied.

RULE 8. PUBLICATION OF DOCKET

8.1. TRIAL DOCKET

(No Local Rule.)

8.2. DISMISSAL DOCKET

The Circuit Clerk shall each four (4) months, on January 1, May 1, and September 1 of each year, prepare a dismissal docket of all civil cases pending in Division I in which no activity has been noted on the docket sheet for four months. The clerk shall notify in writing, counsel of record, by ordinary mail, that such case is subject to dismissal at least twenty (20) days prior to the order of dismissal. Parties not represented by counsel of record, shall be notified by ordinary mail at their last known address. Dismissal shall be without prejudice but shall be re-instated only upon written motion for good cause.

RULE 9. COURTROOMS

9.1. ASSIGNMENT OF COURTROOM

(No Local Rule.)

9.2. PLACE OF HEARING

Hearings in civil and criminal proceedings shall be held in the circuit courtroom of the county where the case is filed, with the following exceptions:

a. Non-jury hearings in civil and criminal proceedings shall be held at a location designated by the court, which is accessible to the physically handicapped, upon written request made to the court thirty (30) days prior to hearing by a physically handicapped party litigant.

b. If there is a scheduling conflict regarding use of the circuit courtroom, an auxiliary courtroom may be used.

9.3. USE OF COUNSEL TABLE

(No Local Rule.)

9.4. COURTROOM DECORUM AND DRESS

a. The Sheriff or Sheriff's Deputy, or other assigned Court Bailiff, and the Clerk or a Deputy Clerk shall be in the courtroom at all times when the court is in session, unless explicitly excused by the assigned Judge.

b. The Bailiff (if excused, the Clerk) shall formally open each session of the court, shall enforce the rule against smoking, vaping, and/or chewing tobacco or cannabis products while court is in session, and shall quietly and politely abate any noise or display which distracts from the business of the court.

c. 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.

d. Except for attorneys, attorney staff, and court staff--cell phones, smart watches, pagers, or other audio/video communication devices shall not be allowed in the courtroom. Attorneys, attorney staff, and court staff shall keep all cell phones, smart watches, pagers and other audio/video devices turned off, on silent, or set to vibrate while court is in session. Cell phones, smart watches, pagers, or other audio/video communication devices should be returned to and remain in the owner's vehicle or outside the courtroom. If the specific court location has courtesy storage capability for personal items, such storage may also be used.

e. Attorneys and court personnel shall wear appropriate business and professional attire while court is in session. Other persons shall wear appropriate attire while court is in session. Whether or not an attorney, court personnel or other person is dressed appropriately, shall be determined at the discretion of the court.

f. At a minimum, the following shall be considered inappropriate dress and attire: tank tops, shorts, t-shirts with inappropriate verbiage, pictures, or subject matter; sweatpants, pajamas, lounge pants, leggings/yoga pants unless accompanied by a top which covers the groin and buttocks; house shoes, and any clothing (particularly pants) sagging to reveal exposed skin or

undergarments. All shirts shall be tucked in when possible. No person shall wear a coat into the courtroom unless it is a suit coat or jacket, and no baggy or bulky clothing shall be allowed.

g. Except for attorneys, attorney staff, and court staff, no person shall bring a handbag, purse, case, container, or bag into the courtroom. Such items should be returned to and remain in the owner's vehicle or otherwise outside the courtroom. If the specific court location has courtesy storage capability for personal items, such storage may also be used. Hats, hoods, caps and sunglasses must be removed while court is in session.

h. Individuals in the courtroom who exude an offensive, overwhelming, or noxious odor may be asked to leave or return at a time once the offensive, overwhelming, or noxious odor is abated.

i. Infants and children will be required to leave the courtroom if crying, talking, being unruly, or otherwise causing a distraction.

j. Respectful behavior is expected at all times. Individuals in the courtroom shall not engage in behaviors which are distracting to the court or the administration of justice.

k. Violation of this rule may result in the attorney or party not being permitted to proceed before the court, the case or matter continued to another day, or until the inappropriate attire and/or behavior is corrected, at the court's discretion. Individuals who do not comply with this rule may be removed from the courtroom. The court shall have the sanction of contempt available to enforce this rule.

9.5. WHO IS PERMITTED WITHIN THE BAR

(No Local Rule.)

9.6. COURTROOM SECURITY MEASURES FOR HIGH RISK TRIALS AND PROCEEDINGS

The following measures are adopted by the court, to-wit:

a. High risk trials are defined as:

1. One that provokes a strong, emotional response from the general public or interest groups; and/or

2. Intelligence information presents reason to believe that a security risk exists; and/or,

3. Defendant, in a state case, has a history of escape and/or violence.

b. High Risk Trials or Proceedings, how Determined. Determination shall be made by the trial judge in consultation with the Presiding Judge.

c. Security Committee. Members of the security committee for high risk trials and proceedings shall consist of the Trial Judge, the Sheriff, the Court Bailiff and the Presiding Judge ex-officio member. The committee may request other persons to sit with the committee in its duties.

d. Security Personnel. Security personnel shall be assigned to each high-risk trial or proceeding. Security personnel shall be under the direction of the Sheriff or the Sheriff's designee.

e. Security Plan or Prevention. A security plan shall be developed by the Sheriff in consultation with the security committee for each high-risk trial or proceeding. The security plan shall consider but not be limited to the following items:

1. Visitor's Security. All persons shall enter the courtrooms through the designated entrance, which shall be controlled by a uniformed officer.

