

RULES OF COURT
THIRTY-SECOND JUDICIAL CIRCUIT
BEING THE COUNTIES OF
CAPE GIRARDEAU, BOLLINGER and PERRY,
STATE OF MISSOURI

TABLE OF CONTENTS

ADMINISTRATION

RULE	PAGE
1. DIVISIONS OF COURT.....	1
2. HOURS AND TERMS OF COURT.....	1
2.1. Hours of Court	
2.2 Terms of Court	
2.3 Law Days	
2.4 Particular Matters on Particular Days	
3. PLEADINGS.....	2
4. FILING OF CASES.....	2
4.1 Criminal Cases	
4.2 Civil Cases	
4.3 Probate Cases	
4.4 Juvenile Cases	
4.5 Small Claims Cases	
4.6 Municipal Cases	
5. FILING FEES, DEPOSITS, AND COSTS	3
5.1 Filing Fee and Cost Deposit	
5.2 Costs	
5.3 Witness Fees	
5.4 Waiver of Fees	
5.5 Motion for Security for Costs	
5.6 Special Process Servers	
6. ASSIGNMENT OF JUDGES, CASES, & TRANSFER OF CASES.....	5
6.1 Assignment to Associate Circuit Judge	
6.1.1 Assignment of Division IV Conflict Cases	
6.2 Assignment by Local Court Rule or Order	
6.2.1 Domestic Relations Cases	
6.2.2 Assignment of Criminal Non-Support Cases	
6.2.3 Stipulation for Plea	
6.2.4 Assignment Upon Disqualification of Both Circuit Judges	
6.3 Special Assignment	
6.4 Assignment to Circuit Judges	

6.5	Municipal Division Assignment	
6.6	Absence of Circuit or Associate Judge	
6.7	Absence of Presiding Judge	
7.	WITHDRAWAL OF PAPERS FROM CLERKS' OFFICE.....	9
7.1	When Allowed	
7.2	Duplicating Policy	
8.	DOCKETING OF CASES.....	10
8.1	Domestic Relations Cases	
8.2	Circuit Civil Cases	
8.3	Publication of Dockets	
8.4	Non-Issuance of Summons or Non-Est Return	
8.5	No General Continuances	
8.6	Dismissal Docket	
9.	COURTROOMS AND PROCEDURE.....	10
9.1	Assignment of Courtroom	
9.2	Place of Hearing	
9.3	Use of Counsel Table	
9.4	Courtroom Decorum and Dress	
10.	COURT REPORTERS & COMPENSATION FOR SAME	11
11.	RECORDING OF JUDICIAL PROCEEDINGS.....	11
12.	MONIES PAID INTO COURT	11
13.	COMMUNICATIONS WITH COURT	12
13.1	Oral Communications with the Court	
13.2	Written Communications with the Court	

GENERAL RULES

21.	ATTORNEYS	12
21.1	Resolution of Conflicting Trial Settings	
21.2	Entries of Appearance	
21.3	Conduct of Attorneys	
21.4	Withdrawal of Attorneys	
21.5	Failure of Attorneys to Answer Docket Call	
21.6	Appointment of Attorneys	
21.7	Agreement of Attorneys	
21.8	Advise of Clients and Witnesses of Courtroom Procedures	
22.	APPOINTMENT OF GUARDIAN AD LITEM	13

