

LOCAL COURT RULES

of the
13th Judicial Circuit
State of Missouri

ADOPTED AUGUST 2014
REVISED April 16, 2026

13th Judicial Circuit Court
705 East Walnut Street
Columbia, Missouri 65201

13th JUDICIAL CIRCUIT LOCAL COURT RULES

The Law

Missouri Revised Statutes

§478.245. Circuit courts may adopt local court rules--procedure--restrictions--role of associate circuit judges.

1. Subject to the provisions of article V of the constitution and authority exercised under such provisions, the circuit judges of the circuit may adopt local court rules which provide:

    (1) Cases or classes of cases that may or shall be assigned to particular divisions of the circuit court;

    (2) Filing (including the place of filing) and assignment systems for the circuit court of each county which may include: (a) centralized filing procedures for cases which are heard by circuit judges; (b) centralized assignment procedures or individualized docketing procedures for cases or classes of cases which are heard by circuit judges; and (c) filing and assignment procedures for cases which are heard by municipal judges.

2. Notwithstanding the provisions of subsection 1 of this section, no such local circuit court rule:

    (1) Shall provide for assignments which a presiding judge is prohibited from making by subdivisions (1), (2) and (4) of subsection 2 of section 478.240 or which are contrary to provisions of supreme court rules;

    (2) Shall provide for the maintenance of the permanent case records and judgments of the circuit court other than with the circuit clerk, except records with respect to probate cases, misdemeanor and municipal ordinance violation cases, records in felony cases before the filing of an information, and records in cases within the categories of cases specified in subdivisions (1), (2) and (3) of subsection 1 of section 517.011; and

(3) Shall provide for the filing of cases or the maintenance of the permanent records in cases which are heard by municipal judges outside of the municipality providing the municipal judge, except in those situations where there is a trial de novo or the municipality consents to such filing or maintenance of records.

3. Local circuit court rules shall be adopted by a majority of the circuit judges of the circuit. A copy of each circuit court rule certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court, and shall not become effective until so filed. Each local circuit court rule adopted prior to January 2, 1979, shall cease to be effective sixty days after that date if a copy thereof certified by the presiding judge of the circuit is not filed with the clerk of the supreme court during that period of time.

4. Subject to the provisions of article V of the constitution and authority exercised under such provisions, a majority of circuit and associate circuit judges of the circuit by order may provide for: (1) centralized filing or divisional filing of cases or classes of cases which are heard by associate circuit judges; and (2) centralized assignment procedures or individualized docketing procedures of cases or classes of cases which are heard by associate circuit judges. A copy of each such order certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court, and shall not become effective until so filed.

Supreme Court Operating Rule 6

6.02 Duplication of Local Court Rules

Local court rules shall be duplicated on 8 1/2 by 11 paper with three holes punched in the left margin. The holes shall be 1/4" in diameter and shall be spaced 4 4/14" on center in order to allow the local court rules to be filed in a standard 3-ring binder. The left margin shall be 1 1/2". The rules may be printed or typed. If the rules are typewritten, the table of contents shall be double-spaced and the text of the rules shall be single-spaced. The date of the rule also shall be typed four lines up from the bottom of the page, on the right-hand side.

6.03 Distribution

The presiding judge of the circuit is responsible for printing, assembling, distributing, and making the local court rules available, including advising attorneys of their availability. The presiding judge shall see that copies of the

rules are distributed to all attorneys within the circuit and are available in the circuit clerk's office in each county for other attorneys who request them.

6.04 Model Local Court Rules
Included in this order are proposed model local court rules. There materials are for informational purposes only and their adoption as local court rules is not mandatory.

(Editor's Note: The Model Local Court Rules are available on the Missouri Judiciary's website and are published in West's Missouri Court Rules, Volume III, and may serve as discretionary resource authority for the interpretation of the Local Rules.)

6.05 Adoption and Filing of Local Court Rules
All local circuit court rules shall be approved both by the presiding circuit judge and a majority of the circuit court, en banc, consisting of all circuit and associate circuit judges of the circuit. Except as provided in Administrative Rule No. 14, no local circuit court rule shall require a circuit judge to hear cases governed by Supreme Court Rule 37 or chapters 479, 482, 517, 534, 535 or 543, RSMo, other than upon trial de novo, unless the circuit judge consents to hear such cases. The clerk of the Supreme Court shall not file any local circuit court rule failing to comply with the provisions of this Administrative Rule No. 6.05.

Philosophy of the Local Court Rules of the 13th Circuit
In light of the fact that many procedural matters historically left to local court rules have now been addressed by the Supreme Court Rules and, further, as a result of the recognized autonomy of a trial judge to administer their courtroom, this revision is an attempt to avoid repetition of matters contained in the Supreme Court Rules and avoid suggesting how a given judge runs their courtroom, and, in turn, simplify these local rules. All Supreme Court Rules and Operating Rules referenced are from the Supreme Court of Missouri, and all statutes referenced are the current Missouri Revised Statutes, unless otherwise noted.

ORDER

The Local Court Rules of the 13th Judicial Circuit Court shall apply to all proceedings in the 13th Judicial Circuit.

Any Local Court Rule or part thereof that conflicts with any Missouri Supreme Court Rule or any Missouri law is hereby considered amended to

conform to said rule or law. In the event these Local Court Rules conflict with a prior Administrative Order, these rules shall govern.

These rules are adopted by Order of the Court en Banc, effective August 9, 2014.

Jodie Capshaw Asel
Presiding Judge

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ADMINISTRATION

RULE 1 – Divisions of Court

A. The Circuit Court of the Thirteenth Judicial Circuit shall consist of a presiding judge and such other judges and commissioners as may be assigned to hear civil, criminal, family law, juvenile, probate, small claims and traffic matters. The assignment of dockets to the various divisions of the court shall be subject to change from time to time, as determined by the presiding judge.

B. Divisions I, II, III, IV and XIII shall be presided over by circuit judges; Divisions V, IX, X and XI shall be presided over by the Boone County Associate Circuit Judges; Divisions VI and VII shall be presided over by Callaway County Associate Circuit Judges; Division VIII shall be presided over by the Family Court Commissioner, and Division XII shall be presided over by the Treatment Court Commissioner.

C. There shall be Municipal Divisions of the court in both Boone and Callaway Counties. If any municipality in either Boone or Callaway County elects to retain a municipal judge, the municipal judge shall hear and determine municipal ordinance violations in a municipal division of the circuit court located in the municipality so-electing to retain its municipal judge. Any such retention shall be at the sole cost of the municipality. If a municipality does not elect to retain its municipal judge, municipal ordinance violations shall be heard and determined by an associate circuit judge. The situs of any such municipal court shall be set and modified by the Court en Banc considering the availability of judges, costs and related matters.

D. The Treatment Courts of the 13th Judicial Circuit shall provide enhanced supervision, including substance abuse and mental health treatment, to offenders who meet the eligibility criteria of the various Treatment Courts. Services shall be available to both pre-plea and post-plea offenders as well as probationers. The Treatment Courts shall be continually monitored and evaluated for modification as necessary to provide the most current evidence-based programs available. The mission of the Treatment Courts is to provide supervision and treatment which will allow offenders to

change their behavior and avoid further involvement in the criminal justice system. The presiding judge shall appoint the Treatment Court Commissioner. The commissioner shall administer the Treatment Courts and shall regularly report to the Court en Banc on the state of the Treatment Courts.

Effective 09/11/2024.

RULE 2 - HOURS AND TERMS OF COURT

2.1 Hours of Court

The court shall always be open. On weekdays, the court shall be open at 9 a.m. By order of the presiding judge, a judge or court commissioner, court may be held at any other time or day as may be convenient.

2.2 Terms of Court

The 13th Judicial Circuit shall be in continual session as provided by §478.205, RSMo.

2.3 Law Days

Law Day dockets in circuit court, both civil and criminal, are of limited duration and are designed for the court to hear brief matters of any kind. Though there is no limit on the number of matters that may be set on a Law Day docket, the size of a given docket on a given date may serve as a limiting factor on the amount of time that the court has available to hear a matter. The respective judge shall determine whether there is sufficient time on the docket for the matter to be heard or should be scheduled for some other time. In any event, a judge may limit the number of matters heard on a given day. If, however, in a civil case, the parties anticipate that the presentation of any matter shall exceed 15 minutes, the parties shall at the earliest opportunity bring such fact to the court's attention and the court shall endeavor to hear the matter on a regular Law Day docket or schedule a special time to hear the matter. Law Day matters may be set upon five (5) days written notice to adverse parties, or by consent of the parties, provided written notice shall be delivered to the circuit clerk no later than 5 p.m. on the Tuesday preceding the Law Day for civil matters and 5 p.m. on the Thursday preceding the Law Day for criminal matters.
In associate circuit court, all motions shall be scheduled by the judge presiding over the matter.

2.4 Particular Matters on Particular Days

(No Local Rule)

2.5 On-Call Duties

All judges shall serve on-call duties. A duty shall begin and end on Monday morning (unless Monday shall be a holiday and in such event, the duty shall begin or end on the applicable Tuesday). In Callaway County, the Callaway County Judges shall equally share the duty for Callaway County. In Boone County, the Boone County Judges shall equally share the duty for Boone County. From time to time, the presiding judge shall prepare a calendar setting forth the duty schedule endeavoring to take into account the schedules of the judges. Nothing shall prohibit the judges from exchanging duties as they may agree. Any exchanges shall be forthwith provided to the presiding judge's secretary for publication. Pursuant to Supreme Court Rules, all judges shall be authorized to use any and all secure technologies for the execution of their on-call duties. In the event of an emergency, all judges shall be authorized to use such alternative means of communications as may be available to carry out their on-call duties. In any event, judges shall be responsible for the proper filing of all documents they execute.

2.6 Meetings of the Court En Banc

The meetings of the court en banc shall be held on a near-monthly basis but may be specially called by the presiding judge or by any two judges. Written notice shall be given for all meetings and shall include the proposed agenda. All meetings of the Court en Banc shall be on the record. If the court is unable to agree to a procedure, “Robert’s Rules of Order” shall apply. Every judge, including the presiding judge (except as otherwise specifically provided) shall be entitled to one vote. A quorum shall be a majority of all of the voting members of the Court en Banc. Unless otherwise specifically provided, a majority of a quorum present at any meeting shall decide any matter before the Court en Banc.

2.7 Judicial Councils

In accordance with Supreme Court Rule 2, the Code of Judicial Conduct, judges assigned to hear like kinds of cases may periodically meet to discuss common issues related to their areas of assignment. If a quorum of the Court en Banc shall be present at the council, the meeting shall comply with the requirements of the Open Meetings Law, Chapter 610, RSMo.

Effective 06-25-2019.

RULE 3 - PLEADINGS

3.1 Caption

(No Local Rule)

3.2 Style

(No Local Rule)

Effective 12/23/2016.

RULE 4 - FILING OF CASES

4.1 Criminal Cases

A. All complaints, indictments, and informations charging felonies or misdemeanors shall be filed in a central location established by the Circuit Clerk. Filings of criminal cases for defendants who are out of custody shall be submitted to the clerk by 12 p.m., noon, the day before the date on the ticket, summons or bond indicates the arraignment is to be set.

B. If re-filing a criminal charge against a defendant which had previously been nolle prosequi or dismissed, the state shall, at the end of the charging document, set forth the case number for the prior case.

4.2 Civil Cases

(No Local Rule)

4.3 Probate Cases

All matters pertaining to probate business shall be filed in the probate division including proceedings for the specific purpose of approval of settlement of cases involving claims by persons less than eighteen (18) years of age. Other civil cases filed on behalf of a minor in which a settlement is reached before, during, or after trial shall be transferred to the probate division for hearing on the proposed settlement and the appointment of conservator, if necessary.

4.4 Juvenile Cases

(No Local Rule)

4.5 Small Claims Cases

(No Local Rule)

4.6 Municipal Cases

Cases that are heard by municipal judges shall be governed by the provisions of §478.245.2(3), RSMo, and Local Rule 69.

4.7 Redaction of Identifying Information of Sexual Assault Victims

In accordance with §566.226, RSMo, regarding the redaction of identifying information of victims of certain sexual assault crimes, a party filing any pleading or document which includes information identifying a member of the protected class of victims described in §566.226, RSMo, shall file, in addition to the original document, a redacted copy of said pleading or document, so-marked, eliminating any such identifying information. The original document shall be filed at a JIS Security Level only accessible by the court and the attorneys of record and the redacted copy at a JIS Security Level open to the public.

4.75 Compliance with C.O.R. 2 and Security For Non-Criminal Cases

Parties must comply with Supreme Court Rule C.O.R. 2
Any party may file a motion to raise the security level of the case. The motion must state reasons for the request. Upon receipt the clerk will raise the security level of the case to a level 3 if it is not already set there or higher and then will send the motion to the assigned judge for further orders. The Judge shall make orders which may include but are not limited to: setting the motion for review; continuing the case at the level 3 setting; setting a date certain for when the case shall be dropped back to its original security level, determining if any filings need to be maintained at the higher security level if the case is to be lowered, or other appropriate orders.

4.8 E-Filing

Except for documents filed by pro se litigants, documents originally filed in the Municipal Division, documents prepared within a courtroom during trials and hearings, and as otherwise provided in these rules or by law, all filings in all types of cases shall comply with Supreme Court Rule 103.09 and Court Operating Rule 27 as further delineated as the Electronic Filing System found on the “Your Missouri Courts” homepage. (http://www.courts.mo.gov) Any attempted filing that does not meet the requirements of the System or any other rules promulgated by this Court shall be summarily rejected and shall be deemed as not filed.
Notwithstanding Rule 4.8, the following shall apply:

A. In Boone County, in the event a person shall be taken into custody and shall post a bond for his release on an “on view” bond, the bond shall be delivered to the clerk and the clerk shall hold the bond in a separate paper file and receive any entries of appearance filed by counsel and upon the filing of the charges, if any, a file shall be opened and the same shall reflect the entry of counsel.

B. Before requesting judgments on undefended actions on bonds, bills, contracts, notes and accounts, counsel shall hand to the court in open court written proof that process has been properly and timely served, an affidavit of the amount claimed, a copy of the Petition and Prayer without attachments, appropriate proof of compliance with applicable state and federal laws regarding lawsuits against members of the military and a proposed judgment.