2. Assigned Seats. Seats in the courtroom shall be by assignment.

3. Visitor's Log. A visitor's log shall be maintained of all visitors entering.

4. Person Search. A "person search" shall be made by the use of a hand-held metal detector or an equivalent, of visitors entering the courtroom. If a "person search" is to be conducted, individuals will empty their pockets into containers and purses are to be inspected or emptied, if allowed within the courtroom. Visitors not agreeing to abide by these regulations shall not be admitted to the courtroom.

9.7 ADA REASONABLE ACCOMMODATION POLICY: SERVICE ANIMALS

a. The Third Judicial Circuit prohibits bringing a pet, a domestic animal kept for pleasure or companionship, to work or having a pet in its court rooms and court offices located within its court houses, with the exception of service animals for a person with disabilities.

b. Service Animals. According to the Americans with Disabilities Act (ADA), a service animal is defined as "any animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items."

c. A person with a disability uses a service animal as an auxiliary aid. In compliance with the ADA, service animals are welcome in court rooms and court offices, subject to any rules and conditions adopted by the county commissions of each county within our circuit, and contained within court houses and may attend any court proceeding or to visit the Circuit Clerk or Circuit Officio Recorder's office to conduct court business or to ask questions about a court-related or recording-related matter. There may be an exception to certain areas.

d. Requirements of service animals and their owners include:

1. All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current. Animals must wear a rabies vaccination tag.

2. All dogs must be licensed per state and local municipal law and regulations, as applicable.

3. Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times.

4. Animals must be in good health.

5. Animals must be on a leash, harness or other type of restraint at all times, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

6. Cleanliness of the service animal is required. Consideration of others must be considered when providing maintenance and hygiene of service animals. The owner/partner is expected to clean and dispose of all animal waste promptly.

7. The owner must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the owner/partner.

8. The owner/partner must provide the Circuit Clerk's Office staff with information as to how the animal accommodates for the individual's disability.

9. When it is not obvious what service an animal provides; only limited inquiries are allowed. Staff may ask two questions: (1) "Is the dog a service animal required because of a disability?", and (2) "What work or task has the dog been trained to perform?"

e. Reasonable behavior is expected from service animals while in court rooms and while in common areas within Third Circuit court houses. The owners of disruptive and aggressive service animals may be asked to remove them from court rooms or court office facilities. In addition, if a dog is out of control and the handler does not take effective action to control it, or the dog is not housebroken, a person may be asked to remove the dog from the court room, offices or other common areas of the courts. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any court room or court offices or court house common areas until the owner takes significant steps to mitigate the behavior.

f. If a person is asked to remove a dog, staff will offer the person with the disability the opportunity to obtain services without the animal's presence.

g. Individuals with disabilities who use service animals will not be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals.

h. Staff are not required to provide care or food for a service animal.

i. The Judge and the Clerk shall have reasonable discretion in allowing service animals for court hearings, proceedings and for business to be conducted in clerks' offices to be able to provide reasonable accommodation to those requiring service animals, while maintaining decorum, order, safety and wellbeing of litigants, the public and court personnel.

j. Court Access Coordinator. If an individual has questions about this policy, or feels that he or she has not been treated fairly, the individual may contact the Court Access Coordinator, which is the Circuit Court Clerk of the county, if one is not otherwise designated.

9.8 PERIODIC SECURITY ASSESMENT AND REVIEW

The Associate Circuit Judge at each courthouse in the circuit, in collaboration with the Presiding Judge, shall ensure that court personnel conduct a periodic security assessment and review, as needed.

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

a. 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 on completion. In the event the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

b. Such orders for transcripts on appeal or testimony of witnesses heard by an Associate Circuit Judge, where the record was made by approved electronic process, shall be made direct to the Associate Circuit Judge who heard the case. The Associate Circuit Judge shall make such orders with respect thereto as may be reasonable and proper until otherwise directed by rule.

RULE 11. RECORDING OF JUDICIAL PROCEEDING

11.1 USE OF RECORDING BY CIRCUIT JUDGE.

The Circuit Judge or an Associate Circuit Judge, when assigned as a Circuit Judge, may, at the judge's discretion, elect to use a recording device to preserve the record in any case where the judge deems that method appropriate as a substitute for preservation of the record by the judge's official court reporter, if one is so assigned.

11.2 UNAUTHORIZED RECORDINGS.

All persons except those authorized by the court to preserve the record shall refrain and are prohibited from broadcasting, televising, recording, taking photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in session and during recesses.

RULE 12. MONIES PAID INTO COURT

12.1 BOND IN CIVIL CASES

(No Local Rule.)

12.2 CRIMINAL BONDS

All cash bonds paid to the County Sheriff's Department shall be paid out to the County Circuit Court within forty-eight (48) hours, excluding weekends and holidays. If cash bond is taken on a weekend or a court holiday the Sheriff's Department shall pay out the bond money to the County Circuit Court the next workday. Bonds paid by cash to the County Sheriff's Department shall be provided to the Circuit Court by check only; no cash.

RULE 13. COMMUNICATIONS WITH COURT

13.1. ORAL COMMUNICATIONS WITH THE COURT

Ex parte communications to a judge about a pending case will not be considered confidential and *ex parte* records, or memorandums of the conversation 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 appropriate court clerk.