23.	TRANSCRIPTS	13
24.	EXHIBITS	14
25.	FACSIMILE FILING	14
26.	MOTIONS	14
32.	DISCOVERY	14
	32.1 Use of Discovery and Certification to Circuit Division	
	32.2 Interrogatories	
	32.3 Depositions	
	32.4 Motions for Sanctions	
	32.5 Criminal Discovery	
	32.6 Motions Relating to Discovery	
33.	PRE-TRIAL MOTIONS	15
	33.1 Hearing Dates	
	33.2 Briefs in Support of Motions - When Required	
	33.3 Oral Arguments	
	33.4 Motions in Limine	
	33.5 Notices	
34.	CONTINUANCES	16
	34.1 Civil Cases	
	34.2 Criminal Cases	
35.	PRE-TRIAL CONFERENCES.....	17
36.	SETTING CASES FOR TRIAL	17
	36.1 Request for Trial	
	36.2 Date of Calendar Call	
	36.3 Preparation of Calendar	
	36.4 Calendar Call	
	36.5 Inactive Calendar	
	36.6 Revision of and Removal from Prepared Calendar	
	36.7 Special Assignments	
37.	DISMISSALS	18
	37.1 Dismissal Docket	
	37.2 Reinstatement of Cause	
	SETTLEMENT AND DEFAULT	
41.	SETTLEMENT & DEFAULT.....	18

41.1	Notice of Settlement	
42.	DEFAULT	18
TRIALS		
51.	COURT TRIED CASES	18
51.1	Default and Uncontested Matters	
51.2	Contested Matters	
51.3	Preparation of Findings of Fact and Conclusions of Law	
52.	JURY SELECTION.....	18
52.1	Jury Questionnaires	
52.2	Summoning a Jury	
53.	JURY TRIALS	19
53.1	Instructions	
53.2	Arguments	
54.	JUDGMENT ENTRY	19
54.1	Contested Cases	
54.2	Default or Uncontested Cases	
54.3	Submission of Proposed Judgments	
RULES RELATING TO PARTICULAR ACTIONS		
61.	TRANSFER OF CUSTODY, ADOPTION	19
61.1	Filing Requirements	
61.2	Home Study	
62.	DRIVERS CASES	20
62.1	Applications for Hardship Driving Privileges	
62.2	Petitions for Review	
62.3	Breath Alcohol Content Test	
63.	ASSOCIATE DIVISION CASES	20
64.	CASES ARISING UNDER CHAPTERS 207 AND 208 RSMo (Commonly Known as Title IV-D and H.B. 601 Actions)	20
65.	CIVIL COMMITMENT.....	20
66.	CONDEMNATION	20
67.	CRIMINAL CASES	20

67.1	Pretrial Release	
67.1.1	Motions to Set Bond and for Bond Reduction	
67.1.2	Persons Authorized to Post Bonds	
67.1.3	Attorneys Signing or Posting Bonds	
67.1.4	Disbursal of Cash Bond Proceeds	
67.1.5	Deposit of Operator's License	
67.2	Preliminary Hearing	
67.3	Grand Jury	
67.4	Attorneys	
67.5	Arraignments	
67.5.1	In General	
67.5.2	Dates	
67.6	Discovery	
67.7	Motions	
67.8	Plea Bargaining	
67.9	Guilty Plea	
67.9.1	Where Entered	
67.9.2	Petition to Enter a Plea of Guilty	
67.10	Calendar	
67.11	Probation and Parole	
67.12	Formal Administrative Plan for Collection of Court Debt	
68.	DISSOLUTION OF MARRIAGE, LEGAL SEPARATIONS & MODIFICATIONS AND OTHER FAMILY LAW CASES.....	24
68.1	Filing Requirements	
68.1.1	Vital Statistics Report	
68.1.2	Parenting Plan	
68.1.3	Paternity Court	
68.2	Interim Family Law Order	
68.3	Forms of Judgment	
68.4	Filing of Financial Statements	

