

# **LOCAL COURT RULES**

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## **NINTH JUDICIAL CIRCUIT**

**OF**

**MISSOURI**

**Comprising the Counties of:**

**Chariton, Linn and Sullivan**

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**Revised 01/25/23**

**Effective 02/01/23**

## **CHANGES TO LOCAL COURT RULES**

12/95	RULE	
	2.2	changed
	2.3(a),(c)	changed
	2.3(d)	omitted
	3.3	changed
	6	changed
	6.1.1(1)	changed
	6.7	new
	6.8	new
	8.2	changed
	9.2	changed
	21.3	changed
	32.2	changed
	33.5	new
	36.3	changed
	36.5	omitted
	37.1	changed
	37.2	changed
11/96	5.1	changed
	38	new
	67.3	new
	68.6	new
10/98	5.1	changed
01/99	4.7(1)	changed
	4.7(2)(b)	new
	6.1.1	changed
	34.1	changed
06/99	9.4	changed
05/02	4.1	numbering
	4.2	numbering
	4.3	new, criminal filings
	4.4	new, civil filings
	4.5	numbering
	5.1	fees adjusted
	6.1.1	wording
	9.6(5)(a)i	wording
	52	jury form changes
	55	new, disabilities
	56	new, interpreter
11/03	67.4	new
	68.6	new
	68.7	new
	68.8	new
	81	changed

12/04	5.1	changed
	6.1.1(c)	changed
	6.6	wording
	6.7	wording
01/07	68.10	new
	68.11	new
08/08	5.2	new
	68.12	new
08/13	5.1	fees adjusted
11/13	4.1	wording
	4.2	electronic filing
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	4.5.4	electronic filing
	5.6	new
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05/14	5.1	changed
	52.2	new
	52.3	new
	52.4	new
	68.4	changed
	68.13	new
	100.1.1	changed
10/16	100.1.2	changed
	2.3(3)	changed
	6.1.1(c)	changed
	69.01	new
03/17	67.5	new
12/22	2.1	added holiday
	2.3(3)	changed
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	8.1	changed
	9.4(3)	changed
	10	changed
	10.1	changed
	11	changed
	37.1	omitted
	38.1	changed
	38.3	omitted
	52.1	changed
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	52.4	changed
	67.4	wording
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	68.11	omitted
	68.12(2)	wording
	69.01(1)	wording
	69.01(2)(b)	wording
01/23	51.4	new

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## **ADMINISTRATION**

### **RULE 1 DIVISIONS OF COURT**

There shall be six (6) divisions of Court in each county, which shall be divided as follows:

Division One:	Circuit
Division Two:	Associate
Division Three:	Probate
Division Four:	Juvenile
Division Five:	Small Claims
Division Six:	Municipal

### **RULE 2 HOURS AND TERMS OF COURT**

#### **2.1 HOURS OF COURT**

All sessions of Circuit Court, Division I, shall begin at 9:00 a.m. in the counties of Chariton and Linn, and all sessions of the Circuit Court, Division I, in Sullivan County shall begin at 9:30 a.m., unless otherwise ordered.

The Court shall observe the following holidays:

First day of January	New Year's Day
Third Monday in January	Martin Luther King Day
Twelfth day of February	Lincoln's Birthday
Third Monday in February	Washington's Birthday
Eighth day of May	Truman's Birthday
Last Monday in May	Memorial Day
Nineteenth day of June	Juneteenth
Fourth day of July	Independence Day
First Monday in September	Labor Day
Second Monday in October	Columbus Day
Eleventh day of November	Veteran's Day
Fourth Thursday in November	Thanksgiving Day
Twenty-fifth day of December	Christmas Day

#### **2.2 TERMS OF COURT**

The Circuit Court of each county of the Circuit shall be in continual session as provided by Section 478.205 RSMo. To the extent that a term of circuit court may be required or specified by these rules or by any provisions of law, the "terms" of court for Division I, Circuit Court, shall be considered as commencing on the law days in the months of May and November.

The court shall not be required to convene in any county in the circuit on the first day of any "term" solely because of this rule.

## 2.3 LAW DAYS

The law day of Division I (Circuit Court) will be held as follows unless otherwise directed by the court:

- (1) In Sullivan County on the Wednesday after the first Monday in each month.
- (2) In Chariton County on the Thursday after the first Monday in each month.
- (3) In Linn County civil law day will be the first Monday of the month and criminal law day will be the first Tuesday after the first Monday of the month.

A court calendar shall be published and made available upon request at the beginning of each year, and this, or the Circuit Clerk, should be consulted for definite dates for holding court.

## 2.3 PARTICULAR MATTERS ON PARTICULAR DAYS

See local Rules 8.1 and 33.1

## Rule 3 PLEADINGS

### 3.1 CAPTIONS

The following caption is required:

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, AT \_\_\_\_\_ MISSOURI  
DIVISION \_\_\_\_\_

<u>(Name)*</u> _____	)	
<u>(Address)**</u> _____	)	
<u>(City)</u> _____	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
<u>(Name)*</u> _____	)	
<u>(Address)**</u> _____	)	
<u>(City)</u> _____	)	
Defendant.	)	

### CAUSE

Signed (Attorney for Record, or Party) \_\_\_\_\_

(Address) \_\_\_\_\_  
(Telephone Number) \_\_\_\_\_  
(Missouri Bar Number) \_\_\_\_\_  
(Fax Number) \_\_\_\_\_  
(email address) \_\_\_\_\_

\*If a corporate defendant, also list officer or registered agent in charge with address and telephone number on the petition. If a foreign corporation, also give address of local office and name of officer in charge on the petition.