C. With regard to documents filed by pro se litigants, documents originally filed in the Municipal Division, documents prepared within a courtroom during trials and hearings, and as otherwise provided in these rules, the clerk shall be responsible for determining the procedures for the proper filing of and preservation of the same.

Effective 07-26-2023.

RULE 5 - FEES AND COSTS

5.1 Filing Fees and Cost Deposits

EFiling fees and costs shall be paid by approved electronic checks, credit cards, and debit accounts. All other fees and accounts shall be paid by cash, certified check, business check, money order or the equivalent, or by credit card or debit card approved by the circuit clerk. Personal checks shall not be accepted.
The circuit clerk shall be responsible for the collection of all costs after the initial filing fee except fees in a case pending in the Municipal Division having its own staff.

5.2 Costs

(No Local Rule)

5.3 Witness Fees

(No Local Rule)

5.4 Waiver of Fees, Proceeding In Forma Pauperis

Persons requesting permission to proceed in forma pauperis shall complete and submit to the clerk the form appended to these rules and entitled "Affidavit and Petition for Permission to Prosecute Cause of Action as a Poor Person."
Persons in the custody of the Missouri Department of Corrections requesting permission to proceed in forma pauperis to file a civil lawsuit shall also complete and submit to the clerk the forms appended to these rules and entitled "Authorization for Release of Institutional Account Information" and "Affidavit in Support of Request to Proceed in Forma Pauperis." If a person in custody shall seek to file a lawsuit and shall request authority to proceed as a poor person and such lawsuit shall require the issuance of service of summons on more than two persons, prior to the issuance of service, the judge assigned to the case shall review the pleadings to ascertain whether the pleadings arguably state a cause of action and, in turn, necessitate all of the service requested. If the judge shall find that no arguable cause of action exists, the judge shall enter an order so-advising the Plaintiff and Plaintiff shall be given the opportunity to amend the pleadings.

5.5 Motion For Security

(No Local Rule)

5.6 Time Payment Fee

Pursuant to §488.5025.1, RSMo, a time payment fee in the sum of twenty-five dollars ($25.00) shall be assessed against any person who does not pay a court ordered judgment, penalty, fine, sanctions, restitution, juvenile monetary assessments or court costs in full within thirty (30) days of the date the court imposed the judgment, penalty, fine, sanctions, restitution, juvenile monetary assessments or court costs. If the public administrator shall advise the court in writing that no funds exist in an estate, the fee shall be waived. With regard to the applicability of this section to criminal cases, see Administrative Order for Formal Administrative Plan For Collection of Court Debt.

Effective 04-05-2020.

RULE 6 - ASSIGNMENT OF JUDGES, CASES, & TRANSFER OF CASES

Subject to the authority of the presiding judge, all circuit court cases, both civil and criminal, shall be randomly assigned to circuit court judges on a near equal basis. By administrative order, the presiding judge shall determine the method of such assignments.

6.1 Assignment to Associate Circuit Judges

6.1.1 By Local Court Rule Or Order

Unless otherwise ordered by the presiding judge, misdemeanors and civil cases of limited jurisdiction shall be immediately docketed for hearing before an associate circuit judge.

6.1.2 Special Assignment

The presiding judge shall always retain the authority to specially assign judges as provided by law. Further, the presiding judge shall have the authority to delegate assignment of family court cases to the Administrative Judge of the Family Court. Any case assigned or transferred to a circuit judge may only be reassigned to an associate circuit judge by order of the presiding judge.

6.1.3 Transfer of Assignment for Administrative Purposes

An associate circuit judge may, for purposes of administrative convenience and efficiency, transfer a criminal case to another associate circuit judge.

6.2 Assignment To Circuit Judges

(No Local Court Rule)

6.3 Certification To Circuit Division

(No Local Court Rule)

6.4 Trial De Novo

(No Local Court Rule)

6.5 Disqualification/Recusal of Judge

Whenever a judge is disqualified or recuses from a cause, the disqualified or recused judge shall forward the case to the presiding judge for reassignment. If the disqualified or recused judge is the presiding judge, the case shall be forwarded for reassignment to the acting presiding judge and then to the most senior judges as the line of authority is described in these rules. When a change of judge has been effected, whether or not current settings are maintained shall be in the discretion of the new judge.

6.6 Absence of Judge

Subject to the objection of counsel, in the absence of any Circuit Judge on account of sickness or otherwise, any other Circuit Judge may temporarily sit as the judge of the division in which the judge is absent and perform all the duties of said absent judge. Likewise, in the absence of any Associate Circuit Judge or Commissioner on account of sickness or otherwise, any other Circuit Judge, Associate Circuit Judge may temporarily sit as the judge of the division in which the judge or Commissioner is absent and perform all the duties of said absent judge or commissioner. Upon the order of the presiding judge, any temporarily sitting judge may be permanently assigned to hear any particular matter or any particular class of cases.

6.7 Absence of Presiding Judge

See Local Rule 100.1.

6.8 Request for Change of Judge

Any request for a judge disqualification shall specify the division for which the disqualification is being requested. If, at the time of filing, no judge has been assigned and no judge has been specified, the request shall be deemed a nullity. A timely filed request for disqualification may not be withdrawn.

6.9 Consolidation of Civil Actions

A party desiring to consolidate civil actions into one cause of action shall file a motion to consolidate in each of the cases sought to be consolidated. Motions to consolidate cases pending in the same division shall be heard and decided by the judge in that division. Motions to consolidate cases that are pending in different divisions shall be decided by agreement of the judges involved. Following consolidation, all documents pertaining to the consolidated civil actions shall be filed in the first-filed case.

6.10 Transfer of Criminal Cases into the Same Division

The state or a defendant desiring to transfer into one division, two or more criminal cases for the same defendant pending in two or more divisions, shall file a motion to transfer in each of the cases. Motions to transfer shall be decided by agreement of the judges involved.

6.11 Assignment to Probate

Any matter under Local Court Rule 4.3 may be transferred to the Probate Division by any judge.

Effective 11-27-2016.

RULE 7 - WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE (FOR CASES NOT SUBJECT TO THE E-FILING PROCEDURES)

7.1 When Allowed

A. No official files of the circuit court or any divisions thereof shall leave the Office of the Circuit Clerk or the office of any division clerk except in the custody of employees of the clerks or employees of the circuit court.

B. All files of cases assigned to the various divisions of this court shall remain in the clerk’s central filing room.

7.2 Duplicating Policy

No charge shall be made for copies of documents furnished to any city or county office or to any state agency or department. All other duplicating fees shall be as specified in the local administrative order on filing fees and costs, as published in the appendices to these Local Court Rules.

Effective 11-27-2016.

RULE 8. PUBLICATION OF DOCKETS

8.1 Trial Docket

(No Local Rule)

8.2 Dismissal Docket

Except for good cause shown, in all circuit civil cases in which no filing has been made for a period of 6 months and in all domestic relations and associate civil cases in which no filing has been made for a period of 2 months, upon 30 days written notice to the parties, a case may be dismissed without prejudice for failure to prosecute. Dismissal dockets shall be scheduled monthly. Those civil cases on the docket shall be forwarded to the assigned judge for appropriate action (e.g. dismissal, removal from the docket for a time certain or until further order of the court, entering of a scheduling order or such other orders as the assigned judge shall deem appropriate). Domestic relations cases shall be forwarded to the Family Law Administrator for like action.

Effective 11-27-2016.

RULE 9 - COURTROOMS

9.1 Assignment of Courtroom

See Local Rule 100.1.2.

9.2 Place of Hearing

(No Local Rule)

9.3 Use of Counsel Table

See Local Rule 9.7.

9.4 Courtroom Decorum and Dress

See Local Rule 9.7.

9.5 Who is Permitted Within the Bar

See Local Rule 9.7.

9.6 Electronic Devices

Pursuant to Supreme Court Operating Rule 16, no one entering the Boone County Courthouse or Callaway County Justice Center is permitted to bring in an electronic device containing camera, microphone, or data transmission functionality without first obtaining prior authorization.

A. The following persons are pre-authorized:
    1. Attorneys in good standing.
    2. State and county employees on court business.
    3. Law enforcement personnel and Probation and Parole Officers on official duty.
    4. Members of the Press.
    5. Victims/witnesses who are attending court business in the Prosecuting Attorney's Office or the Juvenile Office.
    6. Persons whose electronic devices are medically necessary.

The Court, or an elected official for use within their respective office, may grant additional authorization on a case-by-case basis. Court Marshals may require any person claiming authorization to show identification confirming their status.

B. No person may take photographs, capture video, or make audio recordings without a prior order of the Court.

C. All electronic devices brought into a courtroom must be completely silent.

D. Failure to comply with this rule may result in confiscation of the electronic device by a Court Marshal. Return of a confiscated device is at the Court's discretion. Violators may also be held in contempt of court

9.7 Courtroom Use and Decorum

Subject to a presiding judge’s discretion as to the administration of their courtroom, the following rules shall apply:

A. Counsel, parties and witnesses shall dress respectfully.

B. Counsel shall advise their clients and witnesses as to the formalities of the court.

C. Counsel shall use available microphones. If microphones are not available, counsel shall speak in a manner such that all those participating in the matter may hear the proceedings.

D. When more than one attorney represents a party, only one attorney shall examine or cross-examine each witness.

E. Counsel shall not block the viewing of a testifying witness.

F. Unless otherwise specifically permitted by the Court, only counsel, parties and court personnel may appear within the bar.

G. Choice of counsel table for the duration of a matter shall be determined on a first come, first serve basis.

9.8 Exclusion of Witnesses

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

9.9 Video Docket

In accordance with the docket, each circuit court judge shall preside over one or more video dockets for criminal defendants in the custody of the Department of Corrections. In order to effectuate these dockets, the judge presiding over a given video docket shall, subject to the objection of counsel, have the authority, without further order, to hear any matters set on the docket notwithstanding the then-current judge assignment.

Effective 04-08-2026.

RULE 10 - COURT REPORTERS AND COMPENSATION FOR SAME

See Local Rule 23.

Effective 11-27-2016.

RULE 11 - RECORDING OF JUDICIAL PROCEEDINGS

See Local Rule 9.6.

Effective 11-27-2016.

RULE 12 - MONIES PAID INTO COURT

(No Local Rule)

12.1 Bond In Civil Cases

(No Local Rule)

Effective 11-27-2016.

RULE 13 - ORAL AND WRITTEN COMMUNICATIONS WITH THE COURT

Except for ex parte applications permitted by law, ex parte communications with the court with regard to any pending matter are not permitted by any means whatsoever. Any attempt to so-communicate with the court shall be summarily terminated by the court (and, if appropriate, shall be reported to the Office of the Chief Disciplinary Counsel).

Effective 11-27-2016.

GENERAL RULES

RULE 21 - ATTORNEYS

21.1 Resolution of Conflicting Trial Settings

A. If more than one case in which the same attorney appears is set for trial in different divisions at the same time, the following priorities shall govern:

1. criminal trials shall have precedence over civil trials; and

2. jury trials shall have precedence over non-jury trials; and

3. if two cases are of the same type, trials of cases with earliest filing dates shall have precedence over trials of cases with later filing dates (priority shall be considered in cases in which a request for speedy trial has been made).

B. Should trial be delayed because an attorney is engaged, said cause shall be reset for trial at the earliest possible time.

C. The term "engaged" in this rule means the actual and necessary participation of any attorney in the trial or hearing of a case in any court of trial or appellate jurisdiction. No attorney, however, who shall be engaged in any court except the circuit courts of the Thirteenth Judicial Circuit shall be considered as so engaged unless, within 10 days after the case is set for trial or within 5 days after the receipt of notice of conflicting trial setting from a federal or appellate court, the attorney has notified the judge of the division in which the case is set, in writing, of such engagement, stating in such notice the court in which the attorney is attending and the date the attorney was notified of such setting and, as nearly as possible, the time the attorney will necessarily be engaged.

21.2 Entries of Appearance

The attorney of record is the attorney who signs the initial pleadings or charging document or who files a written entry or makes an oral entry in open court.

21.3 Conduct of Attorneys

See Local Rule 9.7.

21.4 Withdrawal of Attorneys

The ethical considerations under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4-1.16, Rules of Professional Conduct. Any attorney desiring to withdraw shall do so by motion with notice to all parties and shall be effective upon the order of the court.

21.5 Failure of Attorney to Answer Docket Call

(No Local Rule)

21.6 Appointment of Attorneys

See Local Rules 65 and 67.4.

21.7 Agreement of Attorneys

(No Local Rule)

21.8 Advice to Clients and Witnesses of Courtroom Procedures

See Local Rule 9.6.

Effective 11-27-2016.

RULE 22 - APPOINTMENT OF GUARDIAN AD LITEM

A. A guardian ad litem may be appointed for any minor, if it appears to the court that the best interests of the minor require such appointment.

B. The guardian ad litem so appointed shall be an attorney licensed to practice law in this state in a proceeding governed by the Uniform Child Custody Act or Family Court Division. No person shall be appointed as guardian ad litem in a juvenile division proceeding without first qualifying pursuant to the guardian ad litem standards adopted by this court. Guardian ad litem standards may be obtained from the circuit clerk.

C. A guardian ad litem who has served in a juvenile's case in the Family Court Division within the preceding year shall also be appointed to that minor's guardianship case.

D. The guardian ad litem shall be allowed a reasonable fee for his or her services.

Effective 11-27-2016.

RULE 23 - TRANSCRIPTS

23.1 Transcripts For Purposes of Appeal

The court reporter shall prepare a paper version and an electronic version of the transcript and provide same to appellant's counsel. In criminal cases the court reporter shall submit to the circuit clerk an electronic copy of the transcript, to be filed at Level 3. (See Appendix)

23.2 Transcripts For Purposes Other Than Appeal

The court reporter shall prepare the transcript as requested by the ordering party.

23.3 Deposit Of Funds For Transcript Of Notes

Upon receipt of a request for preparation of a transcript when the cost of said transcript is not to be paid from state funds, the court reporter shall provide the requesting party with a reasonable estimate of the cost of said transcript. Preparation of said transcript shall not begin until a full deposit is made to the court reporter. The balance or refund due shall be settled upon delivery of said transcript.

23.4 Homicide Preliminary Hearings

An official court reporter shall report the proceedings of homicide preliminary hearings, if schedules permit. Transcripts and costs thereof shall be pursuant to paragraphs 23.2 and 23.3 above.

