LOCAL COURT RULES

OF THE

THIRTY-SEVENTH JUDICIAL CIRCUIT

HOWELL, OREGON, AND SHANNON COUNTIES

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ADMINISTRATION

RULE 1. DIVISIONS OF COURT

Rule 1.1 Howell County

The Circuit Court of Howell County, Missouri consists of Division I, Division II, and Division III, and the various Municipal Divisions. Division I shall be presided over by the circuit judge; Division II shall be presided over by an associate circuit judge; and Division III shall be presided over by an associate circuit judge.

[Oct. 22, 1991.]

Rule 1.2 Oregon, and Shannon Counties

The Circuit Courts of Oregon, and Shannon Counties consist of Division I and Division II and the various Municipal Divisions. Division I shall be presided over by the circuit judge. Division II shall be presided over by the associate circuit judge of each county.

[Oct. 22, 1991. Amended Nov.15, 2022, eff. Jan.1, 2023.]

Rule 1.3 All Counties

The Municipal Divisions shall be presided over by the municipal judge elected or appointed by the municipalities, or an associate circuit judge assigned by the presiding judge. Municipal cases heard by an associate circuit judge will be heard at a time and place fixed by the judge assigned.

[Oct. 22, 1991.]

RULE 2. CASES, MATTERS, AND HOURS OF COURT

Rule 2.1 Hours of Court

Court in all divisions in all counties convenes at 9:00 a.m. except as otherwise designated by the judge of the division, or as otherwise provided by these rules.

[Oct. 22, 1991.]

Rule 2.2 Particular Matters on Particular Days — Associate Divisions

2.2.1 Division II Howell County.

(a) *Associate Civil:* Second and fourth Tuesdays at 9:00 a.m. and 1:00 p.m. with trials immediately following announcements and call docket.

(b) *Associate Criminal: felonies and non-support:* Second Friday of each month at 9:00 a.m. and fourth Monday of each month at 1:00 p.m.

(c) *Juvenile Court*: Dependency Dockets: First, Third, and Fifth Tuesdays at 1:00 p.m. Delinquency Docket: First Wednesday at 9:00 a.m.

(d) *Domestic Relations: Contested* − As designated by the judge of Division II at least 30 days in advance.

2.2.2 Division III, Howell County.

(a) *Associate Criminal* − Preliminary hearings, bench trials, and pleas: First and third Tuesdays of each month at 9:00 a.m.

(b) *Prisoner Arraignments:* Daily or as needed.

(c) *Criminal and Traffic Arraignment Docket:* Every Monday at 9:00 a.m.

(d) *Probate*: Second and fourth Thursdays at 9:00 a.m.

(e) *Treatment Court:* First and third Tuesdays at 3:30 p.m.

(f) *Small Claims:* Second, and fourth Tuesdays at 1:30 p.m.

2.2.3 Division II, Oregon County.

(a) *Criminal Court:* Each Wednesday at 9:00 a.m.

(b) *Probate cases:* Taken up at any time consented to by the parties and the Court.

(c) *Civil cases, including ex parte actions and domestic cases:* Second and fourth Thursday of each month at 9:00 a.m., or by special setting.

(d) *Juvenile cases:* Third Thursday at 9:00 a.m. and Fifth Thursday (as needed).

(e) *Treatment Court:* First and third Wednesdays at 3:30 p.m.

2.2.4 Division II, Shannon County.

(a) *Criminal Court:* Every first and third Tuesday following the first Monday of each month at 9:00 a.m.

(b) *Civil Court:* Second and fourth Thursday of each month at 9:00 a.m.

(c) *Small claims and Probate cases:* On civil court dates and at any time by agreement of the parties and the Court.

(d) *Domestic cases:* On civil court dates and at any time by agreement of the parties and the Court.

(e) *Juvenile Court:* Third Wednesday at 9:00 a.m. and 5th Wednesday (as needed).

(f) *Treatment Court:* Second and fourth Wednesdays of each month at 11:00 a.m.

2.2.5 Municipal Courts.

Howell County

City of Mountain View. Court convenes on the third Wednesday of each month. Arraignments, Show Cause, Review begin at 10:00 a.m., and trials at 1:00 p.m. at the City Hall of Mountain View.

City of West Plains. Court convenes on Thursday of each week in the municipal courtroom located at the City Hall in West Plains. Arraignments, Show Cause and Reviews begin at 9:00 a.m. Trials at 1:00 p.m.

City of Willow Springs. Court convenes on the second Wednesday of each month at the City Hall in Willow Springs. Arraignments, Show Cause and Reviews begin at 10:00 a.m. Trials at 1:00 p.m.

Oregon County

City of Thayer. Court convenes on the third Tuesday of each month at the City Hall at Thayer. Arraignments, Show Cause and Reviews begin at 9:00 a.m. Trials begin at 1:00 p.m.

Shannon County

City of Eminence. Court convenes on the second Wednesday of each month at 9:00 a.m. in Division II of the Circuit Court of Shannon County in Eminence.

City of Birch Tree. Court convenes on the second Wednesday of each month at 9:00 a.m. in Division II of the Circuit Court of Shannon County in Eminence.

City of Winona. Court convenes on the first Wednesday of the final month of each quarter (March, June, September, December) at the City Hall of Winona. Arraignments, Show Cause, Reviews begin at 10:00 a.m. Trials begin at 11:00 a.m.

[Oct. 22, 1991. Amended June 28, 1993; amended Dec. 1, 1997, eff. Jan. 1, 1998; amended eff. Feb. 9, 1999; Jan. 1, 1999; May 1, 2000; April 9, 2002; amended Dec. 2, 2002, eff. March 13, 2003; April 18, 2003, eff. April 23, 2003; May 5, 2003, eff. June 30, 2003; April 17, 2009; amended Dec. 14, 2009, eff. Jan. 1, 2010; amended Dec. 5, 2014; amended December 28, 2018, eff. January 1, 2019; amended Dec. 9, 2022, eff. January 1, 2023; amended January 1, 2025.]

Rule 2.3 Law Days: Circuit Division (Division I)

The law days for the circuit division, except as ordered by the court, shall be as follows in each county:

Howell County. First and Third Monday of each month at 1:00 p.m.

Oregon County. Second and Fourth Monday of each month at 8:30 a.m.

Shannon County. Second and Fourth Monday of each month at 1:00 p.m.

Whenever a law day falls on a holiday, the law day shall be held the next business day.

[Oct. 22, 1991. Amended eff. Jan. 1, 2000; eff. Feb. 23, 2010; amended Dec. 9, 2022, eff. Jan. 1, 2023]

Rule 2.4 Particular Matters on Particular Days (Division I)

All matters to be disposed of on the law day shall be called in the following order:

(a) Setting of cases;

(b) All motions, except that those requiring evidence, may be set on a day certain;

(c) Arraignments, guilty pleas, and probation violation hearings;

(d) All matters taken up by consent of parties and the Court, but not included on the docket.

(e) Prisoner arraignments and miscellaneous criminal matters: Tuesdays, Thursdays and Fridays at 8:30 a.m.

[Oct. 22, 1991; Adopted January 1, 2022: Amended eff. January 24, 2022.]

RULE 3. PLEADINGS

Rule 3.1 Caption

The following caption is required:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
DIVISION _____

Name Address City,	)	
Plaintiff(s)	)	Case No. _____
vs.	)	
Name Address City,	)	
Defendant(s).	)	

NATURE OF ACTION

Signed Attorney of Record
Address
Telephone Number
Missouri Bar Number

The caption of the pleadings in all cases shall contain the division number except if the matter is a probate matter the words "Probate Division" instead of division number shall be typed below the case number, if the matter is a juvenile matter, the words "Juvenile Division" instead of division number shall be typed below the case number, and if the matter is a small claims matter, the words "Small Claims Division" instead of division number shall be typed below the case number. Circuit and division clerks shall keep separate and apart all files in their possession which may be decided by a particular circuit or associate circuit judge

by reason of mandatory jurisdiction, disqualification, assignment or de novo proceedings; said files shall be available for judges upon their request.
Complete names and addresses of each party, if known, shall be endorsed on the original petition only; on all subsequent pleadings, where there has been a change of address or one or more of the parties, changes shall be noted.

[Oct. 22, 1991. Amended Dec. 1, 1997.]