\*\*If defendant has a rural route, give directions or a PO Box number on the petition.

### 3.2 STYLE

No Local Rule

### 3.3 SIZE OF PLEADINGS AND PAPERS

All pleadings and other papers, except exhibits and wills, offered for filing shall be legibly written in ink, typed or printed on paper which is 8½ x 11 inches.

## Rule 4 FILING OF CASES

### 4.1 CONSOLIDATED COURTS

The Circuit Courts of Linn, Chariton and Sullivan Counties are Consolidated Circuit Courts. All filings in those counties shall be made in the office of the Circuit Clerk with the appropriate deputy.

### 4.2 ELECTRONIC FILING

Paper documents mailed and postmarked prior to December 9, 2013 shall be accepted for filing. Effective December 9, 2013, all pleadings, motions and other documents shall be filed electronically, as provided by Supreme Court Rule 103 and Court Operating Rule 27, except for the following documents which may be filed on paper:

- (a) Documents filed by pro se litigants;
- (b) Documents prepared within a courtroom during trials and hearings.
- (c) Documents filed by the Juvenile Division prior to January 1, 2014

### 4.3 INFORMATION REQUIRED – CRIMINAL

At the commencement of any criminal action, whether by Complaint, Information or indictment the following information shall be provided by the Prosecuting Attorney filing same:

Date of Birth of Defendant  
Social Security Number of Defendant  
Offense Cycle Number, if available



Charge Code  
Address of Defendant

Filings shall not be accepted without the above information.

#### 4.4 INFORMATION REQUIRED – CIVIL/PROBATE

Filing information sheets shall not be required when the filing is made electronically, provided required information on party type, party name, date of birth and social security number is contained in the electronic submission. If any of this information is missing in the electronic filing, the Court shall require a Circuit Civil Court Party Information sheet in addition to the electronic filing pursuant to Supreme Court Operating Rule 4.07.

- 4.4.1 If a responding party resides outside of the county in which the action is filed, the attorney for the initiating party shall furnish the following:
- (1) Complete address where the responding party can be served;
  - (2) Name and address of sheriff or other officer who is to serve process;
  - (3) Business check or other payment payable to the sheriff or other officer serving the process in an amount equal to the cost of such service.

**INSERT CONFIDENTIAL CASE FILING INFORMATION SHEETS**

#### 4.5 FACSIMILE FILING AND SERVICE

##### 4.5.1 AUTHORITY FOR RULE

This rule is promulgated under the authority conferred in Mo. S. Ct. Rule 43.02 (c) and 20.04(h). Facsimile filings shall only by authorized for entities or parties that are not required to electronically file documents pursuant to Local Court Rule 4.2.

##### 4.5.2 FACSIMILE FILING AUTHORIZED

- (a) Any pleading or other document not to exceed twelve pages without prior court approval, may be filed in any division of this court having, maintaining or designating a facsimile machine for the receipt of such transmissions, by transmission of the same to such facsimile machine.
- (b) Applications for search warrants and affidavits in support thereof, and motions, applications, orders, warrants, pleadings and the like authorized in any criminal proceeding may be filed under this rule unless otherwise prohibited by law.
- (c) 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.
- (d) The pleading or document shall be deemed filed, subject to subparagraphs (3) and (4) of this rule, on the date and at the time actually received at the office of the clerk.
- (e) Risk of loss in transmission, receipt or illegibility is upon the person or party transmitting and filing by facsimile.
- (f) 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.
- (g) The court is not responsible for confirmation of transmissions.
- (h) Subject to subparagraph (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.

##### 4.5.3 WHEN FILING FEE OR DEPOSIT REQUIRED AND WAIVER

- (a) If the pleading or document is one which requires a filing fee or deposit, the filing of the same by facsimile transmission is conditioned upon receipt of the required fee or deposit by the clerk of the division.

- (b) 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 ruling. If leave is granted, the filing shall related back to the date and time of receipt of the original transmission. If leave is denied, the filing is stricken, unless otherwise ordered by the court.
- (c) If the provisions of the preceding subparagraphs (a) and (b) are not complied with, the court may strike nay pleading or document so filed, or make such other or further orders as it deems appropriate.
- (d) 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.

#### 4.5.4 COURT ORDERS TRANSMITTED BY FACSIMILE TRANSMISSION

Court orders, judgment or decrees, including warrants and search warrants, may be transmitted to the clerks of the various divisions or others by facsimile transmission unless electronic filing is required as set forth in Local Court Rule 4.2. 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.

#### 4.5.5 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 receipt 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.