RULE 14. APPEARANCES OF COUNSEL, PARTIES OR WITNESSES VIA VIDEO (WEBEX) OR TELECONFERENCE

All counsel, parties or witnesses are expected to appear in person, unless excused by the court prior to any hearing. All counsel, parties or witnesses who desire to appear via video or teleconference, shall make a timely formal request to the court and file a proposed order for the court's consideration. It shall be at the discretion of the judge assigned to the case whether the request shall be approved or denied.

RULE 15. SERVICE OF PROCESS

Any judge within the circuit may set policy or requirements in cases or divisions to which they are assigned, regarding the appointment of special process servers or the requirement for first use of local sheriff's departments for service, subject to §506.140 RSMo.

RULES 16.-20. RESERVED FOR FUTURE ADMINISTRATION RULES

GENERAL RULES

RULE 21. ATTORNEYS

21.1. RESOLUTIONS OF CONFLICTING TRIAL SETTING

(No Local Rule.)

21.2. ENTRIES OF APPEARANCE

No written entry of appearance by a defendant or respondent will be accepted in lieu of service of summons unless it has been executed and acknowledged in same manner as is required by law in the execution of deeds of conveyance and recites that defendant or respondent has received a copy of the petition.

21.3. CONDUCT OF ATTORNEYS

(No Local Rule.)

21.4. WITHDRAWAL OF ATTORNEYS

a. The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4, of the Rules of Professional Conduct.

b. Action Pending. 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:

1. The attorney shall file a written motion requesting leave of court to withdraw, accompanied by a proposed order. 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. If the attorney provides written documentation of the client's consent to the attorney's withdrawal, the court may rule on the motion without a hearing.

2. If no written documentation of the client's consent to the attorney's withdrawal is provided, a copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing. The last known address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.

3. 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.

4. If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify the attorney's 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.

c. Action Completed. An attorney who desires to withdraw as attorney of record for any party in an action that is completed shall comply with the following procedures:

1. In criminal and civil matters, upon filing a pleading entitled "Memorandum of Withdrawal" demonstrating that there are no pending claims or issues in the matter.

2. In criminal matters, by requesting at the sentencing hearing by written or oral motion, either that their withdrawal from the case be effective upon entry of the Judgment of Conviction or that their withdrawal be effective ten (10) days from the date of entry of the Judgment of Conviction.

d. Abuse/Neglect Juvenile Actions; §211.031.1(1), RSMo, Action Completed. Pursuant to §211.211.6, RSMo, and Supreme Court Rule 115.03c, an attorney who was appointed by the Court to represent a parent in an abuse/neglect action under §211.031.1(1), RSMo, shall serve at all stages of any proceeding under subdivision (1) of subsection 1 of §211.031, RSMo, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel shall be terminated forty-five (45) days following entry of an order of disposition. The Juvenile Office shall be responsible for administratively ending the attorney/party from the case.

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

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

21.8. ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE

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

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

c. When the rule as to witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with the 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

24.1 EXHIBITS

The attorney is responsible for all exhibits before, during, and after trial. Exhibits should be marked for identification prior to trial.

24.2 EXHIBIT LISTS

Each attorney in every case, both jury and court-tried, shall present to the court at the pre-trial conference or at a specific date designated by the court prior to trial, a list of all exhibits to be offered. An updated exhibit list shall be filed no later than before the commencement of the first day of trial.

RULES 25.-31. RESERVED FOR FUTURE PUBLISHED GENERAL RULES.

PRE-TRIAL MATTERS

RULE 32. DISCOVERY

32.1. USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

The Court may require a party requesting a trial setting to represent to the court that the case is at issue, that all motions have been disposed of, and that all discovery has been completed. No further discovery can be made by the requesting party without order of the court. The party not requesting a trial setting shall have ten (10) days after trial setting in which to begin any additional discovery. Any discovery requested after that date will require an order of the court.

32.2. INTERROGATORIES

a. The use and scope of interrogatories is governed by Rules 56.01 and 57.01 of the Missouri Rules of Civil Procedure.

b. Any party propounding interrogatories in civil or domestic relations actions shall leave an appropriate space for the answer to each interrogatory.

c. The original and two copies of the interrogatories shall be served upon adverse counsel. Interrogatories are not to be filed with the court except as provided by Supreme Court Rule 57.01. 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 separate certificate of mailing of the interrogatories which shall include the following:

1. The party to whom mailed.
2. The date of mailing.
3. Designation of pleading as first interrogatories, second interrogatories, etc.
4. The signature of attorney or party mailing the interrogatories.
5. The answers to interrogatories will be typewritten in the spaces provided. In the event an answer is too lengthy to be placed in the space provided, it shall be attached as an appendix and clearly identified.
6. The answering party shall prepare an affidavit to be signed by the party and attach it as a last page of the interrogatories and then file the completed original affidavit with the clerk of the court, mailing a copy to each party.

d. No party shall serve on any other party more than thirty (30) interrogatories in the aggregate in a domestic relations case without leave of court or consent of opposing counsel. No party shall serve on any other party more than thirty (30) interrogatories in the aggregate in all other civil cases without leave of court or consent of opposing counsel. In all civil cases, including domestic relation/s cases, subparagraphs of any interrogatories shall relate directly to the subject matter of the interrogatory and shall not exceed four (4) in number. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for the additional interrogatories. Any number of additional interrogatories may be filed and served if attached thereto is the written consent of counsel for the party to which the interrogatories are directed.