Rule 3.2 Style

All pleadings and other papers, except exhibits, offered for filing in any court of this circuit and all forms used in any court, including opinions, shall be on paper not larger than 8½ x 11 inches. Pleadings and motions shall have a top and left-hand margin of at least one inch; shall be signed by the party or his attorney offering the same for filing, together with the address, telephone and bar identification numbers of the trial attorney in the case; shall be captioned with the style and number of the case, the character of the pleadings and motions and, if a petition, the nature of the suit and, if consisting of more than one sheet, shall be securely bound at the top and with page numbers at the bottom. Paragraphs of pleadings shall be numbered consecutively. An attorney offering a paper for filing may sign it on behalf of a law firm or attorney when duly authorized to do so, but he must also subscribe his own signature on the paper. In addition to their signature, pro se litigants must set forth their address and telephone number at the foot of all pleadings and motions.
The attorney whose signature is affixed to the pleading or paper shall be deemed to be the trial attorney in the case.
Where service of summons or other pleadings is requested, a copy of the pleading for each party to be served shall be filed and shall include the address for each party to be served.

[Oct. 22, 1991.]

RULE 4. FILING OF CASES

Rule 4.1 Associate Circuit Court, Howell County, Centralized Filing

There will be a centralized filing system in the two associate divisions of Howell County, and all cases to be filed in either division will be filed with the filing clerk as designated by the judges of those divisions.

[Oct. 22, 1991.]

Rule 4.2 Criminal Cases

All criminal cases and infractions shall be filed with the filing clerk of Divisions II and III in Howell County, and with the clerks of Division II in the Counties of Oregon, and Shannon. Upon preliminary examination in felony cases, if the defendant is held for trial, the clerk shall transmit the file and records to the clerk of Division I for disposition. All

indictments and informations in felony cases shall be filed with the clerk of Division I in the appropriate county.

[Oct. 22, 1991. Amended Nov. 15, 2022, eff. Jan. 1, 2023.]

Rule 4.3 Civil Cases

4.3.1 Cases to Be Filed With Associate Division Clerks: (Division II and III of Howell County and Division II in Oregon, and Shannon Counties). Probate cases, small claims cases, and all civil cases which must, by existing statutes, be filed in the associate division shall be filed in the Associate Division.

4.3.2 Other Civil Cases. All other cases, including adult abuse and child protection cases and all civil cases for the recovery of money, exclusive of interest and costs, exceeding twenty-five thousand dollars, shall be filed in Division I. In Division I in each county, each new filing of a civil case shall be accompanied by a party information sheet containing identifying information concerning the party and which will aid in the service of process and communication. This form shall be submitted to and approved by the Court en banc and made available to the public.

4.3.3 Municipal Cases. Municipal ordinance violation cases shall be filed with the clerk of the municipality where the violation occurred, unless that municipality has made no provision for filing. If the municipality has made no provision for filing, the case shall be filed with the clerk of the appropriate division presided over by the associate circuit judges.

4.3.4 Original Jurisdiction in Civil Cases. The circuit judge and the associate circuit judges shall have original jurisdiction over civil matters which are assigned by these rules.

4.3.5 Concurrent Jurisdiction of Judges. Rules 1, 2, 3 and 4 shall not preclude a circuit judge or an associate circuit judge from hearing and determining uncontested matters relating to dissolution of marriage; legal separation; modification of decree of dissolution; maintenance, child support or custody; change of name; or from assigning cases to other associate circuit judges.

[Oct. 22, 1991. Amended eff. Nov. 28, 2000; April 9, 2002; amended Nov. 15, 2022, eff. Jan. 1, 2023.]

Rule 4.4 Facsimile Filing and Service

Rule 4.4.1 Authority for Rule. This rule is promulgated under the authority conferred in Mo. S. Ct. Rule 43.

(a) Fax filings of pleadings other than by *pro se* litigants shall not be accepted in the Circuit and Associate Divisions effective March 1, 2019

[Effective July 1, 1991. Amended eff. Sept. 30, 2013. Amended December 28, 2018, eff. March 1, 2019]

4.4.2 Facsimile Filing Authorized.

(a) Any circuit clerk's office, including offices of the associate division of the circuit court, maintaining a facsimile machine for the receipt of motions, petitions, or other documents shall permit facsimile filing of such.

(b) Any pleading or document filed by facsimile transmission shall have the same effect as the filing of the original document, even though it may be required to be verified, acknowledged or sworn to by some other method.

(c) The pleading or document shall be deemed filed, subject to 4.4.3 and 4.4.4 of this rule, on the date and at the time actually received at the office of the clerk.

(d) Risk of loss in transmission, receipt or illegibility is upon the person or party transmitting and filing by facsimile.

(e) If the document is not received by the clerk, or if it is illegible, it is deemed not filed, except that in the case of partial illegibility, that part which is legible is deemed filed.

(f) Subject to 4.4.3 of this rule, the person filing a pleading or other document by facsimile transmission shall retain the original, and make it available upon order of the court.

4.4.3 When Filing Fee or Deposit Required and Waiver.

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

(b) If the provisions of the preceding subparagraphs (a) and (b) are not complied with, the court may strike any pleading or document so filed, or make such other rules or further orders as it deems appropriate.

(c) No summons or process shall be required to be issued by the clerk until receipt of the fee or order allowing filing without fee or deposit.

4.4.4 Court Orders Transmitted by Facsimile Transmission.

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

4.4.5 Service by Facsimile Transmission.

(a) When service by ordinary mail or personal delivery is provided by Mo.S.Ct. Rule 43.01 or otherwise by law, such service may be made by facsimile transmission of a copy to any attorney or party to be served who maintains a device for reception of facsimile transmission.

(b) Publishing a facsimile phone line number by pleading, letterhead or listing in a telephone directory or otherwise, constitutes prima facie maintenance of a device for receipt of facsimile transmission.

(c) Risk of loss in transmission, receipt or illegibility of the document transmitted by facsimile is upon the sender.

(d) The document faxed is presumed delivered and served, unless otherwise indicated by the readout of the sender's device, to the phone number indicated by the sender's readout and at the date and time of the end of transmission. The sender shall maintain a printout of such readout and file the same if ordered by the court.

4.4.6 Service—How Shown.

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

4.4.7 Facsimile Archive.

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

4.4.8 Costs for Receipt or Transmission by Facsimile.

(a) This rule is predicated upon the premise that the office of the clerk has a facsimile device for the receipt and transmission of motions, petitions, writs, orders, papers, etc. "Clerk" as used in this rule, means circuit clerks, associate circuit clerks and clerks of the probate division.

(b) The clerk of a division maintaining a device to receive or send facsimile transmissions may charge the person or entity filing by facsimile up to 50 cents per 8½ x 11 inch page for receiving and processing such document, and up to $1.00 per 8½ x 11 inch page for document transmission.

(c) Nothing in this rule shall require the clerk of any division to maintain, designate or receive facsimile transmission outside regular office hours on regular business days.

(d) Unless a party is not subject to paying costs or expenses by law or court order, the actual per page charge presented by the clerk of a division to the person or entity sending or receiving a facsimile transmission for receipt or transmission of facsimile documents shall:

(i) be paid upon receipt by the person or entity; or
(ii) be subject to additional filing deposit by the clerk as provided in these rules; or
(iii) be taxed as costs by the court or clerk to the party for whom the facsimile charge was incurred.

4.4.9 Business Day Defined.

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

4.4.10 Effect of Facsimile Signature.

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

4.4.11 Effective Date of This Rule.

This rule shall be effective when filed with the Supreme Court on or before June 4, 1993, whichever date is sooner.

[Adopted eff. June 4, 1993.]

Rule 4.5 Service Outside of Circuit

Any request for service of summons or other process outside the 37th Circuit shall include the identity and location of the service officer and advance deposit of the correct service fee. The clerk will not forward process for service outside the circuit absent compliance with this provision.

[Adopted Dec. 1, 1997.]

RULE 5. FEES AND COSTS

Rule 5.1 Filing Fee and Cost Deposit

Except as otherwise provided by law or ordered by the court, each case filed in the circuit shall be accompanied by a cost deposit payable to the appropriate clerk upon the filing of the action.