- (e) Except in the case of court orders, judgments or decrees, if a document is transmitted after 5:00 p.m. in the time zone in which it is to be received, service shall not be deemed to have occurred until the next business day.

#### 4.5.6 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 to which the paper was transmitted and the method of confirmation that the transmission was received.

#### 4.5.7 FACSIMILE ARCHIVE

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

#### 4.5.8 COSTS FOR RECEIPT OF TRANSMISSION BY FACSIMILE

- (a) The maintenance of a facsimile device by a clerk's office, and rules allowing filing by facsimile transmission benefit primarily the person desiring to file by this method of transmission. It causes the clerks or the court system additional expense to acquire and maintain a device and phone line to receive these transmissions, and often to transfer the transmission to archival quality paper.
- (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 a clerk of any division to maintain a device for or require them to transmit any document by this method.
- (d) 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.
- (e) 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.

#### 4.5.9 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.

#### 4.5.10 EFFECT OF FACSIMILE SIGNATURE

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

#### 4.5.11 COVER PAGE

Sender of any facsimile transmission shall provide a cover page with each transmission indicating the origin of the transmission and the number of pages to be transmitted, in addition to the cover page.

### Rule 5 FEES AND COSTS

#### 5.1 FILING FEE AND COST DEPOSIT

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

##### Circuit Division

All Original Domestic Cases	\$100.50
All Original Civil Cases	98.50

All service fees, including mileage, shall be paid directly to the serving agency.

On the first day of each month, the circuit clerk shall pay the entire fund created by the Law Library fee to the Law Library Fund, to be applied and expended for the maintenance and upkeep of the law library, as provided by Section 488.429 RSMo. The circuit clerk of each county of this circuit is hereby designated as the treasurer of said fund. The Law Library fee is included in the filing fee for all original domestic and civil cases.

##### Associate Division

All Original Civil Cases	\$33.50
Small Claims	20.50

## 5.2 COSTS

- (a) The clerk may charge the requesting party the costs for photocopying any document. The costs shall be equal to the copy cost per page as set out in Operating Rule 21.01(a)(18), costs for probate copies.
- (b) The clerk may charge the requesting party the costs for certification of any copy. The costs shall be up to \$1.50 per seal in a certified or authenticated copy.
- (c) The clerk may charge the requesting party the costs for copying a compact disk containing court proceedings made for the preservation of the record as required by law or as requested by any party. The costs shall be up to \$15.00 per compact disk.

## 5.3 WITNESS FEE

No Local Rule

## 5.4 WAIVER OF FEES

No Local Rule

## 5.5 MOTION FOR SECURITY

No Local Rule

## 5.6 RECEIPTS

Circuit Clerks and Deputy Clerks shall be allowed to use manual receipts.

# RULE 6 ASSIGNMENT OF JUDGES, CASES, TRANSFER OF CASES AND CHANGES OF VENUE

## 6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

### 6.1.1 BY LOCAL COURT RULES OR ORDER

The following cases will be heard by an associate circuit judge not on the record under the procedure applicable under Chapter 517 RSMo.:

- (a) Civil actions where the sum demanded, exclusive of interest and costs, do not exceed the amount designated by statute;
- (b) Actions against any railroad company to recover damages for killing or injuring animals;

- (c) Replevin, attachment and mechanic's lien action where the recovery sought is less than five thousand dollars;
- (d) Actions for unlawful detainer authorized by Chapter 534 RSMo.;
- (e) Actions for rent and possession authorized by Chapter 535 RSMo.;
- (f) Petitions for review of driver's license revocations and for hardship driving privileges;
- (g) Such other cases that could be heard and determined by an associate judge without assignment as an acting circuit judge, under provisions of law.

In addition to the above cases, an associate circuit judge shall hear and determine the following cases:

- (h) Cases of misdemeanor or infraction, except as otherwise provided by law;
- (i) Felony cases prior to the filing of information;
- (j) Municipal ordinance violation cases of the following municipalities:

William Devoy	Brookfield, Bucklin, Laclede, Marceline
Andrea Vandeloecht	Brunswick, Keytesville, Salisbury
Tracey Mason-White	Browning, Green Castle, Green City, Humphreys, Milan, Newtown, Pollock

- (k) "Small claims" cases as provided in Chapter 482 RSMo.;
- (l) Cases that a circuit judge can hear in chambers when a circuit judge is absent from the county.

#### 6.1.2 SPECIAL ASSIGNMENT

No Local Rule

### 6.2 ASSIGNMENT TO CIRCUIT JUDGES

No Local Rule



### 6.3 CERTIFICATION TO CIRCUIT DIVISION

No Local Rule

### 6.4 TRIAL DE NOVO

Statutory fee of \$30.00 or affidavit of indigency shall be deposited with associate division prior to case being certified to circuit division for trial.

### 6.5 DISQUALIFICATION OF JUDGE

No Local Rule

### 6.6 UNAVAILABLE ASSOCIATE CIRCUIT JUDGE

If the associate circuit judge of any division is unavailable, any other associate circuit judge or circuit judge may sit as the judge of the division in which the judge is unavailable and perform all of the duties of the unavailable judge.