23.5 Transcripts Prepared from Electronic Recording

Preparations of a typewritten transcript of a record preserved by electronic recording device by the clerk shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge will vary depending upon how the typewritten copy is to be prepared.

Effective 03-30-2018.

RULE 24 - EXHIBITS

Exhibits shall be marked in advance of trial. If counsel intends to publish exhibits by handing the same to the jury, sufficient copies shall be printed so as to provide one copy for each juror. Exhibits offered shall remain in the custody of the attorney offering the same and shall at all reasonable times be subject to examination by opposing counsel or the court. At the discretion of the court, counsel offering an exhibit shall provide a copy to the court either by paper copy, disc or other form of electronic copying.
See also Local Rule 35.

Effective 07-24-2018.

PRETRIAL MATTERS

RULE 31 - SERVICE OF PROCESS

With regard with service of process, all requests for same shall be filed with the clerk and the clerk shall electronically provide the papers to be served, but it shall be the responsibility of the parties to effectuate the service. As to pro se parties, the clerk shall endeavor to assist said parties in the effectuation of the service of process (but shall not be responsible for the service of process). If an alias summons is required, the requesting party shall file a request for the same.

Effective 11-27-2016.

RULE 32 - DISCOVERY

32.1 Use of Discovery and Certification to Circuit Divisions

(No Local Rule)

32.2 INTERROGATORIES

A. Each party shall be limited to propounding a total of thirty (30) interrogatories, including sub-parts thereof, except as provided in paragraph F, herein. With leave of the court, upon good cause shown, additional interrogatories may be propounded.

B. Unless otherwise agreed by the parties, the interrogatories shall be served upon adverse counsel in writing and shall, when possible, be accompanied by an editable electronic version of the interrogatories. 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 Service" and shall file with the court at the time they are mailed a "Certificate of Service" 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; and

4. the signature of attorney or party mailing the interrogatories.

C. The interrogated party shall reproduce the interrogatory before each answer, using the same interrogatory number as in the interrogatories propounded by the opponent, or respond in the space provided on the interrogatories from the interrogating party.

D. If a motion placing the interrogatory in issue is filed, the movant shall contemporaneously file each interrogatory and answer that is the subject of the motion.

E. Where a party files objections to any interrogatories, the interrogatory objected to shall be set out in full before the stated objection.

F. Any party propounding interrogatories in medical negligence, auto accident, premises liability and products liability cases shall use pattern interrogatories approved by the court. No objection to the pattern interrogatories will be entertained by the court, unless the objecting party simultaneously requests leave of court to so object, because of some unusual and/or exceptional reason. After receiving answers to the pattern interrogatories, any party that requires further information may propound up to five additional interrogatories without leave of court. If further information is required after these interrogatories have been answered, additional interrogatories may be propounded only after the party desiring additional information obtains leave of court. Any interrogatories that are propounded in addition to the pattern interrogatories may be objected to as appropriate.

G. Copies of court approved pattern interrogatories are included in the appendix to these local court rules.

32.3 Depositions

(No Local Rule)

32.4 Motions to Compel Discovery; Sanctions

A. On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain resolution without court action.

B. If the motion is granted—or if the disclosure or requested discovery is provided after the motion was filed—the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or

both, to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

1. the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;

2. the opposing party's nondisclosure, response, or objection was substantially justified; or

3. other circumstances make an award of expenses unjust.

32.5 Criminal Discovery

(No Local Rule)

Effective 10-31-2022.

RULE 33 - PRETRIAL MOTIONS

33.1 Hearing Dates

See Local Rule 2.3.

33.2 Briefs in Support of Motions, When Required

(No Local Rule)

33.3 Oral Arguments – When Desired and How Requested

(No Local Rule)

33.4 Motions in Limine

See Local Rule 35.

33.5 Ruling On Motions In Chambers

Subject to the prohibition against ex parte communications with the court, with proper notice to all parties, a party may request the court to rule on a pending matter in chambers. The parties shall use the Consent to Ruling form appended to these rules.

Effective 11-27-2016.

RULE 34 - CONTINUANCES

34.1 Civil Cases

Motions to continue civil trials shall be in writing and shall be filed at the earliest point in time when it is discovered that a continuance is required. If granted, the matter shall be reset in the court's discretion as soon as practicable.
See also Local Court Rule 21.1.

34.2 Criminal Cases

Motions to continue criminal trials shall be in writing and shall be filed at the earliest point in time when it is discovered that a continuance is required. No continuance shall be granted unless the court finds that the ends of justice served by taking such action outweigh the benefits of a speedy trial. Unless excused by the court, the defendant shall be present for hearing on the request for continuance. When a criminal case is continued, it shall be forthwith restored to the trial setting docket or continued to a date certain.
See also Local Court Rule 21.1.

Effective 11-27-2016.

RULE 35 - PRETRIAL HEARINGS AND PRETRIAL CONFERENCES

35.1 Pretrial Matters in Jury Trials

In order to clarify issues and expedite both criminal and civil trials, the court encourages the filing of timely motions in limine, the scheduling of pretrial conferences and, in all cases involving complicated discovery issues and/or in cases in which the anticipated length of trial shall exceed one day, the entry of scheduling orders. Pretrial conferences and scheduling orders may be suggested by one or more of the parties or ordered by the court, sua sponte.

35.2 Criminal Pretrial Jury Cases

In all criminal cases set for jury trial, a pretrial conference shall be set. In Callaway County, the pretrial conference shall be set on the trial judge's monthly Law Day immediately preceding the trial setting. In Boone County, the same shall be set on the trial judge's weekly law day the first available week immediately preceding the trial setting. The defendant shall be present at the pretrial conference. If the parties intend to try the case at the then-current setting, all pretrial motions and a “dirty” copy of the proposed instructions shall be filed for the pretrial conference. The court may enter such orders as it deems appropriate to ensure an efficient trial and may order compliance with any or all of the civil pretrial jury rules set in Rule 35.3.

35.3 Civil Pretrial Jury Cases

A. No civil jury trial shall be commenced without a pretrial conference being held no less than 30 days before trial or as otherwise ordered by the Court. At the pretrial conference, all pretrial motions and a “dirty” copy of the proposed instructions shall be filed. Further, the parties shall show compliance with the requirements of Rule 35.4, infra, regarding alternative dispute resolution.

B. Further, if it is anticipated that the case will take less than 2 days to try, at the call of the case on the day of trial, the parties shall file:

1. a brief agreed upon statement of fact to read by the judge to the jury;

2. an exhibit list including sub-exhibits with columns for “Description of Exhibit,” “Identified,” “Offered,” “Admitted,” “Denied” and “Published.” (Plaintiff/State shall use numbers and Defendant shall use letters);

3. a witness list;

4. an updated “dirty” copy of the instructions;

5. a list of all depositions or specified parts thereof by page and line numbers proposed to be offered in evidence; and

6. any stipulations of the parties.

C. Further, if it is anticipated that the case will take more than 2 days to try and the Court shall so-order, at the call of the case on the day of trial, the parties shall file:

1. a brief agreed upon statement of fact to read by the judge to the jury;

2. a daily trial schedule setting forth estimated times for voir dire, opening, direct and cross examination of each witness and closing;

3. an exhibit list including sub-exhibits with columns for “Description of Exhibit,” “Identified,” “Offered,” “Admitted,” “Denied” and “Published.” (Plaintiff/State shall use numbers and Defendant shall use letters);

4. a loose leaf notebook containing in numerical order copies of all exhibits (for civil cases only);

5. a witness list;

6. a list of all depositions or specified parts thereof by page and line numbers proposed to be offered in evidence;

7. a lexicon of technical words and phrases to be used in the trial;

8. an updated daily trial schedule;

9. an updated “dirty” copy of the instructions; and

10. any stipulations of the parties.

D. Notwithstanding the foregoing, the court recognizes that the filings required by this rule may arguably force a party to disclose a party’s trial strategy which would otherwise not be disclosed pre-trial. In such case, a party may file such disclosing information for the court’s eyes only on a temporary basis.

E. Notwithstanding the foregoing, upon order of the court, the parties shall file a trial brief stating the legal and factual issues and the authorities relied thereon.

35.4 Alternative Dispute Resolution

The court hereby encourages the use of alternative dispute resolution programs as described in Supreme Court Rule 17.01 to resolve civil litigation issues. Such programs may be initiated at the behest of any of the parties to the litigation or by the court, sua sponte. If the court shall order the parties participation in a program, the court shall give the parties the reasonable opportunity to agree upon the program and the neutral. If the parties are unable to agree as to the program and/or the neutral, the court shall enter an appropriate order. The cost of participation in any program shall be borne equally by the parties. At the request of any of the parties to the litigation or by the court sua sponte, the court may order the deposit for costs for participation in the program. Unless otherwise ordered by the court, participation in a program shall not serve to delay the discovery process. Unless agreed by the parties in writing, the alternative dispute resolution processes shall not be binding on the parties.

Notwithstanding the foregoing, prior to any request for a trial in excess of 2 days, the parties shall file a statement with the court that an alternative dispute resolution program has been completed and has been unsuccessful or a statement by one or all of the parties that such process has no reasonable chance of being productive (though such statement shall not be binding on the court, nor shall it prohibit the court from ordering the completion of an alternative

dispute resolution program or waiving completion of the same).

Effective 11-27-2016.

RULE 36 - SETTING CASES FOR TRIAL

36.1 Request For Trial

In circuit court, unless otherwise ordered by the judge presiding over a matter, no civil case shall be placed on the trial docket until a party certifies that all discovery has been completed and that the case is at issue. A party's request for trial setting shall include whether a jury is requested or waived and the estimated time of trial. An adverse party may seek to remove a case from the trial request docket by filing a good cause objection within ten (10) days of the filing of the request for trial setting, along with a notice of hearing.
In the associate circuit court, civil cases may be placed on the trial docket by a request in writing, a request in open court or by the court, sua sponte. Unless otherwise ordered, if a case cannot be reached on the date set, it shall be restored to the trial request docket for resetting.

36.2 Date of Calendar Call

(No Local Rule)

36.3 Preparation of Calendar

(No Local Rule)

36.4 Calendar Call

(No Local Rule)

36.5 Inactive Calendar

(No Local Rule)

36.6 Revision and Removal From Prepared Calendar

(No Local Rule)

36.7 Special Assignments

Notwithstanding anything contained in these Local Rules, extraordinary legal remedies and other matters entitled to priority setting may be set at the discretion of the court.

36.8 Conflict Calendar

In accordance with the protocols of the automated calendaring system, counsel shall enter their conflicts. If counsel shall fail to enter their conflicts, counsel shall be deemed to have consented to settings. If more than ten (10) days are shown as conflicts in any calendar month, counsel shall specifically describe all conflicts.

Effective 11-27-2016.

RULE 37 - DISMISSALS

37.1 Dismissal Docket

See Local Rule 8.2.

37.2 Reinstatement of Cause

(No Local Rule)

Effective 11-27-2016.

SETTLEMENT & DEFAULT

RULE 41 - SETTLEMENT

41.1 Notice of Settlement

(No Local Rule)

Effective 11-27-2016.

RULE 42 - DEFAULT

(No Local Rule)

Effective 11-27-2016.

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 Finding of Fact and Conclusions of Law

(No Local Rule)

Effective 11-27-2016.

RULE 52 - SELECTION OF JURY

52.1 Jury Questionnaires

(No Local Rule)

52.2 Summoning A Jury

As ordered by the Court, the Jury Supervisor shall summon a jury to hear a cause. Except upon order of the Court, the calling of a jury shall not be canceled, nor shall a jury summoned be released.

Effective 11-27-2016.

RULE 53 - JURY TRIALS

53.1 Instructions

(No Local Rule)

53.2 Closing Arguments

(No Local Rule)

Effective 11-27-2016.

RULE 54 - JUDGMENT ENTRY

(No Local Rule)

54.1 Contested Cases

(No Local Rule)

54.2 Default or Uncontested Cases

(No Local Rule)

Effective 11-27-2016.

RULE 55 - AMERICANS WITH DISABILITIES ACT

55.1 Notification

Any party planning to call a witness who will require special accommodation due to disability, as defined in the Americans with Disabilities Act, and any party or attorney or other individual who requires a special accommodation in order to participate in the court proceedings, shall provide written notice of the accommodation needed to the court within five days of receipt of notice of the hearing. Any member of the public requiring such accommodation shall provide notice to the Marshal's Office at the earliest possible time.

Effective 11-27-2016.

RULE 56 - USE OF FOREIGN LANGUAGE INTERPRETERS IN COURT

56.1 Notification

Written notice of the need for a foreign language interpreter specifying the language and, if applicable, the dialect, for which an interpreter is required shall be sent to the court within five days of receipt of notice of the hearing.

Effective 11-27-2016.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 - ADOPTION

Before hearing of a petition for transfer of custody or for adoption, the clerk of the juvenile division shall cause the file to be made available to the judge of the juvenile division to make a determination as to the sufficiency of the jurisdictional requirements. The court shall have at least one business day to review the jurisdictional requirements and to enter a ruling regarding the determination of jurisdiction. Said ruling may be made through a docket entry in chambers.
The court, upon request of either party or upon its own motion, may order a pre-trial conference in order to clarify issues and expedite the hearing. Said request for pre-trial hearing shall be made to the clerk of the court.
Counsel shall request a time certain for a hearing on said petition from the circuit clerk. The clerk of the court shall set the matter for hearing within 3 days of such consents being presented to the court, but said hearing shall not be set prior to the court entering the finding that the jurisdiction requirements are sufficient
.

61.1 Filing Requirements

No petition for adoption will be accepted by the circuit clerk, unless the information required by §193.125, RSMo, for the Bureau of Vital Statistics accompanies such petition.

61.2 Home Study

Upon the filing of a petition for adoption or for transfer of custody prior thereto, and upon application to the court, the court will appoint a guardian ad litem for the child sought to be adopted. The court will also order the statutory investigation and report when required. The report shall be made available to the court and to all parties 24 hours prior to any hearing on the matter.

Effective 11-27-2016.

RULE 62 - DRIVERS' CASES; APPLICATION FOR LIMITED DRIVING PRIVILEGES

A. Applications for Limited Driving Privileges, pursuant to the provisions of §302.309, RSMo, may be made either to the court or the Missouri Department of Revenue.