CIRCUIT DIVISION

All original civil cases	$100.50

All Administrative Review cases	$100.50
All Domestic Relations & Motion to Modify	$132.50
Adoptions	$445.50
Expungement of Arrest/Conviction	$100.50
Notice of Appeals	$ 70.00
Execution/Garnishment Clerk Fee Surcharge	$ 10.00
Mechanics Lien	$ 5.00

ASSOCIATE DIVISION

All original civil cases	$ 48.50
All Administrative Review cases	$ 48.50
Unlawful Occupation of Real Property	$ 48.50
Small Claims	$ 35.50
Application for Trial De Novo	$ 45.00
Execution/Garnishment Clerk Fee Surcharge	$ 10.00

PROBATE DIVISION

Decedent's Estates (full administration)	$148.50
Small Estate Affidavits	$ 68.50
Refusal of Letters	$ 68.50
Admit or File a Will	$ 68.50
Adult Guardian/Conservatorship	$108.50
Minor Guardian/Conservatorship	$ 93.50
Annual Settlement Clerk Fee (Decedent's)	$ 30.00
Annual Settlement Clerk Fee (Adult)	$ 30.00
Annual Settlement Clerk Fee (Minor)	$ 25.00

It shall be the responsibility of the requesting attorney or pro-se litigant to deliver printed summonses, garnishments, executions, etc. to the appropriate sheriff for service on defendants, respondents, garnishees, etc. with the required fees attached. Payment for service of documents delivered to private process servers or the United States Postal Service are also the responsibility of the attorneys or pro-se litigants requesting that the documents be issued. If publication is required, attorneys or pro-se litigants are required to pay publication fees directly to the publisher.

Whenever dissolution and paternity actions are filed separately pursuant to Missouri Supreme Court Operating Rule 4.05(3), the two actions shall be tried together, and only one filing fee shall be paid. The filing fee for the second case is waived.

When the law requires that a guardian ad litem be appointed in a case or the party filing the action seeks the appointment of a guardian ad litem, the party filing the action shall pay at the time the petition is filed an additional sum of $250.00 on account of the guardian ad litem fee. The court may require one or more of the parties to pay additional sums during the pendency of the action to cover the guardian ad litem fees, and at the conclusion of the case the court shall assess the fees of the guardian ad litem against one

or more of the parties in a matter the court deems just and equitable. This rule shall not apply to cases brought pursuant to Section 455.500, et seq.

On the filing of any application for a trial de novo from a municipal or associate circuit division, the party filing the application shall pay the sum of Forty-five Dollars ($45.00) in fees and costs. The municipal judge or the associate judge may waive said fee at their discretion if satisfied that appellant is indigent.

[Oct. 22, 1991. Amended eff. March 1, 1996; Dec. 1, 1997; amended Dec. 1, 2003, eff. Dec. 5, 2003; amended March 31, 2005, eff. April 8, 2005; eff. Jan. 26, 2010; eff. January 15, 2013. Amended December 28, 2018, eff. January 1, 2019; Adopted July 1, 2021; Amended eff. January 24, 2022; Amended January 1, 2025.]

Rule 5.2 Costs—Law Library Fee

In all Circuit and Associate Divisions, there is hereby established a law library deposit of $15.00 pursuant to statute, which shall include Chapter 517 proceedings, probate proceedings, and small claims proceedings.

[Oct. 22, 1991. Amended Jan. 1, 2000; May 1, 2000; amended Dec. 2, 2002, eff. March 13, 2003; Dec. 1, 2003, eff. Dec. 5, 2003; eff. Dec. 14, 2009.]

Rule 5.3 Deposition Costs

The clerk shall not be responsible for taxing deposition costs unless certified pursuant to Section 492.590, RSMo., within five days after the case is dismissed or judgment has become final. Counsel who has advanced the cost shall be responsible for the certification being on file within said time limits.

[Oct. 22, 1991. Amended Dec. 1, 2003, eff. Dec. 5, 2003.]

Rule 5.4 Witness Fees

Witnesses who expect to be paid must have been lawfully served with proper subpoena and sign an affidavit on forms provided by the clerk.

[Oct. 22, 1991. Amended Dec. 1, 2003, eff. Dec. 5, 2003.]

Rule 5.5 Waiver of Fees

Fees may be waived by executing forms provided by the clerk.

[Adopted Dec. 1, 2003, eff. Dec. 5, 2003.]

RULE 5.6 Reproduction of Court-Recorded Hearing

Upon request from any litigant, attorney or member of the public, the Circuit Clerk is authorized to duplicate the digital recording of any court proceeding, unless such

duplication is otherwise prohibited by law, onto a compact disc at a charge of $25.00 per disc.

[Adopted Aug. 6, 2013.]

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

Rule 6.1 Assignment to Associate Circuit Judges

The associate circuit judges will hear those cases and matters as are set forth in Rules 1.3, 2.2 through 2.2.5, 6.1.2, and those cases certified to the circuit division (Division I) under Rule 6.3.

Further, in Howell County, when a case has been certified to the circuit division under Rule 6.4, any such case is, by this rule, assigned to the other associate judge of Howell County who did not hear the case originally and, also, the same provision is made in cases where there has been a disqualification of an associate circuit judge as provided in Rule 6.5.

An exception to the assignments under this rule is when a petition is filed by the Juvenile Officer to terminate juvenile proceedings and certify the juvenile to be tried as an adult for a felony. In such case, the petition will be heard and determined by the designated juvenile court judge for the county having proper venue of the case.

This Rule shall not preclude some other judge from hearing any of these cases upon proper assignment.

6.1.1 Circuit Division Cases Which Associate Circuit Judge May Hear When Circuit Judge is Absent From the County.

When the circuit judge is absent from the county, each associate circuit judge within the county for which he is an associate circuit judge may, upon request by the parties not in default, hear and determine the following classes of cases on file in the circuit division:

(1) Uncontested proceedings for the approval of settlements of suits involving claims by persons under eighteen;

(2) Uncontested actions involving the title to real estate;

(3) In Oregon, and Shannon Counties, proceedings for change of name, hardship driver's license, and appeals from denial of a driver's or chauffeur's license.

In any such case heard and determined by the associate circuit judge, the court's records or minutes shall reflect that the circuit judge was absent from the county and that the

party or parties not in default requested the associate circuit judge to hear and determine the case.

6.1.2 Other Circuit Division Cases Which May Be Heard by Associate Circuit Judge.

Each associate circuit judge within the county for which he is an associate circuit judge may hear and determine any civil case if a written consent to such hearing is executed by all parties to the case, either personally or by counsel, and is filed of record.

6.1.3 Disposition by Plea or Other Non-contested Basis.

For the purpose of disposition by plea or other non-contested basis, and only with the consent of the judge and all parties on the record, associate circuit judges of the 37th Judicial Circuit before whom preliminary examinations were waived are hereby assigned to said cases upon the filing of the felony information in the same cause in circuit division.

6.1.4 Special Assignment.

Whenever an associate circuit judge is assigned to hear a circuit division case, he shall follow the practice and procedures applicable before circuit judges except that a record of the proceedings shall be preserved as provided in Subsection 2 of Section 512.180, RSMo.

6.1.5 Designations of Assignments.

The designations of assignments of classes of cases by other rule herein to the various associate courts is subject to supervising assignment authority of the presiding judge and to any other statutes or rules which allow any judge of the circuit court to hear certain cases.

6.1.6 Disposition by Plea or Other Non-contested Basis.

For the purpose of disposition by pleas or other non-contested basis, and only with the consent of the judge and all parties on the record, associate circuit judges of Division II and III of Howell County of the 37th Judicial Circuit may hear and determine cases assigned to the other associate circuit judge if he is absent or unavailable.

[Oct. 22, 1991. Amended eff. April 5, 1995; April 9, 2002; April 17, 2009; amended Nov. 15, 2022m eff. Jan. 1, 2023.]

Rule 6.3 Certification to Circuit Division

Whenever an associate circuit court case other than an application for change of judge is required by law or rule to be certified to the presiding judge to be heard on the record, and/or when a jury trial is requested in a case pending before an associate circuit judge,

the file shall be delivered to the circuit clerk and docketed with other cases as if originally filed in the circuit division.

[Oct. 22, 1991.]