### 6.7 UNAVAILABLE CIRCUIT JUDGE

If the circuit judge is unavailable, the associate circuit judge of the respective court may sit as the judge of the division in which the judge is unavailable and perform any duties without an assignment.

If the circuit judge and the local associate circuit judge are unavailable any other associate circuit judge may sit as the judge in the division in which the judge is unavailable and perform any duties without an assignment.

### 6.8 CHANGES OF VENUE WITHIN THE CIRCUIT

When a party has requested a change of venue in an associate court case and the case is ordered transferred to a county within the circuit, the associate circuit judge in the county where the case is transferred shall preside over the case.

## RULE 7 WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

### 7.1 WHEN

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, or a judge of the court.

### 7.2 DUPLICATING POLICY

No Local Rule

## RULE 8 PUBLICATION OF DOCKETS

### 8.1 TRIAL DOCKET

Counsel desiring to have matters heard on law day shall register each case which they wish heard by name and number with the circuit clerk by noon on the last office day preceding that law day. Any filing received after 12:00 p.m. on the last office day preceding a law day may not appear on the next day's docket. The clerks shall, on the law day, provide the court with a docket of the cases to be heard and cases will be called for disposition in order which registered. Attorneys are expected to be ready at the beginning of the docket call.

### 8.2 DISMISSAL DOCKET

See Rule 37.1

## RULE 9 COURTROOMS

### 9.1 ASSIGNMENT OF COURTROOM

No Local Rule

### 9.2 PLACE OF HEARING

Hearings in civil and criminal proceedings shall be held in the courtroom in the respective court and county where filed except hearings in civil and criminal proceedings shall be held at a location designated by the court, which is accessible to the physically handicapped, upon written request made to the court a reasonable time prior to hearing by a physically handicapped party litigant.

### 9.3 USE OF COUNSEL TABLE

No Local Rule

### 9.4 COURTROOM DECORUM AND DRESS

- (1) Counsel shall stand or sit at the counsel table while examining witnesses. Only one attorney for a party shall cross-examine a witness.
- (2) Counsel, during all proceedings of the court, shall address all jurors, adult witnesses and other counsel and court attaches by title and surname and shall not address any such person solely by his or her given name.
- (3) All persons entering the courtroom while court is in session shall be appropriately dressed as determined by the sitting judge.

## 9.5 WHO IS PERMITTED WITHIN BAR

No Local Rule

## 9.6 COURTROOM SECURITY MEASURES FOR HIGH RISK TRIAL AND PROCEEDINGS

The following measures are adopted by the Court, to-wit;

- (1) High risk trials are defined as follows:
  - (a) One that provokes a strong, emotional response from the general public or interest groups; and/or
  - (b) Intelligence information presents reason to believe that a security risk exists; and/or
  - (c) Defendant, in a state case, has a history of escape and/or violence.
- (2) High risk trials or proceedings, how determined –Determination shall be made by the Trial Judge in consultation with the Presiding Judge.
- (3) Security Committee. Members of the Security Committee for high risk trials and proceedings shall consist of the Trial Judge, the Sheriff, the Court Bailiff and the Presiding Judge ex-officio member. The Committee may request the other persons to sit with the Committee to assist the Committee in its duties.
- (4) Security Personnel. Security Personnel shall be assigned to each high risk trial and proceeding. Security Personnel shall be under the direction of the Sheriff or his designee.
- (5) Security Plan or Prevention. A Security Plan shall be developed by the Sheriff in consultation with the Security Committee for each high risk trial or proceeding. The Security Plan shall consider but not be limited to the following security items:
  - (a) Visitors' Security
    - i. All persons shall enter the Courtroom through the entrance designated by the Security Committee, which entrance shall be controlled by a uniformed officer.
    - ii. Seats in the Courtroom shall be by assignment.
    - iii. A visitor's log shall be maintained of all visitors entering the Courtroom.

iv. A “person search” shall be made by the use of a hand-held metal detector of visitors entering the Courtroom. If a “person search” is to be conducted, people will empty their pockets into containers and purses are to be inspected or emptied. Visitors not agreeing to abide by these regulations shall not be admitted to the Courtroom.

#### 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 a transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

##### 10.1 COURT REPORTER SHALL PREPARE ORIGINAL APPEAL TRANSCRIPT

That in all appeals by an indigent person (represented by a public defender), in criminal cases, the court reporter shall prepare an original appeal transcript and email a PDF of the transcript to the requesting attorney. The reporter also shall file a PDF copy with the circuit clerk of the county to file at a high security level within the case file. The court reporter will file an invoice with the appropriate personnel at Office of State Courts Administrator.

#### RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

The actual cost of all CDs used in electronically recording testimony of judicial proceedings, required by statute or order or Presiding Judge, shall be taxed as costs in said proceedings.

Preparations of a typewritten transcript of a record preserved 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 Administrator for transcribing, the estimated cost will be based on rates authorized for appeal transcripts.

If a recording is not required by law but the same is made at the request of a party to the proceedings with the consent of the Court, then the party requesting said recording shall pay up to \$15 per CD.