- 68.4.1 Dissolution Actions - Statements of Property & Income Required
- 68.4.2 Motion to Modify/Paternity
 - Statements of Property & Income Required
- 68.4.3 Supplemented Statements of Property & Income Required
- 68.4.4 Sanctions May be Ordered - When
- 68.4.5 Consolidated Statement Required – Time
- 68.4.6 Standard Discovery for Use in Contested Family Law Actions
 - 68.4.6.1 Dissolution - Standard Interrogatories Required
 - 68.4.6.2 Motion to Modify - Standard Interrogatories Required
 - 68.4.6.3 Parties Required to Exchange Documents
 - 68.4.6.4 Certificate of Service Required
 - 68.4.6.5 Requested Information Shall be Updated Prior to Trial
 - 68.4.6.6 Court May Authorize Additional Discovery and Extend Time for Filing
 - 68.4.6.7 Sanctions May be Imposed for Failure to Comply
 - 68.4.6.8 If Mediation is Ordered

68.5 Pro Se Litigant Awareness Program and Pro Se Pleadings, Forms, and Judgments

68.8 Entry of Judgment Upon Affidavit - Requirements

- 68.8.1 Final Orders Entered - When
- 68.8.2 Affidavit - Filing

68.11 Temporary Child Support

- 68.11.1 Either Parent May Move for Temporary Child Support
- 68.11.2 Verified Motion for Temporary Child Support
- 68.11.3 Copy of Motion to Other Parent
- 68.11.4 Time to Respond – Include Form 14
- 68.11.5 Court May Rule on Motion on Verified Motions and Response
- 68.11.6 Court May Require Hearing
- 68.11.7 The Time Shall Not Be Stayed or Tolloed

68.12 Domestic Call Docket and Pre-Trial Conference

- 68.12.1 Call Docket
- 68.12.2 Trial Setting
- 68.12.3 Pre-Trial Conference

68.13 Dismissal by Court

69. MUNICIPAL DIVISIONS 31

69.01 Operations of Municipal Divisions

- Part I: Courtroom, Clerk's Office, Records, Separation of Powers
- Part II: General Courtroom Procedures

Part III: Arraignment, Pleas, Financial Condition Inquiries, Indigency, Payment Plan, On-Line

Part IV: Defendants in Custody, Bonds, Warrants and Sentencing

Part V: Judges' Qualifications, Regulations and Duties

- 69.02 Registration of Municipal Judges
- 69.03 Jury Trials – Municipal Division
- 69.04 Disqualification of Judge
- 69.06 Adoption and Implementation of an Individualized Municipal Operating Rule

70.	PARTITION	62
71.	ADMINISTRATIVE REVIEWS	62
72.	PROBATE	62
	72.1 Adversary Proceedings	
73.	SMALL CLAIMS	62
74.	TRUST ESTATES	62
	74.1 Inventory	
	74.2 Reports	
	74.3 Record	
	74.4 Audit	

POST-TRIAL

81.	EXECUTION	62
82.	GARNISHMENT	62
83.	JUDICIAL SALE	62

INTERNAL ORGANIZATION

100.	JUDGES	63
	100.1 Presiding Judge	
	100.1.1 Election	
	100.1.2 Duties of Presiding Judge	
	100.2 Local Court Rules	
	100.2.1 Formulation	
	100.2.2 Publication	
	100.3 Library Fund	

RECORDS AND FILES

100.4 Storage of Records

- 100.4.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and their contents)
- 100.4.2 Reproduction and Preservation of Court Records Other Than Files (and their contents)
- 100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes
- 100.4.4 Identification of Reporter's Notes
- 100.4.5 Index
- 100.4.6 Storage of Records
- 100.4.7 Notes of Substitute Reporters
- 100.4.8 Storage of Notes upon Retirement, Termination or Death Of Court Reporter
- 100.4.9 Boxing and Storing of Old Notes
- 100.4.10 Responsibility for Furnishing Materials and Space for Storage Of Court Reporter Notes
- 100.4.11 Procedure for Expunging and Closing Criminal Records

100.5 Clerk's Duties

- 100.5.1 Monies Paid Into Court

100.6 Selection of Veniremen

101. ADMINISTRATIVE RULES 65

101.1 Time Standards

APPENDICES

APPENDIX A	66
APPENDIX B-1	67
APPENDIX B-2	68
APPENDIX C.....	69