B. Applications for Limited Driving Privileges may be made on the forms provided by the Missouri Department of Revenue. The application shall be accompanied by the forms required to be included when the application is made to the Missouri Department of Revenue.

C. Parties filing Petitions for Limited Driving Privileges shall complete a proposed order granting limited driving privileges on the form approved by the Supreme Court and distributed by the Office of the State Courts Administrator.

Effective 11-27-2016.

RULE 63 - ASSOCIATE DIVISION

A. Pursuant to Supreme Court Operating Rule 5.01, associate circuit judges are authorized to preserve the record by means of any recording devices approved by the Office of State Courts Administrator.

B. The following cases are heard on the record, as there is no right to trial de novo and any appeals would be lodged with the Missouri Court of Appeals, Western District:
   1. criminal jury trials;
   2. civil jury trials;
   3. misdemeanor bench trials, including trials for violations of state statutes in traffic court;
   4. civil bench trials, except as set out below;
   5. ordinance violations from the municipal court of Columbia wherein the defendant has requested a trial de novo;
   6. ordinance violations wherein the defendant has requested a jury trial pursuant to Supreme Court Rule 37.61; and
   7. administrative review pursuant to Chapter 536, RSMo.

C. The following types of cases are not heard on the record:
   1. small claims cases heard pursuant to Chapter 482, RSMo;
   2. ordinance violations wherein the associate circuit judge is sitting as the municipal division for any cities in the circuit;
   3. preliminary hearings (except as provided by Supreme Court Rule 22.10);
   4. applications for limited driving privilege; and
   5. unlawful detainer actions pursuant to Chapter 534 RSMo, and rent and possession actions pursuant to Chapter 535, RSMo. (See §512.180, RSMo.)

D. Trial Records. When a record is made of a proceeding by recording devices pursuant to Supreme Court Administrative Rule 5, any interested party may make a request to the Clerk for a copy of the recorded proceeding. The request shall include the payment of a twenty-five dollar ($25.00) fee. The Clerk shall endeavor to provide the copy within 3 business days.

Effective 11-27-2016.

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)

Effective 11-27-2016.

RULE 65 - CIVIL COMMITMENT

A. The appearance by the Respondent at a hearing authorized under the provisions of Chapters 630, 631 or 632 RSMo. may be made by means of two-way audio-visual communication, including but not limited to, internet based video conferencing; provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the remote site and that a full record of such proceedings be made of the proceedings in the courtroom.

Video hearings shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding.

Any document filed in a video hearing may be transmitted by facsimile transmission; signatures on a document transmitted by facsimile transmission shall have the same force and effect as original signatures.

The presiding judicial officer shall begin all video hearings by stating on the record the identities of all counsel, parties and witnesses present in the courtroom and at the remote site.

Any system used for conducting video hearings shall:

1. Enable the persons communicating to be able to simultaneously see and speak to one another;
2. Provide a live signal transmission that is secure from unauthorized acquisition; and
3. Record the proceeding in order to produce an accurate transcript upon request.

Video hearings shall not be authorized for jury trials.

The judge presiding in the Probate Division shall establish such procedures from time to time consistent with these rules to implement the provisions of Chapters 630, 631 and 632 RSMo, regarding civil commitment hearings and electroconvulsive therapy hearings.

B. The clerk of the probate division shall maintain a current list of attorneys who have agreed to serve as counsel for proposed patients, which shall

be designated as the “Mental Health Register.” Any attorney wishing to be placed on the register may contact the clerk. Appointments from the register shall be made on a rotational basis, provided that counsel is available for the date the hearing is set.

Effective 11-27-2016.

RULE 66 - CONDEMNATION

(No Local Rule)

Effective 11-27-2016.

RULE 67 - CRIMINAL CASES

67.1 Pretrial Release

67.1.1 Bond Amounts, Conditions for Release and Qualifications of Bonding Agents

A. Bond amounts and conditions for release are to be set by the court in accordance with Supreme Court Rule 33.01.

B. The bond schedule as approved by the circuit court en banc may be used for the setting of bond, unless a different amount is approved by a judge. If a written recommendation is made for a bond amount other than the amount on the bond schedule, the recommendation shall include a written memorandum setting forth the reasons justifying the different bond amount.

C. Qualifications of Bonding Agents. The court is aware that issues have arisen regarding the ability of bonding agents to write bail bonds as it relates to the financial status of the bonding agent. In particular, a report has been issued by the Missouri Bail Bond Study Committee, through the Missouri Department of Insurance, Financial Institutions & Professional Registration which recommends certain changes in state statute regarding qualifications of sureties. (Final report of the Missouri Bail Bond Study Committee, January 6, 2010). Pending adoption of statewide requirements, the following rule is adopted to clarify the court's requirements regarding the financial qualifications of bonding agents in the 13th Judicial Circuit:

1. The presiding judge, or presiding judge's designee, shall approve the authorized Bonding Agents for persons charged with crimes in the 13th Judicial Circuit.

2. Any person, firm, corporation or other business entity ("Bonding Agent" or "Bonding Agents") desiring to write bail bonds in the 13th Judicial Circuit shall annually file in completed form a General Affidavit of Qualifications and a General Affidavit of Qualifications –

Questionnaire. The information provided in the Questionnaire shall be legible and shall be presented in such a fashion so that qualifying assets (as hereinafter described) may be quickly identified. The qualifying assets as disclosed in said affidavit shall be used to determine the bonding authority of the Bonding Agent, which bonding authority shall not be exceeded. The bonding authority of the Bonding Agent shall be an amount equal to 15 times the qualifying assets of the Bonding Agent. The bonding authority of the Bonding Agent on any single bond shall be no more than 50% of the qualifying assets of the Bonding Agent.

3. Qualifying assets shall consist of the following:
    a. The reasonable equity value of real estate located in Missouri. The reasonable equity value of real estate shall be based upon current appraisals by certified Missouri appraisers and/or current tax assessments after reduction by all liens and encumbrances, as verified by the appraiser, current title policy or certified bank letter;
    b. Certificates of deposit issued by an FDIC-insured or NCUA-insured financial institution located in the state of Missouri or cash held on deposit by such institutions;
    c. Monies deposited with the state of Missouri Department of Insurance, Financial Institutions & Professional Registration pursuant to Chapter 374 of the Revised Statutes of Missouri; and
    d. Any asset that has been specifically approved by the presiding judge or the presiding judge's designee; however, the Court generally will not accept such assets as jewelry, antiques, etc.

4. Prior to 9 a.m. on the last working day of each month, each Bonding Agent shall certify on the Monthly Affidavit of Qualifications form provided by the court that there have been no changes in the qualifications or qualifying assets of the Bonding Agent, as they appeared on the last filed Annual General Affidavit of Qualifications and General Affidavit of Qualifications – Questionnaire. Further, each agent shall file a list of all outstanding Missouri bonds reflecting the amount of each bond and total of all bonds. If there are changes, a new Annual General Affidavit of Qualifications and General Affidavit of Qualifications – Questionnaire shall be filed. If

the clerk determines that the bonding authority of the Bonding Agent has dropped below $10,000, the clerk shall endeavor to notify the Bonding Agent, Sheriff and all other interested parties of such fact and, thereafter, the Bonding Agent shall have no authority to write additional bonds until such time as the clerk shall ascertain that the Bonding Agent has bonding authority greater than $10,000. If the Bonding Agent requests to demonstrate to the clerk that its bonding authority has increased over $10,000, the clerk shall endeavor to recertify the Bonding Authority on a time available basis.

5. Any unsatisfied judgment against a Bonding Agent, entered upon any bail bond in any court of this state or of the United States, shall forthwith disqualify such bonding agent from writing bonds in the 13th Judicial Circuit. Such disqualification shall continue for so long as a judgment remains unsatisfied and until the disqualified agent is re-qualified pursuant to state law and this rule.

6. Notwithstanding the foregoing, all unresolved issues regarding the interpretation and application of this rule shall be resolved by the presiding judge or the presiding judge's designee.

67.1.2 Deposit of Operator's License

(No Local Rule)

67.1.3 Cash Bonds

Clerks shall accept only cash, certified check, business check, money order or equivalent or approved bank cards or credit cards for cash bonds.
Note: The Boone County Circuit Clerk and Callaway County Circuit Clerk accept debit and credit cards from Visa, MasterCard, Discover or American Express. Credit card charges are subject to a transaction fee charged by the company processing the charge which will be included in the amount charged against the card. (See page A8-3 of the appendix to these Local Court Rules.)
When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited shall 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. Any excess sums of money may be applied against prior

unpaid assessments. A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party. (See page A8-1 of the appendix to these Local Court Rules.)

67.1.4 Surrender of Principal by Surety

Any bond surrender of a misdemeanor or felony defendant by a bonding agent shall be pursuant to Missouri Supreme Court Rule 33.13; the surety must present a certified copy of the bond to an agent of the county sheriff, at the county jail, who shall take the principal into custody and acknowledge acceptance of the principal in writing.

67.2 Preliminary Hearing

(No Local Rule)

67.3 Grand Jury

(No Local Rule)

67.4 Attorneys (Appointment of Counsel)

A. If, after appropriate inquiry, the court determines a criminal defendant is indigent, requires counsel and due process mandates the appointment of counsel, counsel shall be appointed to represent the defendant for the matter before the court. If appointed counsel is a public defender, the defendant shall complete the public defendant’s eligibility form and the public defender shall forthwith determine defendant’s eligibility for its services. If the public defender determines that the defendant is not eligible for its services, the public defender shall forthwith advice the court and, thereafter, the court shall review and hear the eligibility evidence and decide whether or not the public defender shall continue in its representation of the defendant. Notwithstanding whether or not a comprehensive determination has been made of a defendant’s eligibility for the appointment of counsel, the court may proceed with the matter then-currently before the court. If it is determined that the defendant is not eligible for the services of the public defender, the public defender shall be given leave to withdraw forthwith.

B. The division and circuit court clerks shall obtain and maintain a sufficient quantity of the Application and Affidavit for Appointment of Counsel from the Public Defender Commission for distribution to defendants and attorneys.
See also Local Court Rule 21.

67.5 Arraignments

67.5.1 In General

(No Local Rule)

67.5.2 Dates

(No Local Rule)

67.5.3 Time of Appearance for Felony Arraignments

All “in custody” felony defendants who are “bound over” shall appear for arraignment in circuit court on the first available video docket or on the first available law day, which ever should occur first.
All “not in custody” felony defendants who are “bound over” shall appear for arraignment in circuit court on the first available law day.

67.5.4 Waiver of Appearance

A. Misdemeanors in Associate Circuit Court - Counsel in misdemeanor cases may file a written Entry of Appearance, Waiver of Personal Appearance by Defendant, Waiver of Formal arraignment, and Plea of Not Guilty.

B. Felonies in Associate Circuit Court - In lieu of initial appearances by defendants on complaints filed in felonies in the associate division, counsel may file a written Entry of Appearance and Waiver of Personal Appearance by Defendant on the form provided by the court. The form shall be signed by both the defendant and the attorney for the defendant.

C. Felonies in Circuit Court – Counsel may file a written Entry of Appearance, Waiver of Personal Appearance by Defendant for Arraignment, Waiver of Formal Arraignment, and Plea of Not Guilty on the form provided by the court for arraignments in felonies in circuit court. The form shall be signed by both the defendant and the attorney for the defendant.

67.6 Discovery

(No Local Rule)

67.7 Motions

Applications for review of detention or conditions of release, motions to set bond and conditions, motions to revoke bond, motions for bond reduction or bond increase, or motions to modify conditions of release or bond shall be in writing and filed with the circuit clerk. Such applications or motions shall specify reasons supporting said request. In those cases where victim notification is required, the prosecutor must advise the court of the status of that notification at the beginning of any hearing on such application or motion. Notice of hearing on said application or motion must be simultaneously filed at least five business days prior to hearing unless other party waives notice.

67.8 Plea Bargaining

(No Local Rule)

67.9 Guilty Plea

(No Local Rule)

67.10 Calendar

(No Local Rule)

67.11 Probation and Parole

(No Local Rule)

67.12 Fines, Costs, Restitution, and Criminal Bonds

Clerks shall accept only cash, certified check, business check, money order or equivalent or approved bank cards in satisfaction of fines, costs or restitution payments. Prior to charging to a bank card, proper authorization must be

received from the bank card company. Credit card charges are subject to a transaction fee charged by the company processing the charge, which fee will be included in the amount charged against the card.
Note: "Bank card" can mean credit or debit card, as approved by the circuit clerk.

67.13 Work Release

Petitions for release from custody pursuant to §221.170, RSMo
Prior to court approval of a request for release from custody pursuant to §221.170, RSMo, the defendant must file with the court a “Petition for Release from Custody.” Said petition shall be on a form approved by the court en banc or in the form of a written motion containing the reason for release; name and address of employer or location upon release; days or dates and time of requested release (including transportation time); verification of employment; and agreement by the defendant to abide by the terms of release.

Effective 12-25-2022.

RULE 68 - DISSOLUTION OF MARRIAGE (LEGAL SEPARATION, CUSTODY OF CHILDREN, MAINTENANCE AND SUPPORT, MOTIONS TO MODIFY, AND PATERNITY)

68.1 Filing Requirements

A. Information necessary to give notice to the Missouri Department of Public Health and Welfare of the entry of a judgment of dissolution of marriage or legal separation shall be filed on the forms provided for that purpose by the circuit clerk at the time of the filing of the petition for dissolution or legal separation. No petition will be filed by the clerk unless accompanied by such information.

B. All pleadings and responsive pleadings filed in family court proceedings such as dissolution, legal separation, paternity, modification, custody, support etc. shall:

1. Be filed in compliance with Supreme Court Operating Rule 2 including a redacted version if necessary.

2. contain a) the name and address of the current employer and social security number of the party filing such pleading; b) if known, the name and address of the current employer and the social security number of the opposite party; and c) when children are involved, the social security number of the children.

C. If a next friend for a minor is requested, the person with custody of the child shall be appointed, if qualified, unless a disclaimer, under oath, is filed by that person. The requesting party is responsible for filing proper requests and orders for appointment of a next friend.

D. Parties may request a raised security level for a case pursuant to local court rule.

E. Any consent to ruling, containing confidential, non-public information shall be filed as a proposed order or other appropriate code to insure a level 3 security level and shall not be redacted.