RULE 12 MONIES PAID INTO COURT

12.1 BOND IN CIVIL CASES

No Local Rule

RULE 13 COMMUNICATIONS WITH COURT

13.1 ORAL COMMUNICATIONS WITH THE COURT

No Local Rule

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

No Local Rule

**GENERAL RULES**

RULE 21 ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

No Local Rule

21.2 ENTRIES OF APPEARANCE

Attorneys retained in pending causes shall file a written entry of appearance or a written pleading promptly after their employment and shall withdraw only by leave of court, after filing a copy of communication that client has notice of withdrawal and of a date of trial setting, if any.

21.3 CONDUCT OF ATTORNEYS

See Local Rule 9.4

21.4 WITHDRAWAL OF ATTORNEYS

The attorney shall file a written motion requesting leave of court to withdraw. (See Rule 33.) If the case is then set for trial, the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the court for hearing.

A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing.

The last known address of the client from whose employ that attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.

The attorney seeking leave to withdraw must appear in open court and call up the motion at the time specified in the notice. If the case in which the attorney is seeking leave to withdraw is a criminal case, it shall be the duty of the client to appear in person in compliance with the notice mentioned above.

If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his former client by letter of the attorney's withdrawal and shall send a copy of the letter to the clerk. Such letter shall advise the former client of any scheduled court proceedings or pleading deadlines in the case.

#### 21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

No Local Rule

#### 21.6 APPOINTMENT OF ATTORNEYS

No Local Rule

#### 21.7 AGREEMENT OF ATTORNEYS

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

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

The attorney is to advise his client and witness as to the formality of the court, including 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. If any witness violates the rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court, in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered.

RULE 22 APPOINTMENT OF GUARDIAN AD LITEM

No Local Rule

RULE 23 TRANSCRIPTS

No Local Rule

Rule 24 EXHIBITS

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

**PRE-TRIAL MATTERS**

RULE 32 DISCOVERY

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

No Local Rule

32.2 INTERROGATORIES

- (1) Use and scope of interrogatories shall be governed by Supreme Court Rules.
- (2) Second and subsequent interrogatories shall be sequentially numbered commencing with the next number following the preceding set of interrogatories.

32.3 DEPOSITIONS

No Local Rule

32.4 MOTION FOR SANCTIONS

No Local Rule

32.5 CRIMINAL DISCOVERY

No Local Rule

## Rule 33 PRE-TRIAL MOTIONS

### 33.1 HEARING DATES

All motions and objections to written interrogatories will be heard on the next regular law day occurring five days after the filing of said motion or objections, unless otherwise ordered by the court.

### 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

All motions shall be in writing and accompanied by citations of authority.

### 33.5 PRE-TRIAL MATTERS – CONFERENCE CALLS

All pre-trial matters may be heard by telephone conference call. It shall be the duty of the attorney requesting same to arrange and pay the cost of the call.

## RULE 34 CONTINUANCES

### 34.1 CIVIL CASES

An application for continuance shall be made by a written motion executed by the party requesting the continuance and counsel accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally. For good cause shown, the court may continue a civil action to a fixed day, or to a day for trial to be set thereafter. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the court. All applications for continuances shall conform to Supreme Court Rule 65.

### 34.2 CRIMINAL CASES

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consent that the application for continuance may be made orally. A continuance will be granted in criminal cases only if the court finds the ends of justice served by taking such an action outweighs the benefits of a speedy trial. For good cause shown, the court may continue a criminal proceeding to a fixed day, or to a date 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.

#### 34.3 JURY TRIAL CONTINUANCE

Once a case has been set for hearing or trial pursuant to this rule, no continuances shall be granted unless ordered by the Court. In the event a continuance of a jury trial is granted after a jury has been summoned, the party or attorney requesting the continuance, may at the discretion of the Court, be assessed a fee of \$50.00 to be paid to the county to cover the expense of calling and cancelling the jury.

#### 34.4 JURY TRIAL DISMISSAL

In the event a case is dismissed or nolle prosequed, other than with prejudice, after a jury has been summoned, the party or attorney dismissing or nolle prosequing the case, may at the discretion of the court, be assessed a fee of \$50.00 to be paid to the county to cover the expense of calling and cancelling the jury.

### RULE 35 PRE-TRIAL CONFERENCE

No Local Rule

### RULE 36 SETTING CASES FOR TRIAL

#### 36.1 REQUEST FOR TRIAL

No Local Rule

#### 36.2 DATE OF CALENDAR CALL

No Local Rule

#### 36.3 PREPARATION OF CALENDAR

See Local Rules 8.1 and 33.1

#### 36.4 CALENDAR CALL

No Local Rule

#### 36.5 INACTIVE CALENDAR

No Local Rule

#### 36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR

No Local Rule

### 36.7 SPECIAL ASSIGNMENTS

No Local Rule

## RULE 37 DISMISSALS

### 37.1 DISMISSAL DOCKET

No Local Rule

### 37.2 REINSTATEMENT OF CAUSE

Any case dismissed pursuant to Rule 37.1 may be reinstated within thirty (30) days from the date of dismissal for good cause shown.