Rule 6.4 Trial De Novo

When an application for trial de novo has been filed and the case papers have been transmitted to the clerk of the circuit court, and in the case of applications for trial de novo from municipal divisions, the cause shall be docketed in the same manner as otherwise provided in these rules for civil or criminal cases. When an application for trial de novo is filed in Howell County, see Rule 6.1.

[Oct. 22, 1991.]

Rule 6.5 Disqualification of Judge

When an associate circuit judge of Howell County is disqualified in any case in which he has jurisdiction by virtue of Local Court Rules 1.3, 2.2.1, and 2.2.2, then the other associate circuit judge is, by this Rule, assigned to the case, unless the latter judge has already been disqualified.

In all other cases in the 37th Judicial Circuit, when any judge of Divisions I, II, or III is disqualified the clerks shall immediately call to the attention of the presiding judge such notice of disqualification and provide the following information:

(1) Style of case;
(2) Name of disqualified judge;
(3) Names of previously disqualified judges, if any;
(4) Date case is set for trial or hearing; cases shall not come off setting without agreement of judge assigned to hear case.

[Oct. 22, 1991; Adopted January 18, 2022; Amended eff. January 24, 2022; Amended eff. January 1, 2023.]

Rule 6.6 Absence of Judge

When the regular judge of any division of the circuit court is absent from the county or is unable to act for any reason, any judge of the circuit, other than municipal judges, may:

(1) Make a determination of probable cause and issue or direct the issuance of warrants of arrest as provided in Supreme Court Rules 21.05 and 22.03.
(2) Hold the nonadversary proceeding and issue search warrants as provided in Section 542.276, RSMo.
(3) Hold an ex parte hearing and issue any orders of process thereon as may be authorized by law or Supreme Court Rule.

The authority hereby granted shall not require a specific transfer and all judges, other than the municipal judge, are transferred and assigned to all divisions for the purposes set forth herein.

[Oct. 22, 1991.]

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

Rule 7.1 When Allowed

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

[Oct. 22, 1991.]

Rule 7.2 Duplicating Policy

Requests for copies of court records should be directed to the circuit and division clerk. Parties shall be charged a rate specified for all document requests as follows:

Microfilmed Copies

First Page	$1.00
Additional pages – per page	.75

Photocopied or Printed Records

Probate Estates – per page	.25
All other cases – per page	.25

Certified and Authenticated Copies

Probate Division	1.50
All Other Divisions	1.50

[Oct. 22, 1991; Amended eff. Aug. 11, 2014.]

Rule 7.3 ELECTRONIC DUPLICATION

Requested copies of court records can be delivered to requestor by email at the discretion of the circuit clerk or division clerk. Parties shall be charged a rate specified for all document requests as follows:

Electronic copies − per page	.25
Certified Electronically	1.50

[eff. January 1, 2019]

RULE 8. PUBLICATION OF DOCKETS

Rule 8.1 Trial Docket

Circuit Court. The circuit clerks of the various counties shall prepare a docket in advance of each law day which shall contain a list of cases on which some action is to be taken on that day.

The docket will be available to attorneys via the Court Calendar option of case.net by noon on the last business day falling before a law day.

Any matters may be included on the law day docket by giving the circuit clerk and opposing counsel 5 days' notice, except that cases will be placed on the setting docket only when requested by one or more of the parties in the case as set forth in Rule 36.1.

[Oct. 22, 1991. Amended December 28, 2018, eff. January 1, 2019]

Rule 8.2 Dismissal Docket

See Rule 37.1

[Oct. 22, 1991.]

RULE 9. COURTROOMS

Rule 9.4 Courtroom Decorum and Dress

Attorneys, during trial, shall not exhibit familiarity with witnesses, jurors, or opposing attorneys, and the use of first names shall be avoided. In jury argument, no juror shall be addressed individually or by name.

Attorneys shall advise their clients and witnesses of the formalities of the court, including proper attire, and seek their full cooperation therewith, thereby avoiding embarrassment to the court and citizens as well. Persons without the bar shall not disturb the order of the court.

[Oct. 22, 1991.]

Rule 9.5 Who is Permitted Within the Bar

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

[Oct. 22, 1991.]

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

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

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

If the appellant desires the circuit clerk to forward the material to the Office of State Courts Administration for transcribing, the estimated cost will be based on rates authorized for transcripts prepared by an official court reporter. If the appellant desires to make arrangements for his own typist to prepare the transcript, the deposit required will be based on the estimated cost of having the clerk personnel supervise the copying of the tape which was used to electronically record the proceedings. It is the responsibility of the appellant to pay this amount upon being presented with a bill by the circuit clerk.

[Oct. 22, 1991.]

RULE 11. RECORDING OF JUDICIAL PROCEEDINGS

All persons, except those authorized by the court to preserve the record, shall refrain from the broadcasting, televising, recording, or taking of photographs in the courtrooms, unless otherwise permitted by the court.

[Oct. 22, 1991. Amended Nov. 15, 2022, eff. Jan. 1, 2023.]

RULE 13. COMMUNICATIONS WITH COURT

Rule 13.1 Oral Communications with the Court

The court will not permit private interviews, arguments or communications where interests to be affected thereby are not represented, except in cases where provision is made by law for ex parte application. Any such attempt will be summarily terminated by the court. Attorneys are admonished to inform clients of this rule.

[Oct. 22, 1991.]

Rule 13.2 Written Communications with the Court

A copy of all written communications to the court should be mailed or delivered to the attorney for each party who is represented by counsel, and to each party who is not represented. Such communication should reflect on its face that such copies have been mailed or delivered as required by this rule.

Ex parte communications with the court regarding cases will not be permitted in the absence of exigent circumstances.

[Oct. 22, 1991.]

RULE 17. TIME STANDARDS

[No local rule]—See Supreme Court Operating Rule 17.

[Oct. 22, 1991.]

GENERAL RULES

RULE 21. ATTORNEYS

Rule 21.2 Entries of Appearance

Retained or appointed counsel shall promptly file a formal entry of appearance in all criminal matters after being retained or appointed in the associate circuit court division and in the circuit court division.

[Oct 22, 1991.]

Rule 21.3 Conduct of Attorneys

All attorneys shall conduct themselves in such a way as to not disrupt or impede the work of the court.

[Oct. 22, 1991.]

Rule 21.4 Withdrawal of Attorneys

An attorney who desires to withdraw as attorney of record for any party to any pending action shall comply with the following procedures:

(1) The attorney shall file a written motion requesting leave of court to withdraw. The reason for the request must be set forth in the motion.
(2) A copy of the motion and a notice of the date and time at which the moving attorney will call up the motion before the court for hearing shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, at least 10 days prior to the date for calling up the motion, unless other counsel has entered appearance for the client.
(3) If no other attorney has entered an appearance for the withdrawing attorney's client, the last known address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.

[Oct. 22, 1991.]

Rule 21.5 Failure of Attorney to Answer Docket Call

See Rule 37.

[Oct. 22, 1991.]

Rule 21.6 Appointment of Attorneys

See Rule 67.5.1

[Oct. 22, 1991.]

Rule 21.8 Advice to Client and Witnesses of Courtroom Procedure

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

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

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

RULE 23. TRANSCRIPTS

See Rule 10.

[Oct. 22, 1991.]

RULE 24. EXHIBITS

The attorney is responsible for all exhibits before, during and after trial. Exhibits should be marked for identification prior to trial. All exhibits shall remain in the custody of the attorney introducing the same, but subject to the inspection of the opposing counsel upon reasonable notice, unless otherwise ordered by the court.

[Oct. 22, 1991.]

PRETRIAL MATTERS

RULE 32. DISCOVERY

Rule 32.2 Interrogatories

Any party propounding interrogatories shall leave an appropriate space for the answer to each interrogatory. The answers to interrogatories will be typewritten in the spaces provided following each interrogatory. In the event an answer is too lengthy to place in the space provided, it shall be attached as an appendix and clearly identified.

Copies of all interrogatories and answers thereto shall be sent to all parties.

Objections to interrogatories shall be considered a motion for the purposes of this rule and shall be set forth in a pleading containing only the objections and no other matter.

Rule 32.2.1 Pattern Interrogatories

Any party propounding interrogatories in third-party auto accident cases and slip and fall cases shall use pattern interrogatories approved by the court. Without leave of court, no objections to the pattern interrogatories will be entertained by the court.

Any party may propound additional interrogatories without leave of court.