68.2 Separation Agreement

See Local Rule 68.9(C).

68.3 Forms of Decrees

(No Local Rule)

68.4 Filing of Financial Statements

See Local Rules 68.6, and 68.9.

68.5 Modification of Decree

See Local Rule 68.18

68.6 Property Statement, Income and Expense Statement, Form 14, and Parenting Plan

A. A statement under oath of marital and non-marital property and marital debt of the party making the same shall be filed in all cases for dissolution of marriage, legal separation, and motions to modify. Petitioner's or movant's statement shall be filed within 15 days after the original pleading or motion. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value and encumbrances, the name of the party having possession or control, and a brief description of marital debt. A statement of income and expenses under oath shall also be filed with the statement of property in the aforementioned cases. The statement shall list income from all sources and the anticipated separate expenses of the party making the statement, together with the expenses of any dependent children. Each party has a continuing duty to update their property, income and expense statements. Copies of these statements may be found in the appendix to these Local

Court Rules and are available in the Circuit Clerk's Office.

B. Where child support is at issue, Civil Procedure Form 14 shall be filed within 15 days after initial and responsive pleadings or not less than five (5) days prior to hearing on a motion for support, whichever is earlier. Each party has a continuing duty to update their Form 14. (See Local Rule 68.11.)

C. A proposed parenting plan shall be filed as required by subsection 7 of section 452.310, RSMo. (1999).

D. If property, income and expense statements, Form 14 and the proposed parenting plan are not filed as required by this rule, the offending party's pleadings shall be dismissed or stricken. Such action may be taken on the motion of the opposing party or on the court's own motion, after notice.

E. Each of the above shall be filed separately, at their non-public level pursuant to Supreme Court Operating Rule 2 and no redacted version shall be filed.

68.7 Guardian Ad Litem

A. Appointment of Guardian ad Litem.

1. Guardian ad litem may be appointed for any minor if it appears to the court that the best interests of the minor require such appointment.

2. The guardian ad litem so appointed shall be an attorney licensed to practice law in this state in a proceeding governed by the Uniform Child Custody Act.

3. The guardian ad litem shall be allowed a reasonable fee for his or her services.

4. The guardian ad litem shall comply with the standards for guardians ad litem approved by the court.

B. Joint application for appointment of a guardian ad litem will be considered by the court.

C. Filings of pleadings which require the appointment of a guardian ad litem by the court shall be accompanied by the deposit required by court administrative rule. Should additional deposits be required after the initial filing, the parties shall pay the additional cost deposit to the circuit clerk as ordered or pleadings may be stricken as provided in section 68.6.D of this rule.

D. The Court En Banc will develop a form GAL order to be used by the judge and parties proposing an appointment.

68.8 Answer

Responding party shall file an answer within the time allowed by law or rule and cross bills or cross claims and other pleadings shall also be filed within said times.

68.9 Responding Party Shall File Property, Income and Expense Statements, Form 14 and Parenting Plan - When

A. A statement under oath of marital and non-marital property and marital debt of the party making the same shall be filed in all cases for dissolution of marriage, legal separation, paternity and motions to modify. Respondent's statement shall be filed within 15 days after respondent's first pleading. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value and encumbrances, the name of the party having possession or control, and a brief description of marital debt. A statement of income and expenses under oath shall also be filed with the statement of property in the aforementioned cases. The statement shall list income from all sources and the anticipated separate expenses of the party making the statement, together with the expenses of any dependent children. Property, income and expense statements of defaulting respondents who are not requesting affirmative relief or contesting any relief sought by petitioner at hearing shall not be required. In the event a responsive pleading is not required prior to hearing or submission to the court on a motion, respondent shall file the property, income and expense statements with the clerk five (5) days prior to hearing or submission and provide copies of same to each opposing counsel and unrepresented

party. Each party has a continuing duty to update their property, income and expense statements. Copies of these statements may be found in the appendix to these Local Court Rules and are available in the Circuit Clerk's Office.

B. Where child support is at issue, Civil Procedure Form 14 shall be filed within 15 days after initial responsive pleadings or not less than five (5) days prior to hearing on a motion for support, whichever is earlier. Each party has a continuing duty to update his or her Form 14. (See Local Court Rule 68.15.)

C. A proposed parenting plan shall be filed as required by subsection 7 of §452.310, RSMo (1999).

D. If property, income and expense statements, Form 14 and the proposed parenting plan are not filed as required by this rule, the offending party's pleadings shall be dismissed or stricken. Such action may be taken on the motion of the opposing party or on the court's own motion, after notice.

E. In cases filed by a state agency in which the state is not representing either the mother or alleged father, the state is not required to file property, income and expense statements on behalf of either the mother or alleged father.

68.10 Parent Education Program

In a petition for dissolution of marriage or motion to modify same, or in cases involving paternity or contested custody, where there is at least one child under the age of seventeen, both parties to the dissolution, motion, paternity or contested custody case shall attend Focus on Kids, 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. (See also §452.600, RSMo.) In any other case involving custody or visitation, the court may, at the discretion of the judge, order one or both parties to attend Focus on Kids.

The petitioner shall attend said program within thirty (30) days of filing the petition or motion. The respondent shall attend said program within thirty (30) days of filing responsive pleadings. If the petitioner fails to attend said program within thirty (30) days of the date of filing, the court may dismiss the pending case. If the respondent fails to attend said program within thirty (30) days from the date

respondent filed responsive pleadings, the court may strike the responsive pleadings. The court may impose any other appropriate sanctions provided by law.

This rule may be waived by the court upon application of a party showing good cause.

See also Local Court Rule 68.18 and §452.605, RSMo.

68.11 Temporary Restraining Orders

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 Settlement Conferences

A. Effective January 1, 2023, a case filed under Chapter 452, RSMo, may be set for settlement conference at the request of a party or as ordered by the judge. The settlement conference will be heard by a judge or a commissioner not assigned to try the case and setting time shall be determined by that judge or commissioner.

B. Either party may request a pre-trial conference with the judge who will be hearing the case prior to the hearing on the case.

C. The following rules shall apply to all settlement conferences:

1. Settlement conferences will be held by WebEx unless a party requests in advance and the Court approves for the settlement conference to be held in person. Settlement conferences held in person shall be held in a courtroom with a Marshal present. Conferences shall be 30 minutes in length. A Marshal shall be

present. The attorneys intending to try the case shall be present. All parties shall be present. At the commencement of the conference, the attorneys shall meet briefly with the Judge. Thereafter, the attorneys and the parties and the Judge shall meet. The attorneys shall be prepared to make a succinct (2-3 minutes) statement describing the matters at issue. The attorneys and the parties shall be prepared to discuss any issues involved in the case with the Judge. Any statements made by the attorneys or parties at the conference shall not be admissible at trial.

2. No later than 24 hours prior to the settlement conference, the parties shall provide to the Court and opposing counsel the following typed documents (the same shall be exchanged by the parties prior to the conference):

    a. A detailed list of all disputed matters;
    b. If misconduct is alleged, a brief description of the same;
    c. If any disputed matter is predicated upon an issue of law, the issue shall be described and the underlying supportive law shall be cited and provided; and
    d. If attorney's fees are at issue, a current statement of attorney's fees.

3. No later than 24 hours prior to the settlement conference, the parties shall provide to the Court and opposing counsel the following then-current documents (the same shall be exchanged by the parties prior to the conference):

    a. If child support is at issue, Property, Income & Expense Statements and Form 14’s.

    b. If property division or maintenance is at issue, Property, Income & Expense Statements.

    c. If custody is at issue, a parenting plan.

4. Prior to the conference, counsel shall endeavor to communicate with one another regarding the requirements of this Rule.

5. Parties appearing pro se (without counsel) shall be bound in all respects by the terms of this rule and all applicable laws and rules.

6. When all parties agree that the length of trial shall not exceed 3 hours and all parties desire to opt out of the settlement conference pursuant to paragraph A, above, the joint certification required by said Rule shall be filed no later than 4PM on the Wednesday before the date of the settlement conference. At noon, on the Thursday before the settlement conference, the Court shall post by email or through the Clerk's office, the specific time of each conference.

D. Effective settlement conferences can only be achieved through full compliance with this rule. Failure to comply by counsel or party without good cause may result in the assessment of the reasonable attorneys' fees and costs incurred by the complying party in preparation for and attendance at the conference and shall not preclude the imposition of any other authorized sanction.

68.13 Trial

A. DEFAULTS - If no responsive pleading is filed, the petitioning party shall request the case be placed on the next available uncontested docket for hearing. If the respondent has entered an appearance and has not waived notice of hearing, or if there is a custody proceeding pursuant to the UCCJA, counsel for respondent or the respondent, if unrepresented, shall be notified of hearing.

B. CONTESTED CASES
Unless good cause is shown, the Court will automatically set a case for trial within 60 days of the filing of responsive pleadings. The case shall be assigned to a division and any party requiring trial setting must designate the time it will take to try the case.

C. USE OF SEPARATION AGREEMENTS
In all cases where written separation agreements are made under the provisions of §452.325, RSMo, a copy of such executed agreement shall be submitted to the court for approval not less than five (5) days prior to the date set for hearing. WAIVER OF THE DIVISION OF PROPERTY WILL NOT BE ACCEPTED BY THE COURT.

D. HEARING CONDUCTED OR JUDGMENT ENTERED – WHEN
No hearing shall be conducted nor judgment entered in any dissolution case until 1) thirty (30) days after service of process has been obtained; 2) thirty (30) days after entry of appearance filed in this court; or 3) in the case of a joint petition, thirty (30) days after said petition has been filed.

68.14 Judgment - Trial, Affidavit

A. ALL JUDGMENTS SHALL BE FILED IN COMPLIANCE WITH SUPREME COURT OPERATING RULE 2 IN THE FOLLOWING MANNER:

1. CRIF filed
    a. with the proposed unredacted judgment containing attached separation agreement, parenting plan and form 14 if applicable, OR:
    b. with the proposed unredacted judgment only and separation agreement, parenting plan and form 14 filed separately at their appropriate non-public level and NOT to be filed as exhibits or in redacted form.

2. Proposed redacted judgment when applicable.

3. Proposed unredacted judgment which does not contain any separation agreement, parenting plan, form 14 or other confidential, nonpublic information.

    NOTE: Separation agreements, parenting plans and form 14s should only be filed unredacted at their non-public level.

B. THE JUDGMENT OF THE COURT SHALL CONTAIN THE FOLLOWING PROVISIONS:

1. In a proceeding for dissolution of marriage, that the marriage between [name parties] is dissolved; in a proceeding for legal separation, a judgment of legal separation.

2. An award as to the custody of the children, if any minor children, support and maintenance payments, including payments through the clerk of the court, visitation rights and date payments are to begin. Upon application by the obligee or the Missouri Family

Support Division of the Department of Social Services, the obligor's wages or other income shall be subject to withholding without further notice if the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation. The order shall also contain provisions notifying the obligor that:

a. the withholding shall be for the current month's maintenance and support; and

b. the withholding shall include an additional amount equal to fifty percent of one month's child support and maintenance to defray delinquent support and maintenance, which additional withholding shall continue until the delinquency is paid in full.

3. That the terms of the parenting plan shall be performed.

4. Pursuant to subsection 11 of §452.377, RSMo, every judgment establishing or modifying custody or visitation shall include the following language:
"Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

a. the intended new residence, including the specific address and mailing address, if known, and if not known, the city;

b. the home telephone number of the new residence, if known;
c. the date of the intended move or proposed relocation;

d. a brief statement of the specific reasons for the proposed relocation of the child; and

e. a proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party

continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice.

In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

5. That the terms of the separation agreement (if one has been entered into) shall be performed.

6. Divide marital property and marital debt and set aside separate property, if appropriate.

7. If any real estate is divided, the legal description of the real estate shall be included in the judgment.

8. Counseling for minor children as ordered by the court.

9. The wife's restored name shall be specified in full if restoration is requested.

10. That costs be taxed to one or both parties.

11. Form 14 shall be attached to the judgment.

12. In all cases tried in front of the Family Court Commissioner, any proposed judgment filed by a party shall contain the following language below the Commissioner's signature line:

    The Court adopts and confirms the findings and orders of the Family Court Commissioner this ____ day of ____, 20__.

13. In all cases a proposed judgment shall be submitted to the court.

C. JUDGMENTS AFFECTING REAL ESTATE

Counsel shall make written request to the circuit clerk that all judgments of dissolution of marriage or legal separation affecting title to real estate shall upon entry thereof be filed in the Office of the Recorder of Deeds in the county where the real estate is located. Said request shall specify the office of the recorder where the filing is to be made, and if other than in Boone or Callaway County, Missouri, the mailing address. Such expense of recording the judgment shall be taxed as costs in the case.

D. ENTRY OF JUDGMENT UPON AFFIDAVIT-REQUIREMENTS

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 born of husband and wife and the wife is not pregnant, or the parties are represented by counsel and have entered into a written agreement as to custody and child support;

2. the parties are represented by counsel and have entered into a written agreement as to custody and child support and the affidavit establishes sufficient evidence that the court can find the custody arrangement is in the best interest of the minor children;

3. 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;

4. there is no genuine issue as to any material fact; and

5. there is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

E. 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 judgment 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 judgment of dissolution or judgment of legal separation.

F. HEARING REQUIRED – WHEN

The court shall not be bound to enter a judgment 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 the pleadings.

68.15 Child Support

A. FORM 14

The party requesting child support or modification thereof shall complete Civil Procedure Form 14 and shall file said form within 15 days after filing the initial pleadings and shall serve same upon the respondent to the action. The responding party shall likewise file a completed Form 14 within 15 days after filing any responsive pleadings if respondent contests any figures used by the opposing party in his/her Form 14. If no responsive pleadings are filed and the responding party contests the figures used on the opposing party's Form 14, the respondent's Form 14 shall be filed and served upon opposing counsel or party, if unrepresented, no less than five (5) days prior to hearing or submission if there is no hearing. Each party has a continuing duty to update their Form 14.

B. RETROACTIVE PAYMENT OF CHILD SUPPORT

1. In all proceedings to modify any provision for support of a minor child or children in a judgment of dissolution or order of paternity,

there shall exist a presumption that any modification (increase or decrease) of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever shall occur later.