## RULE 38 DOCKET CONTROL

### 38.1 TIME FRAMES

In compliance with Operating Rule 17 adopted November 24, 1992, as amended, the following time frames and standards shall apply:

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>Local Goal at least 50% Disposed in</b>	<b>Standard 90% Disposed in</b>	<b>Standard 95% Disposed in</b>	<b>Excluded Time</b>
Circuit Civil	12 months	24 months	30 months	See COR <a href="#">17.26</a> , <a href="#">17.27</a>
Domestic Relations	4 months	10 months	14 months	See COR <a href="#">17.26</a>
Associate Civil	4 months	6 months	12 months	See COR <a href="#">17.26</a> , <a href="#">17.27</a>
Circuit Felony	4 months	10 months	14 months	See COR <a href="#">17.24</a> , <a href="#">17.25</a> , <a href="#">17.26</a>
Associate Criminal	3 months	6 months	8 months	See COR <a href="#">17.24</a> , <a href="#">17.25</a> , <a href="#">17.26</a>

*See COR 17.23*

### 38.2 DISCOVERY

To accomplish goals set out above, all judges may conduct pre-trial conferences to determine the issues, set forth a discovery schedule, determine issues to which the parties will stipulate, set the matter for trial and discuss other items the judge or attorneys may deem appropriate. The pre-trial conference may be conducted by telephone in the discretion of the judge. The judge, in his discretion, may issue a discovery schedule without a pre-trial conference. Discovery sought or received outside the discovery schedule shall be marked by the clerk "Received but not filed because outside of discovery schedule", and the clerk shall notify counsel accordingly.

### 38.3 CALENDAR

No Local Rule

## **SETTLEMENT AND DEFAULT**

### RULE 41 SETTLEMENT

#### 41.1 NOTICE OF SETTLEMENT

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

### Rule 42 DEFAULT

#### 42.1 DEFAULT DECREES

A copy of all default decrees or dissolutions of marriage or legal separation shall be delivered by counsel for petitioner to the circuit clerk, along with a statement of the last known mailing address of the respondent, and the circuit clerk shall cause to be deposited in the United States mail an envelope addressed to the respondent, with postage pre-paid, enclosing a certified copy of said default decree. Expense of such mailing shall be taxed as costs.

## **TRIALS**

### RULE 51 COURT-TRIED CASES

#### 51.1 DEFAULT AND UNCONTESTED MATTERS

No Local Rule

#### 51.2 CONTESTED MATTERS

No Local Rule

51.3 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

51.4 VICTIM TESTIMONY BY VIDEO CONFERENCE ALLOWED - CIVIL CASES ONLY

- (1) A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense.
- (2) The rules and instructions in this subsection shall be posted in the Circuit Court's Local Rules.
- (3) In cases brought pursuant to Chapter 455 of the Missouri Revised Statutes, a person who wishes to testify by video conferencing, shall file a written notice of intent, setting forth their name, case number, email address, telephone number, and the basis for the request. The written notice shall be filed no less than five (5) days prior to the hearing or trial.
- (4) In cases brought outside the scope of Chapter 455 of the Missouri Revised Statutes, the written notice shall be accompanied by an affidavit of the form provided in attachment A to this rule and shall be filed no less than 30 days prior to the trial. The opposing party shall file an objection to the request within 10 days or any objection shall be deemed waived.
- (5) Each court in the circuit shall post a telephone number for the public to call for assistance regarding appearances by video conference.
- (6) Each court shall post a written notice of these rules, instructions, and phone number, in the public area of the Circuit Clerk's office.
- (7) The rules and instructions for a victim to testify shall be posted as follows:

NOTICE TO THE PUBLIC

A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense.

For those who desire to testify by video conferencing, you must comply with the following instructions PRIOR TO the hearing. Failure to comply with these instructions could result in your testimony not being received and/or your case being dismissed:

- (1) If your case is brought pursuant to Chapter 455 of the Missouri Revised Statutes, you qualify to testify by video conferencing, and wish to appear in a particular hearing by virtual platform, you must file a written notice of your intent to testify by video conferencing with the Court Clerk. The written notice shall be filed with the Court no less than five (5) days prior to the hearing.
- (2) Your written notice shall include the following information and shall be in the form of the notice attached to this rule as Exhibit B which may be obtained from the Circuit Clerk's office:
  - (a) Your name;
  - (b) Case number;
  - (c) Email address; and
  - (d) Telephone number.
- (3) If your case is outside the scope of Chapter 455, your written notice must be supported by an affidavit of the type provided for in this rule as Exhibit A and shall be filed with the Court no less than thirty (30) days prior to trial. The opposing party shall file any objection within 10 days or any objection will be deemed waived.
- (4) The affidavit in support of your written notice shall set forth the reasons why you believe you qualify to testify by video conferencing under this Rule.
- (5) Participation in video conferencing requires a device that supports the application ("app") or software WebEx®. Supported devices include computers, tablets, and smart phones, running the latest Apple iOS or Android operating systems. In order to use WebEx®, your device must have a camera, microphone and speaker in good working order.
- (6) You are strongly encouraged to download the WebEx® app on your device as soon as possible to best ensure your testimony can be received by the Court.
- (7) You are encouraged to use a separate headset with microphone to reduce feedback and improve audio quality. However, it is not required that you use a headset. You may reduce feedback and improve audio quality by muting the microphone on your device until you wish to speak or are asked a question by the Court, or other person.
- (8) Once your written notice of intent to testify by video conferencing is processed and approved, you will receive a message consisting of a URL (internet address), a meeting ID, and a password. You will use this information to connect to the WebEx® court hearing through an internet browser or WebEx® app.