32.3. DEPOSITIONS

Following final disposition in civil cases, the clerk of any division may cause depositions in the file of the case to be returned to the custody of the attorney for the party on whose behalf it

was taken, who shall thereafter be responsible for them. If the clerk shall deliver depositions as herein provided, notation thereof shall be made on the docket sheet of the case file.

32.4. MOTION FOR SANCTIONS

(No Local Rule.)

32.5. CRIMINAL DISCOVERY

(See Supreme Court Rule 25.)
(Also see Local Court Rule 68 for specific discovery in dissolution of marriage.)

RULE 33. MOTIONS – WHEN HEARD, TIMING AND PROCEDURE

33.1. MOTIONS – HEARING DATES, ORDERS TO ACCOMPANY AND NO ACTION TAKEN UNLESS PROPERLY NOTICED UP FOR HEARING

a. Proposed Orders, Notice of Hearings and No Action Taken. All motions except those for which a hearing is requested shall be accompanied by a proposed order. Motions shall also be accompanied by a proper notice of hearing if a hearing is requested. Otherwise, unless the court rules on the motion in chambers in accordance with Local Rule 33.2, there may be no action taken on the motion.

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

c. Untimely Pretrial Motions. Except for good cause shown, no motion shall be filed later than seven (7) days before the trial date. Any motion filed later than seven (7) days before the trial date shall be subject to automatic denial.

33.2 BRIEFS IN SUPPORT OF MOTIONS-WHEN REQUIRED

a. The original motion and supporting suggestions, if any, and opposing suggestions shall be filed with the Circuit Clerk. A copy of the motion and any suggestions is to be provided to the judge assigned to hear the cause. A copy of the pleadings to which the motion or suggestions is directed shall be attached.

b. Motions filed without suggestions may be ruled on summarily in chambers without prior notice to any attorney or party.

c. When suggestions are filed with a motion, opposing parties or attorneys shall have ten (10) days to file opposing suggestions.

d. If any party submits an affidavit signed by the party or attorney, stating that it is necessary to support or oppose the motion by testimony and exhibits, and that the request is not being made for vexation or delay, the court may, in its discretion set the motion for evidentiary hearing.

e. Motions for temporary relief in dissolution of marriage cases or for change of judge need not be accompanied by suggestions.

33.3. ORAL ARGUMENTS – WHEN DESIRED AND HOW REQUESTED

Oral argument on any motion shall be allowed if requested in writing by either party within ten days of service of the motion or if set for oral argument by the court. If no party requests oral argument, motions may be ruled on in chambers without prior notice to any attorney or party.

RULE 34. CONTINUANCES

34.1. CIVIL 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 proposed order shall also be filed. 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 65.03.

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 proposed order shall also be filed. A continuance will be granted in criminal cases only if the court finds the ends of justice served by granting the continuance outweighs the benefits of a speedy trial. For good cause shown, the court may continue a criminal proceeding to a fixed day for trial, or to a day for trial to be set thereafter. Every continuance granted on 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.

RULE 35. PRE-TRIAL CONFERENCE

a. A pre-trial conference, herein designated as a trial management conference is required not less than one week prior to a jury trial, and may, upon order of the court, be conducted in a court tried case. At that conference, counsel for all parties shall be present and be prepared to discuss, for the purpose of an organized trial the following matters:

1. Exhibits. Prepared to be appropriately marked, reviewed by opposing counsel for possible stipulation as to authenticity and admissibility, and discuss their use during trial.

2. Witnesses. Review the scheduling of witnesses to ensure there will not be a break in the presentation of testimony, address any legal problems or conflicts with the potential witnesses, review the nature of the testimony to avoid duplication or determine what can be presented by stipulation, admissions, etc.

3. Issues. Determine what issues of law or fact are in dispute and those which are not.

4. Motions. Review all pending motions filed and make formal rulings or defer until trial.

5. Instructions. All parties are to submit proposed jury instructions, review instructions and determine which are agreed to and which are in dispute, clarify the parties' position on those instructions in dispute.

6. *Voir Dire*. Review the procedure to be followed during *voir dire*; determine questions which will be asked by the court and areas of inquiry that counsel wish to pursue.

7. Miscellaneous. Counsel should he prepared to discuss the status of settlement negotiations to ensure all appropriate methods or approaches to resolution have been pursued and determine whether or not the parties wish to proceed to a jury trial. (See Local Court Rules 38 and 68.)

RULE 36. SETTING CASES FOR TRIAL

36.1. REQUEST FOR TRIAL

Trial settings will be by order, only upon notice, or by agreement.

36.2. DATE OF CALENDAR

(No Local Rule.)

36.3. PREPARATION OF CALENDAR

(No Local Rule.)

36.4. CALENDAR CALL

(No Local Rule.)

36.5. INACTIVE CALENDAR

(See Local Court Rule 8.2.)

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

(See Local Court Rule 8.2.)

RULE 38. ALTERNATIVE DISPUTE RESOLUTION

38.1. ESTABLISHMENT OF LOCAL RULE

a. Pursuant to Supreme Court Rule 17, the court adopts the following Alternative Dispute Resolution (ADR) local rule. The purpose of this local rule shall be to foster timely, economical,

fair and voluntary settlement of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial. This rule shall apply to civil actions to be heard on record.

b. ADR shall include arbitration, early neutral evaluation, mediation, mini-trial, and summary jury trial, all as defined by Supreme Court Rule 17.01, and any other ADR procedures approved in advance by the court. ADR shall be non-binding unless the parties enter into a written agreement to the contrary.