2. Any amounts paid by a party in excess of the then existing support obligation under the judgment of dissolution or order of paternity after the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award. When the court reduces the child support retroactively, any amount paid by a party in excess of the support obligation as modified shall be credited toward any arrearage and the balance, if any, applied to future support.

C. ASSIGNMENT OF WAGES

1. Effective January 3, 1994, income withholding shall be initiated on the effective date of every order for child support or maintenance entered or modified except as provided by §452.350.2(1) or (2), RSMo, 1993. The custodial parent shall file one of the following documents with the judge at the time the support is ordered, or with the Circuit Clerk on the date the support is ordered:

    a. The Notice of Income Withholding approved by the Supreme Court and distributed by the Office of the State Courts Administrator; or
    b. The parties' written agreement to an alternate form of payment.

2. The party obligated to pay child support or maintenance with respect to orders entered prior to January 3, 1994, may execute a voluntary income assignment at any time, which assignment shall be filed with the court and shall take effect after service on the employer or payor.

D. WAGE WITHHOLDING

1. Upon application by the obligee or the Missouri Division of Child Support Enforcement of the Department of Social Services, the obligor's wages or other income shall be subject to withholding,

without further notice if the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation:

2. The withholding shall be for the current month's maintenance and support; and

3. The withholding shall include an additional amount equal to fifty percent of one month's child support and maintenance to defray delinquent support and maintenance, which additional withholding shall continue until the delinquency is paid in full.

68.16 Mediation of Child Custody and Visitation Disputes

A. In every case involving contested issues of custody and/or visitation, the parties shall participate in a minimum of two (2) hours of mediation pursuant to Missouri Supreme Court Rule 88.02 through 88.08 and this local court rule unless waived by the court as hereinafter set forth. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties and the mediator.

B. The petitioner shall file circuit court Form 15 in all domestic relations matters in which there are minor children. Form 15 shall be filed no later than 60 days from the date of service. The Court may dismiss the case if Form 15 is not filed in a timely manner, unless good cause is shown.

C. If Form 15 is not filed within 60 days, or the parties have not selected a mutually agreeable mediator, the Court shall appoint a mediator from the court-approved list to conduct mediation pursuant to this rule. The court administrator shall maintain a list of persons qualified under this local court rule and Missouri Supreme Court Rule to act as mediators of child custody or visitation disputes. The training, qualifications and hourly rates of each mediator shall be included on the list. This list shall constitute the "court-approved list" of mediators referred to in Missouri Supreme Court Rule 88.05(a), and shall be updated as deemed appropriate by the court administrator. Annually, mediators who wish to remain on the list shall update the court administrator regarding any continuing education completed during the year. It is expected that mediators will maintain and

develop mediation skills by attending a minimum of six hours of mediation related training every two years using The Missouri Bar's reporting period. The court administrator shall accept applications for inclusion on the list and make recommendations to the presiding judge as to which applicants meet the requirements of this rule. Where appropriate the court may order mediation through the MARCH program. In all cases where the parties have agreed upon a mediator, the Court will appoint said mediator for the purposes of this rule.

D. The mediator shall inform the Court of his/her acceptance of appointment within 10 days of said appointment and file a Notice of Mandatory Mediation Compliance form within 20 days of acceptance of appointment.

E. The mediator and the parties will determine the fee. Where the parties cannot agree upon the method or allocation of the mediator's payment, the court retains the authority to determine a final, equitable allocation of the costs of the mediation process. If a party fails to pay for the mediator, the court may, upon motion, issue an order for the payment of such costs and impose appropriate sanctions. If a party is determined indigent by the court and free or low-cost mediation services are not available, the court may waive the mediation requirement and the case shall proceed otherwise. If either party fails to appear for any mediation session without reasonable notice, the court may, on motion, award mediator's fees and/or costs or impose any other appropriate sanction provided by law.

F. Some cases may be inappropriate for mediation. The mediator shall complete a thorough screening for domestic violence. If the case is deemed inappropriate for mediation due to domestic violence, or for any other reason determined by the mediator, the mediator shall immediately file the Notice of Mandatory Mediation Compliance Form with the Court.

G. Any party may petition the Court to disqualify a court appointed mediator for good cause. A mediator who has been appointed shall advise the Court of any fact bearing on their qualifications, including any fact which would be reason for their disqualification. If the Court disqualifies a mediator an order shall be entered naming a qualified replacement. Nothing shall limit the mediator's ability to refuse assignment of any mediation under this rule.

H. No case shall be set for trial until the Notice of Mandatory Mediation Compliance form is filed with the Court, unless waived by the Court upon a showing of good cause.

68.17 Family Access Motions

Pursuant to §452.400, if custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution of legal separation. If an alternative dispute resolution program is available pursuant to §452.372, RSMo, the circuit clerk shall provide information to all parties on the availability of any such services and, within fourteen (14) days of the date of services, the court may schedule alternative dispute resolution.

68.18 Modification of Prior Judgment

Where a motion to modify is filed, for purposes of Local Court Rules 68.1, 68.2, 68.4, 68.5 and 68.11, the original case number and file shall be used for the motion to modify. In addition, the petitioner and respondent shall be required to attend the Focus on Kids parent education class (see Local Rule 68.10), if he or she has not attended Focus on Kids within four years prior to the date of filing of motion to modify.

68.19 Qualifications of Family Law Mediator

A. A mediator who performs mediation in a contested child custody matter pursuant to Missouri Supreme Court Rule 88 and Local Court Rule 68.12 shall be a person who conforms with the requirements of Missouri Supreme Court Rule 88.05.

B. To be listed on the "court-approved list" of mediators referred to in Missouri Supreme Court Rule 88.05(a) and Local Court Rule 68.12, the person should provide to the court administrator an affidavit that he or she meets the requirements aforesaid. Further, the person must complete the mediator registration form (available in the appendix to these Local Court Rules), as further application and shall indicate his or her hourly rate. The person may also provide a resume´, which may, subject to the court administrator's approval, be attached with the statement of qualifications

for viewing with the court's list of mediators.

C. The list of mediators shall be updated from time to time as deemed necessary by the court administrator. All persons included in the list of mediators shall keep the court administrator apprised of any changes to their qualifications, including any change in status with any professional association, and their fees.

D. In appropriate circumstances, the court, upon agreement of the parties, may appoint a mediator who is not on the court-approved list but is qualified by Missouri Supreme Court Rule 88.05.

Effective 3-13-2024.

RULE 69 - MUNICIPAL DIVISION

69.01 Determination of Indigent Status

(a) A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court the following "Statement of Financial Condition" or any other form approved by the presiding judge.

STATEMENT OF FINANCIAL CONDITION

Name: _____ Case Number: _____
Address: _____
Your Age and Date of Birth: _____
Phone Number: _____ (Is it OK to text you at this number? Yes/No)

1) If you plead guilty or are found guilty, can you pay your fines and costs today? Yes/No If you answered "No," why not? _____
_____

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

2) Are you currently in the custody of the Children's Division or DYS? Yes/No
3) Have you spent a night in jail during the past year because you were unable to post a bond? Yes/No If "Yes," how much was your bond? $_____
4) Are you receiving public assistance? Yes/No If "Yes," please tell us what type of public assistance you are receiving (for example, food stamps, TANF, Medicaid, housing assistance, other types of public assistance):
_____
5) Please list the following income from the previous month for your entire household:
Take home pay for the month including overtime and bonuses: _____
Social security income (including social security disability): _____
Workers' compensation income: _____
Unemployment income: _____
Retirement income: _____
All other income: _____
Total: _____
6) How many people live in your household? _____

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

If you are facing the possibility of jail time and cannot afford to hire a lawyer, you are entitled to have a lawyer appointed by the court to represent you.
Do you want a lawyer to represent you in this case? Yes/No
Can you afford to hire a lawyer to represent you in this case? Yes/No
Are you asking the court to give you some more time to hire a lawyer? Yes/No
Are you asking the court to appoint a lawyer for you today? Yes/No
The above information is true and correct to the best of my knowledge under penalty of law.

_____
Applicant

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

(b) person is presumed indigent if the person:
(1) Is in the custody of the Children's Division or the Division of Youth Services; or
(2)
(A) Has unencumbered assets totaling under $5,000, and
(B) Has total household monthly income below 125% of Federal Poverty Guidelines, which currently are:
1 household person: $1,237
2 household persons: $1,669
3 household persons: $2,100
4 household persons: $2,531
5 household persons: $2,963
6 household persons: $3,394
7 household persons: $3,826
8 household persons: $4,259
[Add $433 for each additional person]

69.1 Jurisdiction and Administrative Authority

Pursuant to Section §479.010, RSMo, all violations of municipal ordinances heard in Boone and Callaway Counties shall be tried before divisions of the

Thirteenth Judicial Circuit. Judges selected under the provisions of Chapter 479 shall be municipal judges of the Thirteenth Judicial Circuit. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

69.2 Court Personnel

A. SELECTION TENURE AND COMPENSATION OF A MUNICIPAL JUDGE
Any municipality choosing to establish a municipal division of the circuit court with a municipal judge presiding shall provide, by ordinance, for the selection, tenure and compensation of a municipal judge. A copy of said ordinance shall be filed with the presiding judge of the circuit court. Any amendments to this ordinance shall be submitted to the presiding judge of the circuit court within fifteen (15) days of passage. (See also §479.020, RSMo.)

B. COURT CLERK/ADMINISTRATOR
Each municipality choosing to provide its own court personnel shall employ an individual to serve as court clerk/administrator under the direction and supervision of the municipal judge. In those instances where the court clerk/ administrator also serves as the city clerk, care shall be taken to separate the functions of the two positions in order to ensure that the requirements of this rule are met. (See also §479.060, RSMo.)

69.3 Ordinance Violations Bureau

A. The municipal judge or the associate circuit judge presiding over the municipal division may establish an ordinance violations bureau.

B. An ordinance violations bureau shall be established when a request is made by the governing body of the municipality.

C. The ordinance violations bureau shall operate under the supervision of the circuit court and the municipal judge.

D. The municipal judge shall by order designate a violations clerk and shall designate the ordinance offenses under the authority of the violation clerk and the amount of fines to be imposed for each offense. A copy of said order shall be filed with the presiding judge of the circuit court within fifteen (15) days of its issuance. A copy of the violation bureau schedule shall be

prominently displayed at the payment window so that defendants wishing to pay tickets out of court may view the schedule.

69.4 Bond Schedule

Each judge presiding over a municipal division shall by order establish a bond schedule for all offenses for which a bond can be posted for the defendant's release. Said bond schedule may be incorporated into the Ordinance Violations Bureau order (Local Court Rule 69.3). The bond schedule shall be submitted to the presiding judge of the circuit court. A copy of the bond schedule shall be prominently displayed so that defendants wishing to post bond may view the schedule.

69.5 Financial Recordkeeping Procedures

A. SURETY BONDS

1. BOND QUALIFICATIONS
   The court clerk/administrator shall keep a list of those sureties who have qualified to post surety bonds in the courts within the 13th Circuit. No person shall be accepted as a surety on any bail bond unless he or she is licensed by the Missouri Department of Insurance. (Source: S.Ct. Rule 37.29; §374.710 RSMo.)

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

2. RECEIPTS
   A receipt shall be written for each bond received. The amount of each bond received shall be entered into a bond ledger capable of tracking receipt and disbursement of bond monies, and bond monies on hand (i.e., date monies were received, receipt number, case number, date disbursed, and how disbursed). When bond monies are accepted at a location other than the office of the court clerk, the monies shall be turned over to staff of the municipal division the next working day. The bond ledger shall be reconciled monthly.

3. UNCLAIMED CASH BONDS
   The court clerk/administrator shall follow those procedures set forth in the then current Missouri Municipal Clerk Manual (“OSCA Clerk Manual”) published by the Office of State Court Administrator (“OSCA”) to pay to the State Treasurer’s Office Unclaimed Property Division, all funds unclaimed for three years and cash bonds unclaimed for one year, from the date the bond was due back to a person. The court clerk/administrator shall send a letter of notification and otherwise reasonably attempt to contact the person and return the funds. Said report shall be sent to the State Treasurer’s Office by November 1 of each year, and the unclaimed funds remitted with the report. (Source: §§447.532 and 447.595 RSMo.)
4. FORFEITED BONDS
   Monies from forfeited bonds which are not applied to fines, costs and surcharges shall be paid to the treasury of the municipality.

B. FINES, COURT COSTS, AND SURCHARGES
Adequate records must be maintained to account for the receipt and disbursement of any fines, costs, penalties, surcharges, and miscellaneous fees.

1. RECEIPTS
   Pre-numbered receipts must be written for all funds accepted in the municipal division. A copy of such receipt shall be provided to the payer, if payment is made in person, and a duplicate copy of the receipt retained in the receipt book (or the court’s electronic financial program, where applicable). The receipt shall comply with Supreme Court Operating Rule 4.53. If payment is made by mail, the court clerk/ administrator shall file the original copy of the receipt with the case file information, or maintain the original receipt in a pre-numbered receipt book cross-referenced with the docket entry, unless the payer requests the receipt be returned by mail, and provides a self-addressed, stamped envelope. The original of a voided receipt shall be retained in the receipt book with the voided receipt copy.

2. RECORDS OF FINES, COSTS AND SURCHARGES PAID
   Records shall be sufficient to establish that on each case, fines assessed and general court costs in the amount as set forth by

ordinance and state statute, such as CVC surcharges, POST surcharges, Law Enforcement Training Fund ("LETF") surcharge, recoupment, domestic violence, and other surcharges, are collected and remitted timely to the municipality and to DOR, respectively, in accordance with this rule. In the event that there is an overpayment of $5.00 or less, the municipality may retain such funds on any case, and if there is an underpayment of $5.00 or less, the fine and court costs are not required to be collected. (Source: Court Cost: City Ordinance; CVC §488.5339 RSMo. and §595.045 RSMo.; POST: §488.5336 RSMo.; and LETF. §488.5336 RSMo.)

3. DEPOSIT OF FINES, COSTS, SURCHARGES AND BONDS TO BE PLACED INTO APPLICABLE ACCOUNTS
The court clerk/administrator shall deposit all fines, costs, surcharges and bonds collected in the municipal court's or municipality's bank accounts on a daily basis, or when the amount on hand reaches $100.00, if not on a daily basis. The court clerk/administrator shall, to the extent possible, work jointly with the municipality to effectuate all deposits by delivery of same for deposit by police officers or other municipal personnel. The court clerk/administrator shall cause specific surcharges, including, but not limited to, CVC, POST, LETF, police recoupment, and, if applicable, domestic violence surcharges, to be placed as separate line items or in separate accounts and to be remitted to the proper entity or account no less than monthly.