- (9) You should join your WebEx® video hearing at least 30 minutes prior to the scheduled hearing time to ensure your equipment and connection are operational.
- (10) After entering the meeting ID, you may be given the option to “Test Computer Audio.” If this option appears, click on the “Test Computer Audio” button to test your audio. Upon confirmation that your audio is working properly, click the button to join the meeting to complete your connection to the hearing.
- (11) You must activate your video camera and audio options so the Court can see and hear you. Failure to do so will exclude your testimony at the hearing.
- (12) The person testifying must be located in a quiet place with no other individuals in the room. The person testifying cannot read from any notes, messages, reports, or other recordings while they are testifying, unless they receive express permission from the Court.
- (13) The person testifying must identify themselves by saying their full name before they begin speaking. This is essential to making a good court record.
- (14) **NO PERSON MAY RECORD OR PHOTOGRAPH THE PROCEEDINGS WITHOUT EXPRESS AUTHORITY GIVEN BY THE COURT. A VIOLATION OF THIS RULE MAY BE PUNISHABLE AS AN ACT OF CONTEMPT.** The only recording of the hearing will be through the court system.

FOR ASSISTANCE ON APPEARANCES BY VIDEO CONFERENCING, PLEASE CALL THE COUNTY CIRCUIT CLERK’S OFFICE, Monday through Friday, 8:30 A.M. to 4:30 P.M. If there is no answer, please call again until a clerk can assist you.

**INSERT DOMESTIC ASSAULT AFFIDAVIT**

## 52.1 JURY QUALIFICATION NOTICE

The Circuit Clerk of each county within the circuit shall mail to each juror at the time of his or her selection to the jury panel, a juror qualification notice to be completed online at <https://www.courts.mo.gov/ejuror>. At the request of the prospective juror the clerk will mail a paper copy of the juror qualification form in the following form, to-wit:



**INSERT JUROR QUALIFICATION NOTICE**

**INSERT JUROR QUALIFICATION FORM**

## 52.2 REQUESTS FOR JUROR QUALIFICATION REPORT

The Circuit Clerk shall promptly provide the pool bio qualification report upon request of counsel for any party.

## 52.3 ELEVATION OF CASENET SECURITY LEVEL

No Local Rule

## 52.4 TIMING OF JUROR NOTIFICATION

The Circuit Clerk may utilize either written notification to summons a potential juror or enlist the assistance of the County Sheriff to make verbal contact with the potential juror. In either instance, the contact process shall commence no later than fourteen (14) days prior to the date of the scheduled trial unless shortened or lengthened on the trial judge's discretion.

# RULE 53 JURY TRIALS

## 53.1 INSTRUCTIONS

No Local Rule

## 53.2 CLOSING ARGUMENTS

No Local Rule

# RULE 54 JUDGMENT ENTRY

## 54.1 CONTESTED CASES

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

## 54.2 DEFAULT OR UNCONTESTED CASES

In default or uncontested cases counsel for the prevailing parties shall on the day of rendition present to the court for its approval the judgment or decree to be entered in the cause. The court shall then authorize the clerk to enter judgment as provided therein or as modified by the court. If a modification is made affecting the substantial rights of the parties, the parties shall be notified forthwith.

## **RULE 55 AMERICANS WITH DISABILITIES ACT**

### **55.1 NOTIFICATION**

An attorney representing a party or intending to call a witness who has a disability and who will require special accommodations shall, within a reasonable time of receipt of notice of the hearing, provide written notice to the court.

A party, not represented by an attorney, who is disabled or who plans to call a witness who has a disability, which will require special accommodations, shall provide written notification to the court within a reasonable time of receipt of the notice of court hearing.

## **RULE 56 USE OF FOREIGN LANGUAGE INTERPRETERS IN COURT**

### **56.1 CIVIL ACTION**

In any civil action, an attorney representing a party or a party, not represented by an attorney, intending to call a witness who will require a foreign language interpreter shall arrange and pay for such interpreter. Reasonable notification shall be given to the court that an interpreter will be required to allow additional time for the trial of the case.

### **56.2 CRIMINAL ACTION**

In any criminal action, the Prosecuting Attorney and Defense Attorney shall notify the court at the earliest opportunity if a foreign language interpreter shall be required for the defendant or any witness. The Prosecuting Attorney and the defense attorney shall be responsible for making arrangements for the attendance of an interpreter. The payment of interpreter fees shall be by order of the court.

## **RULES RELATING TO PARTICULAR ACTIONS**

## **RULE 61 ADOPTION**

### **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 193.125 RSMo. 1997.

### **61.2 HOME STUDY**

Unless waived pursuant to Section 453.070, RSMo, 2001, upon the filing of a petition for adoption, the Division of Family Services or other agency designated by the court, shall initiate an investigation of the suitability of the child for adoption and the suitability of the petitioners as parents for said child. The clerk

shall notify the appropriate agency to conduct such investigation and file a written report thereof.