38.2. CLIENT(S) TO BE NOTIFIED OF ADR

In all civil actions to which this rule applies, counsel shall discuss the availability of ADR with their client.

38.3. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION

a. The court may enter an Order of Referral to ADR in one of the following three ways:

1. If all parties agree to utilize an ADR procedure. In such an event, the parties shall file a stipulation with the clerk of the court where the cause is pending, and a copy to the office of the judge assigned to hear the case, that includes the type of ADR being utilized and the name, address and telephone number of the person(s) serving as the neutral(s).

2. On motion of any party if the court determines that the case is appropriate for ADR.

3. On the court's own motion.

b. When the court orders the parties to participate in ADR, the parties shall proceed accordingly and shall report the outcome thereof as provided by Supreme Court Rule 17.05. The results shall be reported within 90 days of the Order of Referral, or within ten days of the conclusion of ADR, whichever is sooner, unless another time is set by the court. If the Order of Referral is made by reason of a party's motion, or on the court's own motion, the court shall determine the type of ADR to be utilized.

c. Discovery shall not be delayed during the pendency of the ADR process, unless otherwise ordered by the court upon motion of a party, or on the court's own motion.

38.4. SELECTION OF NEUTRAL(S)

a. Within ten days of the Order of Referral, the parties shall jointly select a neutral(s) available and willing to serve. In the event the parties cannot agree upon the neutral(s) to be selected, the court shall make the selection. The parties may, at any time, agree upon any other neutral(s).

b. Each neutral(s) selected by the parties, or by the court, shall be (1) from the list of Dispute Resolution Neutrals maintained by the Missouri Bar or (2) from qualified persons who have not met the minimum training requirement of Rule 17, but who have had equivalent experience in conducting dispute resolutions.

38.5. RESPONSE TO ORDER OF REFERRAL

When an Order of Referral is made by reason of a motion of any party, or on the court's own motion, then not later than 30 days after entry of the Order of Referral, counsel for any party may respond as follows:

a. After conferring with their client(s), all other attorneys, and all unrepresented parties, and after concluding that referral to ADR has no reasonable chance of being productive, counsel for any party may opt out by so advising the court in writing. The notice to the court shall state why counsel believes ADR would be unproductive. The matter shall not thereafter be referred by the court to ADR absent compelling circumstances, which shall be set out by the court in any additional order requiring the case to continue in ADR.

b. Agreeing to utilize the ADR process, but requesting the court to select a different neutral person(s).

c. Agreeing to utilize the ADR process, but requesting the court to choose a different type of ADR to be utilized by the parties.

38.6. ATTENDANCE

Unless the court orders otherwise, all parties (or their representatives with authority to resolve the case, including insurance carriers) shall attend the ADR meeting set by the neutral(s). Unless the court orders otherwise, all parties shall comply with the neutral(s) request for information about the case.

38.7. CONFIDENTIALITY

The proceedings shall be private, confidential, and regarded as settlement negotiations as provided in Supreme Court Rule 17.05 and 17.06. No stenographic, electronic or other record of an ADR process shall be made.

38.8. COMPENSATION

The mediator, arbitrator or other neutral(s) shall receive such compensation as the parties and the person selected agree. The fee, unless otherwise agreed by the parties, shall be borne equally by the parties, and shall be paid directly to the person selected. The court shall have the right to review the reasonableness of the fee charged by the neutral.

38.9. DISQUALIFICATION AND WITHDRAWAL OF NEUTRAL(S)

No person shall serve as a neutral in a proceeding in which the neutral is interested, prejudiced, related to a party, has been counsel to a party in the cause, or under any other circumstances which reasonably calls into question the neutral's impartiality. A neutral may withdraw for any reason deemed appropriate by the neutral.

RULE 39.-40. RESERVED FOR FUTURE PUBLISHED PRE-TRIAL MATTERS RULES

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

41.1. NOTICE OF SETTLEMENT

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

RULE 42. DEFAULT

a. In any action or proceeding, if defendant is in default, the plaintiff shall file an affidavit setting forth facts showing that defendant is not in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in military service or that plaintiff is not able to determine whether or not defendant is in such service. (USCA 50 app. §520 and Servicemembers Civil Relief Act).

b. It shall be the duty of counsel to ascertain that process has been properly served in time, and to furnish a memorandum of the amount claimed before requesting judgments on undefended actions on bonds, bills, notes and accounts.

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.

51.4. SUBPOENAS

Request for subpoenas will be issued by the Circuit Clerk and sent by the clerk to the person making such request. Service of the subpoena, and the expense therefore, shall be the responsibility of the person requesting the subpoena.

RULE 52. SELECTION OF JURY

52.1. JURY QUESTIONNAIRE

The Circuit Clerk shall submit to all prospective jurors summoned during any term of court jury questionnaires as directed by the court. Completed jury questionnaires shall be available to counsel in the office of the circuit clerk. Information on jury questionnaires is considered confidential and shall not be disseminated by counsel or parties or used for any purpose other than the selection of jury for trial. Counsel will not question prospective jurors on any matter covered by the questionnaire without leave of the court.

RULE 53. JURY TRIALS

(No Local Rule.)

RULE 54. JUDGMENT ENTRY

54.1. CONTESTED CASES

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

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.