Any pattern interrogatories in family law cases shall be governed by Rule 68.

Copies of the approved pattern interrogatories are available at each circuit clerk's office within the circuit.

[Oct. 22, 1991. Amended eff. April 17, 2009.]

Rule 32.3 Depositions

Whenever an objection is made at a deposition and the witness is directed not to answer or refuses to answer a question, the attorney propounding the question may request that the question and grounds for refusal to answer or objection be transcribed immediately. At the request of any attorney or party, the transcription shall be taken forthwith before the circuit judge, or in his absence, before an associate circuit judge within the county for which he is an associate circuit judge and may be ruled upon. Such judge shall have full power to enforce such ruling as provided by law.

[Oct. 22, 1991.]

Rule 32.4 Motion for Sanctions

If any party shall violate any of the rules without just cause or excuse, the aggrieved party may move for appropriate sanctions, and the court upon that motion or its own motion, may strike pleadings or motions of the disobeying party, render judgment by default or impose any penalty it may deem advisable in its discretion.

[Oct. 22, 1991.]

RULE 33. PRETRIAL MATTERS

Rule 33.2 Briefs in Support of Motions, When Required

The original and at least one copy of each motion and suggestions, if any, in support thereof or opposition thereto shall be filed with the circuit clerk. The original will be maintained in the court file. The copies will be delivered by said clerk to the judge hearing said cause for his consideration. A copy of the pleadings to which the motion or suggestions is directed shall be attached to it along with the suggestions.

Motions will be ruled as follows:

(a) Motions without suggestions may be ruled summarily in chambers without prior notice to any attorney or party.
(b) When suggestions are filed with a motion, opposing parties or attorneys shall have 10 days to file opposing suggestions.
(c) The court may require an attorney to submit suggestions on any motions.
(d) If the moving party or opposing party submits with his motion and suggestions in support thereof, an affidavit signed by the party or his attorney, stating it is necessary to support his motion or suggestions by testimony and exhibits which cannot be submitted by affidavit and the request is not being made for any vexation or delay, the same will be allowed.
(e) Notice of the court rulings shall be mailed by the clerk to all attorneys of record and directly to parties who are proceeding without counsel.
(f) Motions for temporary relief in dissolution of marriage cases or change of judge need not be accompanied by suggestions.

[Oct. 22, 1991.]

Rule 33.3 Oral Arguments —When Desired and How Requested

In any case where testimony and evidence is permitted, the court may waive filing of suggestions in support thereof.

If testimony has been presented on a motion, arguments may be presented at that time, otherwise, there is no rule permitting oral arguments, except that oral arguments may be requested prior to ruling on Motions for New Trial and Motions for Summary Judgments. Rulings on such requests shall be discretionary with the court.

[Oct. 22, 1991.]

Rule 33.4 Motions in Limine

Disposition of these motions is provided by Local Rule 35 and Supreme Court Rule 62.01.

[Oct 22, 1991.]

RULE 34. CONTINUANCES

Rule 34.1 Civil Cases

Applications for continuances shall be in writing unless there is an oral motion seeking that relief, joined with a request to file a written motion. For good cause shown, the court may continue a civil action to a fixed day, or to a day for trial to be set thereafter. Every

continuance granted on the application of a party may be at the cost of such party, if so ordered by the court. Oral request may be submitted to the court on a telephone conference call and the court's action thereafter reduced to writing. No case may be continued by agreement of counsel unless the court also agrees to said continuance.

[Oct. 22, 1991.]

Rule 34.2 Criminal Cases

Same as 34.1.

[Oct. 22, 1991.]

RULE 35. PRETRIAL CONFERENCE

The court, on its own motion or on motion of any party, may order a pre-trial conference in any civil or criminal action. All pre-trial conferences shall be attended by the lead trial attorneys unless excused by the court. In order to maximize the efforts to achieve resolution and identification of issues, the court may order the parties to attend the conference and may require counsel and/or the parties to have full dispositive authority present at the hearing of any and all issues.

[Oct. 22, 1991. Amended April 18, 2003, eff. April 23, 2003.]

RULE 36. SETTING CASES FOR TRIAL

Rule 36.1 Request for Trial

Any civil case which is an issue may be set on any law day if either attorney of record prepares and files a notice five (5) days in advance requesting the case be set. Any case removed from a trial setting may be placed on any subsequent law day docket at the direction of the circuit judge. Requests for settings should not be made unless all discovery is complete or will be completed before the trial setting. If either attorney denies that the case is at issue or that all discovery is not completed, he shall file written suggestions setting forth what pleadings have not been filed, or the names of persons who have not been deposed or who have failed to answer an interrogatory or have failed to produce documents requested.

Criminal cases will be placed on the law day docket by the circuit judge on his own motion for setting. If the prosecuting attorney or defense attorney denies the case is at issue, he shall file a motion in accordance with the provisions of Rule 33.2.

[Oct. 22, 1991. Amended Dec. 1, 1997; amended Nov. 15, 2022, eff. Jan 1, 2023.]

Rule 36.7 Special Assignments

When a circuit division case is assigned to an associate circuit judge in the county for which he is a judge, other than Howell County, settings for trial, motions, and other evidentiary hearings may be obtained by giving the opposing party five (5) days' written notice thereof prior to the regular associate division docket call in that county. Circuit Division cases in Howell County assigned to a Howell County Associate Circuit Judge shall be set as provided in Rule 36.1.

When an associate circuit judge is assigned to a case in other than his county, settings shall be made as directed by the judge.

[Oct. 22, 1991. Amended Dec. 1, 1997.]

RULE 37. DISMISSALS

Rule 37.1 Dismissal Docket

A dismissal docket shall be prepared by the clerk and scheduled for the first law day or regular session day of each of the courts in the circuit in the months of January and June. Included in this docket shall be the following:

(a) All cases which have had no judicial activity or entry in the preceding 180 days.
(b) Any case which is in violation of Supreme Court Time Standards.
(c) Any case designated by the judge assigned to that case.

Any case may be removed from the dismissal docket at the discretion of the judge assigned to that case. Copies of the dismissal docket shall be available to all attorneys of record and unrepresented parties at least 7 days prior to each dismissal docket call. Any cases not receiving announcement at the docket call shall be dismissed without prejudice, unless the assigned judge finds good cause to do otherwise. Failure to receive notice of the dismissal docket shall not constitute good cause, except at the discretion of the judge on the case.

Upon calling the dismissal docket, attorneys shall be prepared to announce to the court what action is anticipated on each case.

If no action is taken or contemplated, the case may be dismissed upon the court's own motion without prejudice, and without further notice to the parties or the attorneys, and shall be reinstated only upon written motion and for good cause shown. Dismissal may also be with prejudice.

It shall be the duty of the clerk to notify all attorneys and parties not represented by counsel of the orders of the court concerning their case if they are not present at the entry

thereof. Notice by ordinary mail or facsimile to the last known address of the party or their attorney shall be sufficient to comply with this rule.

[Oct. 22, 1991. Amended June 28, 1993; amended, eff. Feb. 1, 1996.]

Rule 37.2 Reinstatement of Cause

It shall be reinstated only upon written motion and for good cause shown.

[Oct. 22, 1991.]

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

Rule 41.1 Notice of Settlement

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

[Oct. 22, 1991.]

RULE 42. DEFAULT

See Rule 2.4.

[Oct. 22, 1991.]

TRIALS

RULE 51. COURT-TRIED CASES

Rule 51.1 Default and Uncontested Matters

See Rules 2.4, 42 and 54.2.

[Oct. 22, 1991.]

Rule 51.2 Contested Matters

The court shall commence each day at 9:00 a.m. Attorneys having cases or motions pending before the court shall be ready to proceed at that time and have their witnesses available.

[Oct. 22, 1991.]

Rule 51.3 Preparation of Findings of Fact and Conclusions of Law

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

[Oct. 22, 1991.]

RULE 52. SELECTION OF JURY

The associate circuit judge of each county shall serve as a jury commissioner in the county where he is the associate circuit judge, except in Howell County where the circuit judge shall serve.

The jury term shall be for two months in Howell County, and for one year in Shannon and Oregon Counties.