C. FIDELITY BONDS
The Ordinance Violations Bureau clerk and other municipal employees with access to municipal division funds shall be bonded. This bond may be a blanket bond covering all municipal employees. A copy of the certificate of coverage, or declarations page, evidencing such bond shall be provided to the presiding judge of the circuit court annually.

D. ANNUAL AUDIT
Each municipality that chooses to provide staff for the municipal division shall provide for an annual independent audit of the municipal division's funds. Such audit may be in conjunction with the audit of other municipal records. A copy of said audit shall be filed with the presiding judge of the circuit court.

69.6 Accounting Procedures

The court clerk/administrator shall, to the fullest extent possible, follow those accounting procedures as are mandated by Supreme Court Operating Rule 4.51 and set forth in the then current edition of the OSCA Municipal Clerk Manual. In particular, the court clerk/administrator shall:

A. Reconcile banks collections statements monthly and same shall be reviewed by a person independent of the municipal court. When the court maintains a bank account separate from that of the municipality, the court clerk/administrator shall reconcile each monthly bank statement no later than 10 days after its receipt, and shall have such reconciliation approved by a municipal official or employee independent of the municipal court and authorized by the municipality to approve the account reconciliations of the municipal court. When the municipal court does not maintain a bank account separate from that of the municipality, the municipality shall provide the municipal court with a monthly statement showing cash on hand at the beginning of the month for the municipal court, itemized receipts and disbursements, and cash on hand at the end of the month, and the court clerk/administrator shall check the statement against the court's records and resolve any differences in information.

B. Maintain all funds that are being held in trust by the municipal court and reconcile monthly. All unusual items or exceptions shall be investigated promptly.

C. Ensure all payments on accounts are receipted, recorded to the accounts, and deposited intact.

D. Work jointly with the Police Department to account for all traffic tickets in numerical sequence and ultimate disposition of all tickets assigned and issued by the Police Department.

E. Maintain all municipal court records except for those permitted to be destroyed or transferred in accordance with Missouri Supreme Court Operating Rule 8.

F. Not waive any fine, court costs or surcharge, or agree to collect a different amount of fine, court costs or surcharge than that amount listed in the Violation Bureau Schedule or what has been assessed by a court order,

except as discussed in 69.5 B(2), supra.

G. Develop a system for independent monitoring, receiving and depositing monies as an independent task segregated from the recording and disbursement of collections. In the event that such duties cannot be segregated, at a minimum, the court clerk/administrator shall request the municipality develop a documented independent comparison of receipt slips issued in the amount and composition of deposits, and independent review of the bank statements and month-end reconciliations.

69.7 Case Recordkeeping

A. CASE NUMBERS
All cases filed by the prosecutor shall be assigned a unique number and indexed. Municipalities using case tracking software approved by the Office of the State Court Administrator may use case numbers generated by the approved software. All other municipalities shall use case numbers in the format of the municipal case numbering system provided by the Office of the State Court Administrator.

B. CASE INDEX
Each municipality shall maintain an alphabetic or electronic card index of all cases filed. When the case is disposed the judgment shall be entered on the index card and filed alphabetically or electronically.

C. ELECTRONIC SIGNATURES
Upon approval of the presiding judge of the circuit court and the municipal court judge, a municipal court shall give digital signatures obtained from the defendant (electronic signatures) the same effect as an original signature and shall give a copy of the document with the electronic signature to the defendant.

D. RECORD STORAGE
All records of municipal divisions of the circuit court shall be maintained separate and apart from law enforcement and administrative records of the municipal government. Records of the municipal divisions of the circuit court that are closed to the public pursuant to §610.105, RSMo, shall be available only to the staff of the municipal divisions, except as provided in §610.120, RSMo.

E. COURT DOCKET

The court clerk/administrator shall prepare a docket of cases scheduled for each court session. The disposition of each case shall be noted on the docket sheet, which shall be initialed by the municipal judge presiding over the docket. Upon request of the city clerk, a copy of the docket sheet, with all closed information redacted, shall be provided to the city clerk for public information.

F. CONFIDENTIAL AND CLOSED RECORDS

1. The court clerk/administrator shall identify all court records that contain information that is closed or confidential pursuant to state or federal law (including docket entries for cases that have been nolle prossed, dismissed, SATOP, or the defendant found not guilty) and shall maintain all such records in accordance with those procedures set forth in the then current OSCA Municipal Clerk Manual. The municipality shall provide adequate and secure file cabinets for the retention of confidential records and closed files. (Source: §610.120 RSMo.)

2. The court clerk/administrator shall permit closed records to be inspected by the defendants, courts, and those agencies as are set forth in §610.120 RSMo.

3. If the municipal court orders the defendant to participate in a SATOP program, the court clerk/administrator shall file all documents received from the program provider in the case file, and all documents relating to the program assessment, assignments and completion shall remain confidential, in accordance with 42 CFR Part 2, (42 U.S.C. 290 dd-3).

G. RECORD RETENTION AND DESTRUCTION

The court clerk/administrator shall retain all court records unless there shall be an order signed by the presiding judge of the circuit court to destroy same. The court clerk/administrator shall follow Supreme Court Operating Rule 8 and the municipality shall cooperate with the court clerk/administrator to follow a regular schedule to destroy and/or transfer cases eligible for transfer or destruction in accordance with Supreme Court Operating Rule 8. The court clerk/administrator shall follow those recommended procedures set forth in the then current OSCA Municipal

Clerk Manual. All requests to destroy or transfer records shall be signed by the presiding judge of the circuit court. (Source: COR 8.03.)

H. MARRIAGE RECORD.
If the municipal judge performs marriages, the court clerk/administrator shall communicate with parties desiring to have a marriage solemnized by the municipal judge. The court clerk/administrator shall require that the parties provide a marriage license and a Certificate of Marriage blank form to the municipal court at least 24 hours before a scheduled wedding to ensure adequate review of such license.

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

69.8 Reporting Requirements

A. REPORTING TO THE MUNICIPALITY
On or before the 15th of each month, the municipal division shall submit to the municipality a copy of the monthly case load summary report for the preceding month required by Supreme Court Operating Rule 4.28.

B. REPORTING TO THE MISSOURI DEPARTMENT OF REVENUE (DOR)

1. CRIME VICTIMS COMPENSATION FUND
The court clerk/administrator shall cause a $7.50 Crime Victims Compensation Fund (“CVC”) surcharge to be assessed on all nonmoving and moving traffic violations and all other non-traffic municipal ordinance violations, unless the case has been dismissed. The court clerk/administrator shall forthwith cause the CVC charge to be reported to DOR and disbursed as follows:

a. 95% ($7.13 of each fee) shall be sent to the DOR no less than monthly, and

b. 5% ($.37 of each fee) to the general fund of the municipality. (Source: §488.5339 and §595.045 RSMo.)

2. MOVING TRAFFIC VIOLATIONS
The court clerk/administrator shall report case disposition information on all moving traffic violations, alcohol and drug-related traffic offenses, including suspended imposition of sentence, all convictions while driving a commercial motor vehicle, including commercial driver's license holders driving a personal vehicle, to DOR. The court clerk/administrator shall complete the report by submitting a completed "Abstract of Court Record," portion of the Uniform Citation, or by completing a "Record of Conviction" form. The court clerk/ administrator shall follow the "Traffic Case Processing Procedures" found in the then current OSCA Municipal Clerk Manual. The above disposition reporting shall be sent by the court clerk/administrator to be received by the DOR within seven days of disposition (Source: §302.225.1 RSMo; S.Ct. Rule 37.68.)

3. ABUSE AND LOSE PROCEDURES
In the event that the municipal judge shall enter an order suspending or revoking the defendant's driving privileges under the Abuse and Lose law, the court clerk/administrator shall send any Missouri license surrendered to the Court, along with the certified copy of the Order of Suspension on the official DOR form, to the DOR. The court clerk/administrator shall follow those procedures regarding Abuse and Lose reporting as set forth in the then current OSCA Municipal Clerk Manual. (Source: §§577.500-577.505 RSMo.)

4. FAILURE TO APPEAR OR PAY -- LICENSE SUSPENSION
The court clerk/administrator shall notify defendants within ten (10) days of that defendant's failure to dispose of a moving traffic violation, that the Court will order the DOR to suspend that defendant's license in thirty (30) days, if the charges are not disposed of or fully paid. Such notification may not be sent until a summons has been sent to the defendant and there shall thereafter be no appearance. The court clerk/administrator shall send the F.A.C.T. form to the DOR when a defendant has failed to appear on a court date after a summons has been issued to the defendant, when the defendant fails to appear on a subsequent court date to

which the case has been continued, or, when the defendant, without good cause, fails to pay any fine or costs assessed against him or her.

Upon payment of all fines and costs, or, if earlier ordered by the Municipal judge, a compliance notice on forms approved by the DOR shall be issued to the defendant, and the court clerk/administrator shall forthwith advise the DOR of such compliance. (Source: §302.341 RSMo.)

5. WITHHOLDING RENEWAL OF LICENSE
In the event a driver shall fail to appear when ordered, and without being first granted a continuance, the court clerk/administrator shall notify the DOR within ten (10) days of the failure to appear, by using the “Lieu of Bail” form then supplied by the DOR except such notification shall not be required if the court clerk/ administrator has used the notification procedures set forth in Paragraph 4, supra. When the case is disposed of, the court clerk/administrator shall report the disposition as on any other traffic case. (Source: §544.045.4 RSMo.)

6. NON-RESIDENT VIOLATOR PROGRAM
In the event a defendant who is not a resident of Missouri fails to appear, the defendant shall be notified by regular mail and given a specific amount of time to dispose of the traffic ticket before notification is made to DOR. If defendant fails to comply, the court clerk/administrator shall forward the Non-Resident Violator Compact Form provided by DOR, to DOR. This provision shall be in effect for non-resident defendants from all other states in the United States which are members of the Non-Resident Violator Compact. (Source: §544.046 RSMo.)

7. DRIVER IMPROVEMENT PROGRAM
In the event that the municipal judge has ordered a defendant to complete the Driver Improvement Program, the court clerk/administrator shall send notice of its completion to the DOR within fifteen (15) days of Program completion. The court clerk/ administrator shall not send any notice of the Driver Improvement Program if the moving traffic violation has been amended to a

nonmoving violation by the prosecutor. (Source: §302.302 RSMo.)

8. IGNITION INTERLOCK DEVICE
When the municipal judge shall order the use of an ignition interlock device, the court clerk/administrator shall forthwith send the Order to install ignition interlock device to DOR properly executed, containing the requirements for the period of the use of the ignition interlock device. (Source: §577.600 through §577.614 RSMo.)

C. REPORTING TO OSCA AND THE CIRCUIT COURT

1. The court clerk/administrator shall complete and deliver the "Missouri Municipal Division Summary Reporting" form to OSCA and the circuit court no later than the 15th day of each month, with data completed from the previous month's court activity. This data shall be delivered by e-mail or fax to OSCA and the circuit court on the then current form provided by OSCA. The court clerk/administrator shall complete the form in accordance with the instructions submitted from time-to-time by OSCA, and as contained in the then current OSCA Municipal Clerk Manual. A copy of the OSCA form shall be submitted to the Municipal judge each month, and if requested, to the municipality. (Source. COR 4.28.)

2. The municipal judge shall file a Minimum Operating Standards form with the presiding judge by January 1 and July 1 every year, in compliance with Supreme Court Rule 37.04.

D. REPORTING TO THE HIGHWAY PATROL
The court clerk/administrator shall report to the Missouri Highway Patrol any violations of municipal ordinances involving alcohol or drug related driving offenses by completing and sending to The Highway Patrol the State Criminal Fingerprint Card, which contains an Offense Cycle Number ("OCN"), within 15 days of case disposition. (Source: §43.503 RSMo.)

69.9 General Administration

A. Where municipal division staff is housed at the municipality, the 13th Circuit Court Administrator's Office shall make an annual on-site review of the policies and procedures and file a written report with the presiding

judge of the circuit court. A copy of said report shall also be furnished to the municipal judge of the municipal division, who shall provide a written response to all recommendations within 60 days of receipt of the report.

B. The municipality shall apprise the presiding judge of the circuit court in writing as to changes made in the positions of municipal judge, city prosecutor, municipal division clerk or Ordinance Violations Bureau clerk.

C. Municipalities shall ensure that the municipal court clerk/court administrator is properly trained to perform the functions of his/her position as municipal court clerk/court administrator as set out in this rule, the Municipal Clerk Handbook published by OSCA, and state law. In order to ensure that this requirement is fulfilled on a continuing basis, it is recommended that all municipal court clerks/court administrators become members of the Missouri Association for Court Administration (“MACA”) and regularly attend the educational programs offered by that association. Completion of MACA’S certification program is also recommended.

D. The municipal clerk shall maintain a list of associate municipal judges. Whenever the municipal judge for the City of Columbia is absent, disqualified or otherwise unavailable to serve, then the clerk shall assign the next available associate municipal judge to preside over the matter.

Effective 3-10-2017.

RULE 70 - PARTITION

(No Local Rule)

RULE 71. - ADMINISTRATIVE REVIEWS

(No Local Rule)

RULE 72 - PROBATE

A. BOND

Unless waived by the will or the court, a bond shall be filed before letters will be issued by the Clerk. The amount of bond shall be set by the Court. The original bond must be delivered to the Clerk; the bond shall not be electronically filed.

B. CLAIMS

All claims filed with the court and not paid by the personal representative will be set for hearing prior to the filing of final settlement. Either the creditor or the estate may call up the claim for hearing upon five (5) days notice.

C. CLERK OF THE PROBATE DIVISION

The clerk is authorized to hear evidence and to enter orders in uncontested matters, subject to modification by the court within thirty (30) days of judgment according to the provisions of §472.070, RSMo (2000).

D. FILING FEES

See appendix to these Local Court Rules.

E. FORMS

An inventory of forms is maintained by the clerk and any such form may be obtained upon request. Computer generated forms shall comply with the format of approved forms.