RULES RELATING TO PARTICULAR ACTIONS

RULE 55. AMERICANS WITH DISABILITIES ACT

55.1. NOTIFICATION

a. An attorney representing a party or intending to call a witness, who has a disability as defined in the Americans with Disabilities Act and who will require special accommodations shall, not less than five (5) days prior to the scheduled hearing or trial, provide written notice to the court of the special accommodations required.

b. A party not represented by an attorney who is disabled or plans to call a witness who has a disability as defined in the Americans with Disabilities Act shall likewise provide written notification to the court not less than five (5) days prior to the scheduled hearing or trial of special accommodations required.

RULE 58. PRODUCTION OF DOCUMENTS IN DOMESTIC CASES

a. Availability/Procedure for Use. The provisions of Rule 58 shall apply in domestic relations cases, including dissolution of marriage, legal separation, motions to modify and declaration of paternity cases, except as they conflict herein.

b. Scope. Any party who shall serve on any other party a request to produce a designated document shall attach to the request for production a copy of any such document that they would be required to produce had the request been made to them. If the proponent does not have such documents they shall attach a verified statement that such documents are not in their possession

or control. All requests shall be prepared in such a form as to make them gender neutral and party neutral.

c. Extension of Time. Requests for extension of time to produce documents shall be first made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the court file unless an order is requested under Rule 61.01(b) with respect to any objection to or subsequent failure to produce the requested documents.

d. Objections. Subject to local rule, objections to production of document requests shall be filed and noticed for hearing within thirty (30) days of the filing of the request or certificate of service; otherwise, any objection shall be deemed waived.

RULE 61. ADOPTION

61.1. FILING REQUIREMENTS

At the time of filing 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 §193.135, RSMo.

61.2. HOME STUDY

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

RULE 62. DRIVER'S CASES

(No Local Rule.)

RULE 63. ASSOCIATE DIVISION CASES

(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)

(See Local Court Rule 6.1.1.)

RULE 65. CIVIL COMMITMENT

RULE 66. CONDEMNATION

(No Local Rule.)

RULE 67. CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1. BOND, RELEASE AND DETENTION HEARINGS OR MODIFICATION OF CONDITIONS OF RELEASE

Bond, release hearings, or modification of conditions of release shall be conducted in accordance with Missouri Supreme Court Rules 33.01, 33.05, 33.06 and 33.08.

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

a. Members of the Missouri State Highway Patrol, and Sheriffs, and Deputy Sheriffs of Grundy, Harrison, Mercer and Putnam County Sheriff's Office are authorized by this Rule of Court, in their discretion, to accept the chauffeur's or operator's license, issued by the State of Missouri, of any person arrested and charged with violation of a traffic law of the State of Missouri or a traffic ordinance of Grundy, Harrison, Mercer and Putnam Counties in lieu of any other security for the person's appearance in court to answer any such charges. The license shall not be accepted for deposit when the charge is:

1. driving while intoxicated;
2. driving under the influence of intoxicating liquor or drugs;
3. leaving the scene of an accident;
4. driving while one's license is suspended or revoked;
5. any charge made because of a motor vehicle accident in which death occurred.

b. The deposit of the license in lieu of other security shall be under, and subject to, the provisions of §544.045 RSMo.

67.1.3. REFUND OF POSTED BAIL BOND MONEY

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited will be considered by the court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, and any other related court costs ordered by the judge may be deducted from the cash bond before any money is refunded to the defendant.

67.2 PRELIMINARY HEARING

(No Local Rule.)

67.3 GRAND JURY

(No Local Rule.)

67.4 ATTORNEYS

(No Local Rule.)

67.5. ARRAIGNMENT

(No Local Rule.)

67.5.1. IN GENERAL

(See Local Court Rule 2.4.)

67.5.2. DATES

All defendants bound over in felony cases, all defendants taking change of venue in criminal cases, and all defendants appealing from the Municipal Division shall appear unless otherwise directed on the first Law Day following filing of information, indictment, or the original case file in the Office of the Circuit Clerk, provided such information, indictment, or original case file shall be filed at least five business days preceding such Law Day. If filed thereafter, the defendant shall appear on the next succeeding Law Day. If the plea is not guilty, the court may set a date for the filing and hearing of all pre-trial motions; The court may set the case for trial.

67.6. DISCOVERY

(No Local Rule.)

67.7. MOTIONS

(No Local Rule.)

67.8. PLEA BARGAINING

(No Local Rule.)

67.9. GUILTY PLEA

(No Local Rule.)

67.9.1. WHERE ENTERED

Pleas of guilty may be entered only in the division of the court where the case is originally assigned or in the division where the case is assigned for trial. However, the initial filing of a felony case in the associate division does not allow the defendant to plead guilty in that division.

67.10. CALENDAR

(No Local Rule.)

67.11. PROBATION AND PAROLE

Sentencing Assessment Reports (SAR) or their equivalent shall be filed electronically within the relevant case and provided to the circuit clerk or division clerk of the court where the case is pending. The SAR shall be made available through the electronic filing system/Missouri Courts. The clerk shall deliver a copy to the defendant if not represented by an attorney.

RULE 68. DISSOLUTION OF MARRIAGE

68.1. FILING REQUIREMENTS

a. 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 §193.360 RSMo.

b. Every petition for dissolution of marriage or legal separation, every motion for modification of a decree respecting maintenance or support, every petition or motion for support of a minor child and every responsive pleading thereto shall contain the name and address of the current employer and social security number of the party filing such pleading and, if known, the name and address of the current employer and the social security number of the opposite party.