The jury commissioner's business in each county of the circuit shall proceed in the following order:

(a) The board of jury commissioners shall compile and maintain a list of potential jurors and their addresses which shall be not less that 5% of the total population of the county as determined by the last decennial census, provided that in no event shall the list contain less than 400 names. This list shall be known as the master jury list and in compiling it, the board of jury commissioners shall consult one or more public records and select the names at random from such records.

(b) Not less than 15 days before the commencement of the jury term, the board of jury commissioners shall meet and draw at random from the master jury list the names of as many prospective jurors for the petit jury panel as the court may require for the term for which selected. Each person so selected as a prospective juror shall be served with a summons for jury service and a juror qualification form by the sheriff or by ordinary mail, as determined by the board of jury commissioners.

(c) At the discretion of the circuit or associate circuit judge serving on the jury commission, the proceedings of the jury commission may be on the record. The commission may also meet at other times as it shall determine necessary to conduct its business.

The jury term shall commence on the first day of the following month after their names have been drawn.

Nothing contained in (a), (b) and (c) above shall prevent the jury commission from causing the list of names and addresses of qualified jurors to be stored upon magnetic tape, disks or similar devices which are part of a data processing system provided the following standards are met:

(1) The list from which the selection is made shall not include any information concerning the prospective juror other than his name, address, telephone numbers at home and work, sex, and birth date.

(2) Such list shall be updated at least annually to add or purge names of prospective jurors.

(3) Any of the following lists may be utilized in establishing the juror list.

(a) Voter registration;
(b) Personal property tax rolls;
(c) Directories;
(d) Driver's license lists.

(4) The magnetic tape, disk or storage device upon which the list is kept shall remain in the custody of the clerk of the board of jury commissioners. No person shall have access to such device, other than the jury commissioners, the State Court Administrator's Office and personnel in the circuit clerk's office. The clerk shall maintain a log containing the name, date and purpose of all uses of the device upon which the list is stored. A printed copy of the list may be made available on the order of any judge in the circuit court.

Nothing contained in paragraphs (1) through (4) above shall invalidate the jury selection process, provided there has been substantial compliance with the Missouri statutes.

[Oct. 22, 1991. Amended Nov. 15, 2022, eff. Jan. 1, 2023.Amended December 18, 2024. Amended January 29, 2025]

Rule 52.1 Jury Qualification Forms

The jury qualification form, as approved by the circuit court en banc, is available upon request from the circuit clerk. It shall be served on the prospective juror as provided in Rule 52(b).

Upon the return of all the jury qualification forms, the jury commission may reconvene for selecting additional jurors.

The jury qualification form is also a matter of public record and may be inspected by the attorney at any time prior to trial. At the completion of the voir dire examination, it is the responsibility of the attorney to return his copy of the jury qualification form to the clerk.

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

(a) To allow all parties the opportunity to investigate potential jurors prior to trial, and upon written request of counsel, the circuit clerk shall no later than the Friday prior to trial make available copies of all juror questionnaires. Investigation during trial will be permitted only with leave of court.

[Oct. 22, 1991. Amended eff. Jan. 1, 2011.]

RULE 53. JURY TRIALS

Rule 53.1 Instructions

Attorneys shall have all of the instructions prepared and ready for submission prior to final arguments.

[Oct. 22, 1991.]

Rule 53.2 Closing Arguments

An attorney will be given a reasonable time for argument.

[Oct. 22, 1991.]

RULE 54. JUDGMENT ENTRY

Rule 54.1 Contested Cases

Unless otherwise ordered, the attorney for the prevailing party shall prepare a proposed judgment or decree within 20 days after the minute entry and submit same to the opposing attorney for all parties and to the Court. Any objections to the proposed judgment or decree shall be made within 5 days thereafter and shall be accompanied by suggested changes or corrections.

[Oct. 22, 1991.]

Rule 54.2 Default or Uncontested Cases

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

[Oct. 22, 1991.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION

Rule 61.1 Filing Requirements

At the time of filing the petition, counsel for the petitioners shall file a Certificate of Adoption (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360, RSMo 1978.*

[Oct. 22, 1991.]

*Repealed. See, now, section 193.125.

Rule 61.2 Home Study

Unless waived pursuant to statute, upon the filing of a petition for adoption, petitioners shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child.

[Oct. 22, 1991. Amended eff. Dec. 14, 2009.]

RULE 62. DRIVERS' CASES

Rule 62.1 Application for Hardship Driving Privileges

See Rule 2.2.2(d).

[Oct. 22, 1991.]

Rule 62.2 Petitions for Review

See Rule 2.2.2(d)

[Oct. 22, 1991.]

RULE 64. CASES ARISING UNDER CHAPTERS 207 AND

208, RSMO 1978 (COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)

[No local rule.]

RULE 65. CIVIL COMMITMENT

The prevailing attorney shall prepare the judgment of commitment. Said commitment shall include findings of fact, conclusions of law and recite the commitment and the manner of purge, if any, of order of commitment.

[Oct. 22, 1991.]

RULE 67. CRIMINAL CASES

Rule 67.1 PRETRIAL RELEASE

Rule 67.1.1 Motions to Set Bond and for Bond Reduction

See Supreme Court Rule 33.09.

Rule 67.1.2 Deposit of Operator's License

(No local rule.)

[Oct. 22, 1991.]

Rule 67.5 ARRAIGNMENT

Rule 67.5.1 In General.

If a criminal defendant is held or bound over for action in the circuit court, the associate circuit judge conducting the preliminary proceedings shall order the defendant to appear for arraignment not later than the second scheduled law day following such preliminary proceedings.

If a misdemeanor or municipal case is transferred to the circuit clerk to be heard by the circuit judge, pursuant to an application for trial de novo or after certification for jury trial, the defendant shall appear for arraignment on the second law day following the date of filing his application for trial de novo or the filing of the request for jury trial resulting in certification. The clerk of the circuit court shall be responsible for placing such cases on the docket for said law days.

Rule 67.5.2 Dates

(No local rule.)

[Oct. 22, 1991.]

Rule 67.7 Motions

See Rule 33.

[Oct. 22, 1991.]

Rule 67.8 Plea Bargaining

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

[Oct. 22, 1991.]

Rule 67.9 Guilty Plea

Rule 67.9.1 Where Entered

(No local rule.)

Rule 67.9.2 Petition to Enter a Plea of Guilty.

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

Rule 67.9.3 Criminal History of Defendant.

In all criminal cases presented by plea agreement the prosecutor shall provide to the sentencing judge a full criminal history of the defendant unless specifically waived by the judge in any individual case.

[Oct. 22, 1991. Amended March 7, 2005, eff. March 11, 2005.]

Rule 67.11 Probation and Parole

Whenever a probation or parole violation report is filed by the prosecuting attorney or the Missouri State Board of Probation and Parole, the case shall be docketed no later than the second law day following the filing of such report with the clerk. If the defendant is in custody under warrant, the sheriff shall be notified to have the defendant before the court on said law day. If the defendant is free, he shall be summoned to appear on said law

day. The clerk shall also notify the prosecuting attorney and the parole officer that said case is on the docket for said law day.

[Oct. 22, 1991.]

Rule 67.12 Licensed Bondsman

The respective Clerk of each of the Circuit Courts of the 37th Circuit shall provide by e-mail and printed copy, on the 1st day of each month, a complete list of the Bondsmen, licensed to write bonds in the State of Missouri. The list is found in the OSCA Court Information Center under TOPICS and BAIL BONDS.

RULE 68. DISSOLUTION OF MARRIAGE

Rule 68.1. Filing Requirements

At the time of filing the petition, the attorney for the petitioners shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.205, RSMo.

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

[Oct. 22, 1991. Amended eff. Dec. 23, 2009.]

Rule 68.2. Separation Agreement

In all cases where written separation agreements are made under the provisions of Section 452.325, R.S.Mo. 1978, a copy of such executed agreement shall be submitted to the court prior to the hearing.

[Oct. 22, 1991. Amended eff. Dec. 23, 2009.]

Rule 68.3. Forms of Decrees

In all cases in which the court shall render final judgment, adjudging or decreeing a conveyance of real estate, or that any real estate pass, or shall render any final judgment quieting or determining the title to any real estate, the party in whose favor the judgment or decree is rendered shall cause a copy thereof to be recorded in the office of the recorder of the county wherein the lands passed or to be conveyed or the title to which is quieted or determined to lie; except in dissolution of marriage cases, a certified copy of the decree of the court affecting title to real estate may be filed for record in the office of the recorder of deeds of the county and state in which the real estate is situated by the clerk of the court in which the decree was made, and the filing fee shall be taxed as costs in the case. All

decrees in dissolution of marriage cases affecting title to real estate shall contain the addresses of all parties.