F. INVENTORY

1. An inventory shall be filed in all estates within thirty (30) days after letters are issued unless, upon good cause shown by written request, the inventory is continued. An inventory shall not be required, unless otherwise ordered, when a successor fiduciary is appointed.

2. In conservatorship estates where all assets are derived from a decedent's estate, certified copies of the Inventory and Final Order of Distribution from the decedent's estate may be filed in lieu of an original inventory in the conservatorship estate.

G. PARTIAL DISTRIBUTIONS

1. Partial distribution may not be granted until six (6) months after the first publication unless the decedent died intestate, or the testate and intestate heirs and their respective shares are identical, or all heirs and potential heirs consent in writing to the distribution.

2. In no case where a will is being contested, or where the interests of creditors or distributees are prejudiced, may a partial distribution be allowed.

H. PUBLICATION

The clerk shall arrange for publication of all notices required by law or ordered by the court, except final notice for independent administrations.

I. SETTLEMENTS

1. Contents. The settlement shall account for all income received and disbursements made by the fiduciary. Income shall include, but is not limited to, interests, dividends (whether cash or stock), refunds, loans, gifts, rebates, distributions from other estates, government benefits, and pension payments. All sales and transfers of property shall be accounted for on the settlement.

2. Final Settlements

i. Decedents' Estates: Final settlement shall be filed no later than six (6) months and ten (10) days after the first publication in supervised estates, unless upon written request and the showing of good cause, a continuance is granted. The final settlement shall be accompanied by a Proof of Mailing Notice to heirs or a Waiver of Notice by Heirs, proposed Order of Distribution, and a Federal Estate Tax Closing Letter, when appropriate.

ii. Decedents' Estates: Final accountings in independent estates shall be filed within one (1) year after the granting of letters. The estate will remain open for one (1) year unless there is a petition for complete settlement.

iii. Conservatorship Estates: Final settlements shall be made within sixty (60) days after a minor ward reaches the age of majority or dies, or after a disabled person is restored or dies, unless continued by order of the court.

3. Form

i. All settlements shall be typed or legibly written and signed by the fiduciary. If the fiduciary is an attorney, the settlement may be signed electronically; if not, the same shall be signed originally.

ii. Settlements shall be submitted in double entry form: the left-hand debit column shall account for income and the right-hand credit column shall account for disbursements.

4. Verification

i. All bank accounts and certificates of deposit listed in the ending balance shall be verified by bank statements for the entire settlement period.

ii. All disbursements shall be verified by canceled check, substitute check (front & back), voucher or receipt from payee or distributee.

iii. Other verification shall be provided as the court may request.

iv. All original documents supporting the annual settlement shall be retained by the fiduciary until the fiduciary is discharged.

J. SMALL ESTATES

Application for Refusal of Letters to spouse or to creditor and Affidavits to Establish Title of Distributees shall be accompanied by the following:

1. Death certificate;
2. Verification of decedent's assets;
3. Verification of debt if Creditor's Order is requested;
4. Will and Application for Probate if affidavit is filed and decedent died testate;

5. Schedule of all property and money derived from decedent and passing to surviving spouse and or minor unmarried children for Refusal of Letters to spouse; and
6. Costs for certified copies (ask clerk of Probate Division).

K. FILING OF THE WILL

The application for probate of the will and the original will with any original codicils shall be filed; the same shall not be electronically filed.

L. Guardian and Conservator

Pursuant to section 43.540, if a guardian or conservator is appointed to a minor, or disabled or incapacitated person, the appointed person will be fingerprinted and entered into the Record of Arrest and Prosecution or "Rap Back" program. This will require the person to be fingerprinted through the court or Missouri Highway Patrol every 6 years after appointment. Fingerprints will be at the costs of the appointed guardian or conservator. The prints will be entered in the central repository and notice of any arrest or prosecution will be sent to the probation court for review and consideration.

M. Public Access to Probate Case Records

1. Public Access to probate matters shall be in accordance with Supreme Court Operating Rule 2 and Section 509.520, RSMo.

2. Confidential Information to be Redacted. Pursuant to Court Operating Rule 2, the filer of a document shall redact all confidential information ("Confidential Information"). Court personnel will not review each case document to ensure compliance and will not refuse to accept a document on that basis.

    i. Confidential Information contained within public probate case documents includes:
        I. social security numbers; driver's license numbers; state identification numbers; taxpayer identification numbers;
        II. account numbers; credit or debit card numbers; personal identification numbers; passwords;
        III. case numbers of confidential, expunged, or sealed records;

IV. name, address, and date of birth of a minor and, if applicable, any next friend, unless the minor is a proposed ward/protectee, heir/devisee, or other interested party;
V. any witness information including name, address, and other contact information of the witness; and
VI. any other information that is required to be redacted pursuant to state statute or court rule.

ii. The filer of a document is not required to redact Confidential Information from confidential case records or confidential documents identified below in Rule 72M.3-72M.4 because said documents are not available for public access.

3. Confidential Records. Confidential Records, as set forth in Supreme Court Operating Rule 4.24, shall remain inaccessible to the general public.

4. Confidential Documents. Confidential Documents, as set forth by the State Judicial Records Committee and/or as designated below in subparagraphs (i)-(vii), shall remain inaccessible to the general public. Confidential Documents in probate cases shall include:
   i. inventories, annual and final settlements, statements of account, account statements, vouchers, verifications, and agreements of depositories;
   ii. any financial “Exhibit A” document from local court forms containing account numbers and/or financial account information that is filed in a guardianship and/or conservatorship case, refusal, small estate or petition for determination of heirship action;
   iii. medical records, medical letters, medical affidavits, medical interrogatories or other correspondence from a physician or healthcare provider that contains a person’s medical information; treatment plans, mental status evaluations; and guardianship and conservatorship personal status reports;
   iv. copies of personal income tax documentation that may have been requested in order to establish a standard of living for the purpose of a spousal refusal or spousal allowance;
   v. Motions to Proceed in Forma Pauperis and any accompanying documentation;

vi. Criminal History Background Checks, Credit History Reports, and Missouri Caregiver Screening Reports; and
vii. copies of documents from other confidential, expunged, or sealed records.

5. Court Order. Confidential Records and Confidential Documents, as set forth above, shall not be produced to individuals other than parties or counsel of record without a court order.

Effective 9-20-2023.

RULE 73 - SMALL CLAIMS

(No Local Rule)

RULE 74 - TRUST ESTATES

All trust estates shall be supervised and heard by the Probate Divisions in the respective counties, unless otherwise ordered by the presiding judge in a particular estate. All trust estates shall be docketed for settlement within thirty (30) days after the first anniversary of their filing and thereafter within thirty (30) days after the anniversary date of the last settlement. Any settlement may be continued by the court for good cause shown. Trustees failing to file their settlement at the time docketed, without showing good cause for such failure, will be liable to citation therefor.

74.1 Inventory

(No Local Rule)

74.2 Reports

(No Local Rule)

74.3 Record

(No Local Rule)

74.4 Audit

(No Local Rule)

POST TRIAL

RULE 81 - EXECUTION

(No Local Rule)

RULE 82 - GARNISHMENT

(No Local Rule)

RULE 83 - JUDICIAL SALES

(No Local Rule)

RULE 84 - POST CONVICTION PROCEEDING UNDER RULE 29.15 & RULE 24.035

A. The appearance by the movant at an evidentiary hearing authorized under the provisions of Rule 24.035 and Rule 29.15 shall be made by video unless otherwise ordered by the court. The video shall be made by a two-way audio-visual communication, including but not limited to, internet based video conferencing: provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the remote site and that a full record of such proceedings is made of the proceedings in the courtroom. Any system used for conducting video hearings shall:

1. Enable the persons communicating to be able to simultaneously see and speak to one another.

2. Provide a live signal transmission that is secure from unauthorized acquisition.

B. Video hearings shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding. Any document filed in a video hearing may be transmitted by facsimile transmission or other electronic means; signatures on a document transmitted by facsimile transmission or other electronic means shall have the same force and effect as original signatures.

C. The judge presiding shall begin all video hearings by stating on the record the identities of all counsel, parties and witnesses present in the courtroom and at the remote site, and establish procedures consistent with these rules and the provisions of Rule 24.035 and Rule 29.15.

D. In addition to the duties established by Supreme Court Rules 24.035 (c) and 29.15 (c), the clerk shall send notice of this rule, number 84, to the movant and movant’s attorney.

E. Any writ of habeas corpus ad testificandum for the defendant to appear by video must identify the specific location of the movant in the Department of Corrections and the movant's identifying number before being authorized by the Court. The writ must be received by the Court twenty (20) business days before the hearing is scheduled.

F. The movant's attorney will appear in the courtroom during the video appearance, unless the attorney informs the court in writing that the attorney is going to appear with the movant at the Department of Corrections and files all exhibits with the court at least three days prior to the hearing.

G. After an evidentiary hearing is scheduled by the court, movant may file a motion to appear personally at the courthouse. Such motion shall be filed within ten (10) days of the notice of the hearing. If the court grants the motion the writ of habeas corpus ad testificandum shall issue.

Effective 11-27-2016.

INTERNAL ORGANIZATION

RULE 100 - INTERNAL ORGANIZATION

100.1 - Presiding Judge

100.1.1 - ELECTION

The circuit shall elect a presiding judge. The presiding judge shall be elected in January of each odd numbered year to serve a two year term beginning January 31. The presiding judge shall be elected from among the circuit judges within the circuit by a majority of the circuit and associate circuit judges. The meeting shall be held in the month of January in the odd numbered years at the regular meeting of the court en banc or at a special meeting called for this purpose. The voting shall be by secret written ballot. A special election shall be held at any time upon resignation or death of the presiding judge, at which time a presiding judge shall be elected to fill the unexpired term. The incumbent presiding judge may succeed him/herself, if he/she so desires, if he/she is confirmed by a majority vote of all the circuit and associate circuit judges under the procedures set forth above. The incumbent presiding judge shall not vote, except in case of a tie. The presiding judge may be removed by a 2/3 vote of all the circuit and associate circuit judges under the same procedures set forth above. Proxies in writing shall be allowed in voting for presiding judge. In case of any temporary inability to serve, the presiding judge shall appoint by administrative order an Acting presiding judge. If the presiding judge is unable to appoint, the circuit and associate circuit judges shall elect an acting presiding judge under the procedure set forth above, to act until the presiding judge is available or until the term expires. In case the presiding and acting presiding judge are unavailable, the other circuit judges are appointed to act in order of seniority on the bench.

Where no other circuit judge is available to serve as presiding judge, the chief justice of the Supreme Court will appoint a judge to serve.

100.1.2 - Duties Of Presiding Judge

The presiding judge shall be the general administrative authority of the court.
The presiding judge shall have all of the following powers and such other powers as shall be reasonably required to carry out the business of the Court and the presiding judge:

A. Preside at all court en banc meetings and permit such matters to come before the meeting as the presiding judge deems appropriate;

B. Supervise and appoint any needed committees;

C. Coordinate personnel duties;

D. Supervise preparation of the budget;

E. Handle media and governmental contacts;

F. Establish procedures, schedules and make docket assignments among the divisions;

G. Subject to settings ordered by a given judge, schedule for trial all cases;

H. Assign courtrooms;

I. With the advice of the Court en Banc, set, by administrative rule, the filing fees, cost deposits, duplicating fees and such like charges required for actions filed in court. The schedule shall be published by appending to these rules. The schedule may be amended from time to time.

J. Represent the court en banc in the call and supervision of petit and grand jury functions; and

K. Have the authority to appoint a secretary and such other personnel as provided by law to aid in conducting the business of the circuit.

100.1.3 - Dispute Resolution – Procedure

(No Local Rule)

100.2 - Local Court Rules

A. All Local Rule changes enacted by the Thirteenth Judicial Circuit shall have an effective date sixty (60) days after passage, unless the rule is enacted with an emergency clause. The rule shall be published to the local bar for comment upon passage.

B. Changes to the Local Court Rules shall be published to the local bar when they become final.

C. Publication pursuant to this rule shall consist of distributing a copy of the proposed or effective rule to the Supreme Court, the Boone County Bar Association for posting on their website, and by including the new rule in the Local Rules on the court's website.

100.2.1 Formulation

(No Local Rule)

100.2.2 Publication

(No Local Rule)

100.2 - Library Fund

In all civil cases filed in circuit court, where a law library fee is applicable, the fee shall be $15.00 in both Boone and Callaway Counties. A law library fund is hereby established in Boone and Callaway Counties, and the law library fees collected shall be payable to the person designated by administrative order as the treasurer of said fund. Said fund shall be applied and expended under the direction and order of the court en banc and may be used for the following purposes:

A. maintenance and upkeep of the law libraries in Boone and Callaway Counties;

B. courtroom renovation and technology enhancement, and for debt service on county bonds for courtroom renovation or enhancement projects; and

C. the county's family services and justice fund.

100.4 - Storage of Records

100.4.1 - Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and) Their Contents

(No Local Rule)

100.4.2 - Reproduction and Preservation of Court Records Other Than Files (and Their Contents)

(No Local Rule)

100.4.3 - Responsibility for Indexing and Preserving Court Reporter Notes

(No Local Rule)

100.4.4 - Identification of Reporters' Notes

(No Local Rule)

100.4.5 - Index

(No Local Rule)

100.4.6 - Storage of Notes

(No Local Rule)

100.4.7 Notes of Substitute Reporters

(No Local Rule)

100.4.8 - Storage of Notes Upon Retirement, Termination or Death of Court Reporter

(No Local Rule)

100.4.9 - Boxing and Storing of Old Notes

(No Local Rule)

100.4.10 - Responsibility for Furnishing Materials and Space for Storage of Court Reporter Notes

(No Local Rule)

100.4.11 - Procedure for Examination of Criminal Records

(No Local Rule)

100.4.12 - Procedure for Expunging and Closing Criminal Records

(No Local Rule)

100.4.13 - Destruction Of Evidence

Pursuant to Supreme Court Operating Rule 8.02(a)(17), all motions, orders and returns filed with any division of the court pursuant to §195.140, RSMo, when no charges were filed against the individual(s) related to the evidence which is proposed for destruction, shall be closed records.

100.5 - Clerk's Duties

100.5.1 - Monies Paid Into Court

(No Local Rule)

100.6 - Selection of Veniremen

(No Local Rule)

Effective 11-27-2016.