68.2. SEPARATION AGREEMENT

In all cases where written separation agreements are made under the provisions of §452.325. RSMo., counsel shall prepare and submit to the court at the date of hearing a proposed decree of dissolution or legal separation in all cases where separation agreements have been made and shall include therein those terms of the separation agreement required by §452.325 RSMo. Where both parties are represented by counsel, the proposed judgment shall, before being submitted, be approved by both attorneys as to form.

68.3. FORMS OF DECREE

Prevailing counsel shall promptly furnish the clerk and opposing counsel within 10 days of mailing, the written decree. Any objection shall be at once communicated to the court.

68.4. FILING OF FINANCIAL STATEMENT

a. In all contested action for dissolution of marriage or legal separation, a Statement of Marital and Non-Marital Property and Liabilities/Statement of Property and Debt and a Statement of Income and Expenses shall be completed by each party, and executed under oath and said completed form shall be filed with the court and supplied to the opposing counsel fifteen (15) days prior to the date of the pre-trial conference. Parties shall use the Missouri Supreme Court approved Statement of Property and Debt (CAFC040) or an equivalent. Parties shall use the Missouri Supreme Court approved Statement of Income and Expenses (CAFC050) or an equivalent.

b. In all contested actions for dissolution of marriage or legal separation, the information provided on forms shall be updated immediately if any changes occur prior to the date of trial.

c. In all contested actions for dissolution of marriage or legal separation a Summary of Marital and Non-Marital Property and Liabilities shall be prepared by counsel for the petitioner in even-numbered cases and counsel for respondent in odd-numbered cases and shall be filed with the court and supplied to opposing counsel three (3) business days before the date of hearing.

d. In all contested Motions to Modify Child Support, Alimony or Maintenance, a Statement of Income and Expenses shall be completed in full by each party executed under oath and shall be filed with the court and supplied to opposing counsel fifteen (15) days prior to the date of pretrial conference. Parties shall use the Missouri Supreme Court approved Statement of Income and Expenses (CAFC050) or an equivalent.

68.5. DISCOVERY

68.5.1 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 January 1, 1995.

68.5.2 PRE-TRIAL CONFERENCE - SCHEDULING ~ INFORMATION EXCHANGE

The court may schedule each case for pre-trial conference with the pre-trial conference to be conducted at a date determined by the court.

68.5.3. 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.

68.6. EDUCATIONAL PROGRAMS

a. All parents in any action for dissolution, legal separation, change or modification of custody or visitation and any other domestic relations actions involving minor children but excluding adult abuse, child abuse or juvenile court proceedings shall attend such educational programs as may be designated by the court within sixty (60) days after service of the summons upon respondent.

b. This rule is adopted for the best interest of the children of the parties, and it is not intended to unreasonably delay the administration of justice, or to subject the parties to coercion or duress by an uncooperative party.

c. The clerk shall give petitioner a notice of this rule and its requirements at the time of the filing of the petition. The clerk shall attach a copy of such notice, rule and the summons and petition issued to respondent.

d. Each parent shall be required to pay the cost for participation in the program directly to the provider (pursuant to a court approved sliding scale).

e. The agency which presents the program shall file a certificate of attendance with the appropriate circuit clerk upon completion of the program by each participant.

f. Upon the failure of any parent to attend the program 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.

g. Counsel for each petitioner or movant in any action to which this rule applies shall give notice of the requirement under this rule to his or her client.

h. No case shall proceed to commencement of a hearing on the merits until said certificates are filed or until the court, for good cause shown, waives application of this rule.

i. This rule shall apply to all parties with cases filed on and after January 1, 1995, whether the case is contested or uncontested.

68.7. ENTRY OF JUDGMENT UPON AFFIDAVIT-REQUIREMENTS

a. 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:

1. There are no minor children of the mother and father, the parties are represented by counsel, or if one party is not represented by counsel, the unrepresented party has waived his or her right to hearing in writing and consents in writing to the entry of judgment upon affidavit, and have entered into a written agreement determining custody and child support; and,

2. The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed 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 have entered into a written agreement for the division of their marital property.

b. 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 setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed decree or order, a copy of any written agreement proposed for adoption by the court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a decree of dissolution or decree of legal separation.

c. Hearing Required-When. The court shall not be bound to enter a decree or order upon the affidavits of either or both parties, but the court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by pleadings.

RULE 69. MUNICIPAL DIVISION

(No Local Rule.)

RULE 70. PARTITION

Judicial sales must be held on a Term or Law Day designated or other date previously set by the court.

RULE 71. ADMINISTRATIVE REVIEWS

(No Local Rule.)

RULE 72. PROBATE

Judges of the Circuit Court Probate Division/s may enact policies regarding specific procedures or requirements regarding cases to which they are assigned.

RULE 73. SMALL CLAIMS

(No Local Rule.)

RULE 74. TRUST ESTATES

74.1. INVENTORY

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

74.2. REPORTS

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

74.3. RECORD

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

74.4. AUDITS

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

RULES 75.-80. RESERVED FOR FUTURE PUBLISHED RULES RELATING TO PARTICULAR ACTIONS

POST TRIAL

RULE 81. EXECUTION

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

1. Style and number of case/s 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.

b. Twenty-five (25) dollars to apply toward sheriff's fee shall be paid to the clerk at the time of filing the application, except in small claims cases.