Only minute entries will be made by the court. Unless waived by counsel in open court or unless an agreement to the contrary is reached, the prevailing counsel, or counsel designated by the court, shall prepare a proposed final decree within five (5) days after the minute entry and submit same to opposing attorney.

[Oct. 22, 1991. Amended eff. Dec. 23, 2009.]

Rule 68.4. Filing of Discovery

If a party desires to submit interrogatories, requests for admissions, or requests for production of documents in a dissolution of marriage, legal separation, motion to modify, or paternity action, the same shall be submitted within 90 days after service of summons with a copy of the petition or motion to modify on the other party.

The interrogatories set forth in Form 68.4 of these rules are approved by the court en banc by this rule, and their use shall be mandatory by parties desiring to file interrogatories in dissolution of marriage and legal separation cases. No objections to the pattern interrogatories shall be filed unless the objections are accompanied by a motion seeking leave to file the objections and setting forth the bases for the objections.

The court may on motion of a party allow the submission of additional interrogatories. The proposed additional interrogatories shall be included in or appended to the motion.

[Adopted Dec. 23, 2009.]

Rule 68.5. Consolidated Statement of Property and Income and Expense Statement

(a) A Consolidated Statement of Property and Debts using Form 68.5(a) shall be filed in every contested dissolution of marriage and legal separation action before the commencement of the trial. Not less than fifteen (15) days before the commencement of the trial Petitioner shall complete and provide Respondent with a Consolidated Statement of Property and Debts on the form set forth in Form 68.5(a) in the Appendix of Forms of these rules, together with an electronic copy thereof in CD-ROM Microsoft Excel compatible form. Respondent shall complete the statement, adding thereto any property or debts Petitioner failed to include, and return the same to Petitioner, together with the CD-ROM, at least ten (10) days before the trial. If the parties are not able to agree whether certain item(s) of property are marital or nonmarital, said item(s) shall be listed under category of Disputed Classification of Property as Marital or Nonmarital.

(b) A statement of income and expenses using Form 68.5(b) shall also be filed with the court prior to trial in all contested cases. The statement shall be on the form set forth in Form 68.5(b) in the Appendix of Forms of these Rules, or substantial equivalent.

(c) If the parties fail to file the Statements with the court as provided herein, the court may continue the case and impose such sanctions as the court deems appropriate, including ordering the party and/or his attorney who is primarily at fault for the Statement not being filed to pay attorney fees and costs to the other party or attorney which results from the case being continued or delayed.

[Adopted Sept. 18, 2009. Amended eff. Dec. 23, 2009. Amended eff. Feb. 23, 2016.]

Rule 68.6. Modification of Decree

Cases involving the modification or enforcement of domestic relations judgments or orders shall be heard as follows:

(1) First, by the judge who executed the judgment or order in issue if said judge is presently serving on the bench in the 37th Judicial Circuit.

(2) Otherwise, in accordance with regular assignment rules and procedures for like domestic relations cases.

Rule 68.7. Family Access Law

Upon filing of a motion pursuant to §452.400.3 *et seq.* (Family Access Law) the clerk shall collect the regular filing fee plus $25.00 as authorized by statute. The $25.00 fee shall be immediately forwarded to the county treasurer. Upon receipt of the respondent's entry of appearance, the clerk shall immediately refer the parties to the Alternative Dispute Resolution (ADR) contract provider and shall advise the county treasurer to forward the $25.00 fee to the contract provider under standing rule of this Court. Said provider shall offer any available and appropriate services designed to resolve any issues contested between the parties, and shall report its actions and recommendations to the Court within 45 days. Upon receipt of such report, the Court shall docket the cause for final disposition.

Any judge to whom such case is assigned may waive ADR and proceed therein judicially without prior mediation services.

Rule 68.8. Parent Education Program

(1) Pursuant to R.S.Mo. §452.600 *et seq.,* there is hereby established a program for education for parties to actions for dissolution of marriage, paternity actions where paternity has been established or is not in dispute, or in post-judgment proceedings involving custody or support, concerning the effects of dissolution of marriage or separation of parents on minor children of the marriage, and the benefits of alternative dispute resolution, including mediation. The program shall be known as the Parent Education Program.

(2) The program shall be taught by a person who both possesses the qualifications set forth in Supreme Court Rule 88.05 and has been approved by the court. The circuit clerk of each county shall maintain a list of persons who have been approved by the court.

(3) In an action for dissolution of marriage or legal separation involving minor children, or in a post-judgment proceeding wherein custody of minor children is to be determined by the court, the court shall, except for good cause, order the parties to attend educational sessions concerning the effects of custody and the dissolution of marriage on children. "Good cause" shall be liberally construed and includes, but is not limited to, situations where the parties have stipulated to the custody and visitation of the child, or a finding by a court with jurisdiction after all parties have received notice and an opportunity to be heard that the safety of a party or child may be endangered by attending the educational sessions.

(4) As provided in R.S.Mo. §452.610, the costs of the program shall be less than $75.00 per person and shall be borne by the parties as deemed equitable and ordered by the judge in each individual case.

Rule 68.9. Mediation

(1) As authorized by R.S.Mo. §452.372.4 and Supreme Court Rule 88.02, there is hereby established a mediation program for child custody and visitation disputes.

(2) The program shall comply with Supreme Court Rules 88.03—88.08, inclusive.

(3) The costs of the program shall be paid by the parties as deemed equitable and ordered by the court.

Rule 68.10. Fees for Court Appointed Attorneys

In all Family and Juvenile Court cases wherein the court has appointed an attorney for any child or for either parent, the attorney may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings, or from public funds as allowed by law. Such an award of fees shall constitute a final judgment in favor of the attorney. In all such cases in which a request for fees is made, the attorney shall file with the court, within 90 days of the date of the provision of any services, a written request for fees, including as an attachment an itemization of services performed in that 90 day period. Requests for fees more than 90 days after services have been rendered shall be denied. A reasonable standardized fee for any attorney fee to be so paid may be set by the court en banc.

[Oct 22, 1991; Amended December 4, 2020; Eff 1-1-2021]

Rule 68.11. Entry of Judgment Upon Affidavit

(A) Final Orders Entered—When

1. Final orders in any proceeding for dissolution of marriage or legal separation may be entered upon affidavit of either or both parties when:

a. The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has filed a verified entry of appearance or other responsive pleading;

b. There is no marital property to be divided or debts to be apportioned, or the parties have entered into a written settlement agreement providing for the division of their marital property and apportionment of marital debts; and,

c. There are no minor children of the parties, or the mother is not pregnant and the parties have entered into a written parenting plan which complies with statutory requirements and a Form 14 accurately reflecting the party's income and the child support amount obligation resulting therefrom;

d. The parties have filed a proposed judgment including all necessary findings and exhibits; and

e. There is no request for maintenance.

2. Final orders in any proceeding for change of name, or in any other matter falling within the exclusive jurisdiction of the Family Court as defined under RSMo. §487.080, may be entered upon affidavit when any person entitled to service has been served or has filed an entry of appearance or other responsive pleading.

(B) Affidavit—Filing

If one party desires to submit the matter for entry of final orders upon affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the court's jurisdiction and containing factual averments sufficient to support the relief requested, together with a copy of a proposed judgment or order; and a copy of any written settlement agreement and any other supporting evidence. The filing of such an affidavit shall not be deemed to shorten any statutory waiting period required for the entry of a judgment of dissolution of marriage or legal separation.

(C) Hearing Required—When

The court shall not be bound to enter any judgment or order upon affidavit(s) of either or both parties, but may, on its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

(D) Affidavit Docket

The circuit clerk may establish an affidavit docket for entry of judgments submitted by affidavit. The times and dates of said docket shall be set by the assigned judge from time to time. So long as the requirements of Subsection A have been met, a matter may be submitted by affidavit at any time or, upon motion of either party, on a date certain. Upon

the setting of a case on a specific affidavit docket for entry of final order, if all documents necessary for entry of the judgment are not submitted to the court on said date, absent a showing of good cause, the case shall be set for trial by counsel for the parties, or if one or both counsel fail to appear, by the court.