RULE 82. GARNISHMENT

82.1. TERMINATION OF CONTINUOUS WAGE GARNISHMENT

In addition to as otherwise provided by law, a continuous wage garnishment shall terminate if a garnishor fails to file a statement of judgment balance every six (6) months as provided by Supreme Court Rule 90.19.

RULE 83. JUDICIAL SALES

(See Local Court Rule 70.)

RULES 84.-99. RESERVED FOR FUTURE PUBLISHED RULES RELATING TO PARTICULAR ACTIONS

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION

100.1. PRESIDING JUDGE

There being only one (1) Circuit Judge in this circuit, the Circuit Judge shall be the Presiding Judge. When the Presiding Judge is absent from the circuit for an extended period of time, one of the Associate Circuit Judges of the circuit shall be appointed as Acting Presiding Judge in advance at the discretion of the Presiding Judge. When the Presiding Judge is absent from the circuit for an extended period of time, and has not appointed an Associate Circuit Judge as Acting Presiding Judge, the Chief Justice of the Supreme Court may, in the Chief Justice's discretion, appoint an Acting Presiding Judge from among the Associate Circuit Judges in the circuit.

100.1.1. ELECTION

(No Local Rule.)

100.1.2. DUTIES OF PRESIDING JUDGE

a. The Presiding Judge is the general administrative authority of the court.

b. The Presiding Judge has the authority to assign cases to judges and judges to divisions, but the presiding judge is not to assign:

1. A municipal judge to hear any case other than to initially hear municipal ordinance violation cases,

2. A judge to try a felony case when that judge conducted the preliminary hearing, unless defendant has:

(a) Signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial, or

(b) Indicated on the record that the defendant is permitting the same judge to hear both the preliminary hearing and the trial.

3. A case to a judge contrary to Supreme Court Rule or Local Court Rules.

c. The meetings of the court *en banc* may be called by the Presiding Judge or by two judges giving written notice. If any judge so requests the meeting will be on the record. The Presiding Judge may call a special term of court. The Presiding Judge may appoint a secretary and any additional personnel to aid in the judicial business of the circuit.

100.1.3. DISPUTE RESOLUTION

(No Local Rule.)

100.2. LOCAL COURT RULES

(No Local Rule.)

100.2.1. FORMULATION

(No Local Rule.)

100.2.2. PUBLICATION

(No Local Rule.)

100.3. LIBRARY FUND

The Law Library fee of $15.00 shall be paid into the Law Library Fund. The Circuit Clerk of each circuit court of this circuit is herewith designated as Treasurer of the 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 *§514.480 RSMo.*, 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 the report of the status of the accounts and expenditures to the Presiding Judge no later than the Circuit Law Day in January in their respective county.

100.4 TIME PAYMENT FUND

a. Ten dollars ($10) of the time-payment fee collected pursuant to Section 488.5025 shall be paid into the Time-Payment Fund of each respective county within the Third Circuit. The Circuit Clerk of each circuit court of this circuit is herewith designated as Treasurer of the Time-Payment Fee Fund of their respective counties. In such capacity, the Treasurer shall receive and receipt for such monies delivered to the Treasurer pursuant to §488.5025, RSMo. and shall deposit such monies in an interest-bearing account.

b. Expenditures from such Time-Payment Fund shall be used to improve, maintain, and enhance the ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preservation of the record, or to improve the administration of justice. 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 Time-Payment Fund shall account for the funds on a calendar year basis, and shall deliver a report of the status of the accounts and expenditures to the Presiding Judge as to all counties and the Associate Circuit Judge of the circuit court in each respective county by January 31st of each year.

RECORDS AND FILES

100.5. STORAGE OF RECORDS

100.5.1. REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES

(No Local Rule.)

100.5.2. REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES (AND THEIR CONTENTS)

(No Local Rule.)

100.5.3. RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTERS' NOTES

(No Local Rule.)

100.5.4. IDENTIFICATION OF REPORTERS' NOTES

(No Local Rule.)

100.5.5. INDEX

(No Local Rule.)

100.5.6. STORAGE OF NOTES

(No Local Rule.)

100.5.7. NOTES OF SUBSTITUTE REPORTERS

(No Local Rule.)

100.5.8. STORAGE OF NOTES UPON RETIREMENT, TERMINATION OR DEATH OF COURT REPORTER

(No Local Rule.)

100.5.9. BOXING AND STORING OF OLD NOTES

(No Local Rule.)

100.5.10. RESPONSIBILITY FOR FURNISHING MATERIAL AND SPACE FOR STORAGE OF COURT REPORTER NOTES

(No Local Rule.)

100.5.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS

(No Local Rule.)

100.5.12. PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL RECORDS

(No Local Rule.)

100.6 CLERK'S DUTIES

(No Local Rule.)

100.6.1. MONIES PAID INTO COURT

(No Local Rule.)

100.6.2 SETTING OF SECURITY LEVELS OF COURT DOCUMENTS

a. A court clerk who becomes aware of confidential information, as defined or outlined in Missouri Supreme Court Operating Rule 2.02(c) which has not been properly redacted by a filer, may raise the security level of the relevant document. A court clerk may also redact personal information from the public copy of the court record (Missouri Supreme Court Operating Rule 2.05).

b. The court clerk shall set the case security level to a level three on a case when an arrest warrant is issued, until the arrest warrant has been served, or as otherwise ordered and directed by the court.

100.7. SELECTION OF VENIREMEN

(No Local Rule.)