[Adopted eff. April 17, 2009. Amended December 28, 2019, eff. January 1, 2019]

RULE 69. MUNICIPAL DIVISION

See Rule 1, Rule 2.2.6, Rule 4.3.3, Rule 5.1.

[Oct. 22, 1991.]

RULE 72. PROBATE

See Rule 2, Rule 3, Rule 4.3.1, and Rule 5.1.

[Oct. 22, 1991.]

RULE 74. TRUST ESTATES

Rule 74.1 Inventory

See 456.200 through 456.220, RSMo.

[Oct. 22, 1991.]

Rule 74.2 Reports

See 456.200 through 456.220, RSMo.

[Oct. 22, 1991.]

Rule 74.3 Records

See 456.200 through 456.220, RSMo.

[Oct. 22, 1991.]

Rule 74.4 Audit

See 456.200 through 456.220, RSMo.

[Oct. 22, 1991.]

POST TRIAL

RULE 81. EXECUTIONS

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

(a) Style and number of cases in which judgment was obtained;
(b) Date of judgment entered or last revived;
(c) The amount of the original judgment, the amount of accrued interest on the original judgment, and the amount of the judgment and interest still unsatisfied;
(d) The full name and current address, if known, of the judgment-debtor;
(e) A full description of the property to be executed on;
(f) The return date of the execution (30, 60, 90, 180 or Continuous);
(g) Any special instructions to be provided to the sheriff performing the execution.

[Oct. 22, 1991. Amended Dec. 1, 1997. Amended December 28, 2018, eff. January 1, 2019]

INTERNAL ORGANIZATION

RULE 100. [INTERNAL ORGANIZATION]*

*Suggested title added by Publisher.

Rule 100.1 Presiding Judge

The circuit judge shall be the presiding judge.

100.1.1 Election. The judges of the circuit shall meet once every two years, or more often at the call of the presiding judge, for the purpose of conducting the necessary affairs of the circuit. The meetings may be reported by the official court reporter.

100.1.2 Duties of the Presiding Judge. The presiding judge shall be the administrative authority over all judicial matters and personnel of the circuit, and shall preside at all meetings of the court en banc.

100.1.3 Dispute Resolution—Procedure

(No local rule.)

[Oct. 22, 1991.]

Rule 100.2 Local Court Rules

100.2.1 Formulation. (No local rule.)

100.2.2 Publication. See Supreme Court Administrative Rules 6.02 and 6.03.[1]

[Oct. 22, 1991.]

1. Designation "Administrative Rule" was changed to "Court Operating Rule" by order of the Supreme Court of Missouri dated Feb. 22, 2000.

Rule 100.3 Library Fund

The law library fee as set forth in Rule 5.2 shall be deducted by the clerk of the court and forwarded at the end of each month to the designated treasurer of the county law library.

100.3.1 Treasurer. The Associate Circuit Judge of Oregon, and Shannon Counties is designated as treasurer of the law library fund in his respective county with full control and authority over said fund as is given in Section 488.429, RSMo to the circuit judge.

[Oct. 22, 1991. Amended Dec. 2, 2002, eff. March 13, 2003; amended Nov. 15, 2022, eff. Jan. 1, 2023.]

RECORDS AND FILES

Rule 100.4 Storage of Records

100.4.1 Reproduction, Preservation, Archival Storage, and Disposal of Original Circuit Court Files and Their Contents. The circuit clerk is responsible for the storage and retrieval of files, with the exception of the probate and municipal files when they are no longer pending in the associate judge's division, and may require that the division clerk store and retain closed files.

100.4.2 Reproduction and Preservation of Court Records Other Than Files and Their Contents—[No local rules.]

100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes—[No local rule.]

100.4.4 Identification of Reporter's 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 Records. The presiding judge is authorized by the court en banc to approve, without further reference to the court en banc, the destruction of records of any division of this court, subject to the written recommendation of the judge who sits in the division from which the records originate, and in accordance with Supreme Court Rule or statutory authority.

[Oct. 22, 1991. Amended Dec. 1, 1997.]

RULE 103. ELECTRONIC FILING

Rule 103.01 Electronic Filing

Rule 103 and Court Operating Rule 27 govern all matters subject to electronic filing.

Rule 103.02 Registration

Registration for electronic filing shall be made as required by Court Operating Rule 27.

Rule 103.03 Files of the Court

(a) When a court accepts an electronic document for filing, the electronic document is the official court record.

(b) If a court digitizes, records, scans, or otherwise reproduces a document that is filed in paper into an electronic record, document, or image, the electronic record, document, or image is the official court record. The court may then destroy the paper document unless that document is required to be preserved by law or court order.

(c) For the convenience of the court, in additional to any electronic document filed as the official court record, a party or amicus curiae may submit to the court a copy of an electronic document on read-only disc (CD-R or DVD-R). A copy of any such disc also shall be provided to all other counsel and all self-represented parties.

The electronic document shall be submitted in text searchable PDF that must be identical in content and format as the electronic document filed as the official court record, except that the document may also include hyperlinks to the complete text of any authorities cited therein and to any document or other material contained in the record on appeal. In order for the hyperlinks to function property, the record (or the cited portions of the record) and authorities must be included on the same discs as the electronic document.

An adhesive label shall be affixed to each disc legibly identifying:

(1) The caption of the case;

(2) The party filing the disc;

(3) The disc number (e.g. "Disc 1 of 2").

The filing party shall certify that the disc has been scanned for viruses and that it is virus-free.

(d) An electronic document requiring a signature shall be signed by an original signature, stamped signature or an electronic graphic representation of a signature, or in the following manner: /s/ John or Jane Person.

Rule 103.4 No Rule

Rule 103.05 Electronic Filing with the Court

(a) Any filing shall be made with the clerk of the court through the electronic filing system. Attachments, including exhibits, that are part of any filing shall be filed electronically at the same time.

(b) An attachment or exhibit that exceeds the technical standards for the electronic filing system or is unable to be electronically filed must be filed with the court on approved media as defined in Court Operating Rule 27. When an attachment or exhibit is filed on approved media, a notice of exhibit attachment shall be filed through the electronic filing system.

Rule 103.06 Electronic Filing Deadlines

(a) Electronic filing is permitted at all times when the electronic filing system is available. If the electronic filing system is unavailable at the time the user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.

(b) If a registered user believes the unavailability of the electronic filing system prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten days of the user's first unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.

(c) If the court determines that the unavailability of the electronic filing system prevented the court from receiving the filing, the court shall deem the document filed on the day that the user initially attempted to file the document.

(d) The filing deadline for any document filed electronically is 11:59:59 p.m. central time.

(e) A document is submitted for filing when the electronic filing system receives the document and sends a confirmation receipt to the filer. The electronic filing system will issue a confirmation receipt that includes the date and time.

(f) If the clerk accepts a document for filing, the date and time of filing entered in the case management system shall be the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of filing on the document.

Rule 103.07 Verified Documents and Affidavits

A document required by law to be verified, to be signed under penalty of perjury, or to be signed by a notary public, may be filed as an electronic document if the affiant, declarant, or notary public has signed a paper document. Until the entire case is finally disposed, the registered user shall be the custodian of the paper document.

Rule 103.08 Service

Service shall be made to registered users through the electronic filing system and to all others as provided in Rule 43.01(c). Service by the electronic filing system is complete upon transmission except that, for the purpose of calculating the time for filing a response, a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m. shall be considered complete on the next day that is not a Saturday, Sunday, or legal holiday.

Rule 103.09 Notice of Entry of Orders and Judgments

Any notice to the parties required by Rule 74.03 shall be made to the registered users through the electronic filing system and to all others as provided in Rule 43.01.

Rule 103.10 Issuance of Summons

If the electronic filing system is used to file a document that must be served with a summons, the clerk shall transmit the summons electronically to the registered user.

Rule 103.11 Electronic Signature

All judges handling cases in Shannon County are encouraged to obtain an electronic signature from OSCA and complete the Electronic Training Plan outlined on the Missouri Court Information Center.

[Sept. 30, 2013. Amended Dec. 28, 2018, eff. Jan. 1, 2019]