RULE 62 DRIVERS CASES

62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES

No Local Rule

62.2 PETITIONS FOR REVIEW

No Local Rule

62.3 BREATHALYZER TEST

No Local Rule

RULE 63 ASSOCIATE DIVISION

No Local Rule

RULE 64 CASES ARISING UNDER CHAPTERS 207 AND 208, RSMo. 1978,  
COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS

No Local Rule

RULE 65 CIVIL COMMITMENT

No Local Rule

RULE 66 CONDEMNATION

No Local Rule

RULE 67 CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION

No Local Rule

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

No Local Rule

## 67.2 PRELIMINARY HEARING

No Local Rule

## 67.3 GUILTY PLEA

### 67.3.1 WHERE ENTERED

Any Associate Circuit Judge may hear and accept felony pleas of guilty upon a waiver of a preliminary hearing by the defendant. If the Associate Circuit Judge has heard the preliminary hearing in the case, he may hear and accept a felony guilty plea if the defendant on the record agrees to said judge hearing and accepting said plea.

## 67.4 TREATMENT COURT

When an individual is ordered by the sentencing Judge to enter the Treatment Court Program of the Ninth Judicial Circuit, judicial authority to order a warrant of commitment to county jail may be entered by either the sentencing Judge or the Treatment Court Judge so long as the individual remains in the Treatment Court Program.

## 67.5 DISCLOSURE OF DOCUMENTS

The reports of the Division of Probation and Parole provided in criminal cases before the Ninth Judicial Circuit including, but not limited to: sentencing assessments reports, presentence investigations, probation reports, and field violation reports, shall be set by the Circuit Clerks of Chariton, Linn, and Sullivan Counties at security level four (4) allowing access by the assigned judge and counsel of record for the defendant and for the state.

## RULE 68 DISSOLUTION OF MARRIAGE

### 68.1 FILING REQUIREMENTS

At the time of filing a petition for dissolution of marriage, the petitioner shall file with the petition a fully completed Confidential Case Filing Information Sheet and Certificate of Dissolution of Marriage, and the clerk shall not accept a petition unless accompanied by a completed Confidential Case Filing Information Sheet and Certificate of Dissolution of Marriage.

### 68.2 SEPARATION AGREEMENT

No Local Rule

### 68.3 FORMS OF DECREES

No Local Rule

### 68.4 FILING OF FINANCIAL STATEMENTS

No Local Rule

### 68.5 MODIFICATION OF DECREE

No Local Rule

### 68.6 EDUCATIONAL SEMINARS FOR PARENTS

No Local Rule

### 68.7 CONSOLIDATION OF ADULT ABUSE WITH DISSOLUTION

In all instances where an adult abuse petition is filed and a dissolution of marriage or legal separation proceeding which involves the same parties is pending in this or any other court, the court considering the adult abuse petition may grant an Ex Parte Order of Protection solely to protect the petitioner from abuse. The Court may not grant any temporary order of custody of minor children.

If a dissolution of marriage or legal separation proceeding which involves the same parties is pending in this or any other court at the time of hearing on the adult abuse petition, the relief granted by the court in any full order of protection shall be limited to that permitted by Section 455.050.1 RSMo. If the Court grants a full order of protection, any further relief requested must be granted by the court hearing the dissolution of marriage or legal separation case. If the dissolution or legal separation matter is pending in this court, the adult abuse case shall then be automatically consolidated with the dissolution or legal separation case for any further action.

### 68.8 CONSOLIDATION OF CHILD PROTECTION CASES WITH DISSOLUTION

In all instances where a petition for an order of child protection is filed and any other child custody proceeding which involves the same parties is pending in this or any other court, the court considering the child protection petition shall not issue any Ex Parte Order of Protection. The petition shall be set for hearing as required by law. If such other child custody proceeding is pending in this court, the child protection petition shall be automatically consolidated with such other pending proceeding for further action.

#### 68.9 ADULT AND CHILD PROTECTIVE ORDERS

- (1) Petitions for Ex Parte Orders of Protection under Chapter 455 may be filed at any time by a party seeking protection under said Chapter.
- (2) The party seeking protection under said Chapter for themselves or a child shall contact the Circuit Clerk who shall provide the necessary forms for the Petitioner and assist in the preparation of same. The sheriff shall assist in the process if so requested by the clerk.
- (3) Upon completion of the application of the verified petition, the clerk shall immediately contact either the Circuit Judge or the Associate Circuit Judge, as he or she may be instructed from time to time, to discuss the application and arrange for the execution of an Ex Parte Order of Protection for an adult or a child if the judge deems that appropriate.
- (4) The verified petition shall be deemed filed upon completion of same and it shall be filed stamped or a notation of date and time and affixed thereto by the clerk.
- (5) Upon execution of the Order by the Judge, the Order and other appropriate documents shall be delivered to the sheriff for service.

#### 68.10 ENTRY OF JUDGMENT UPON AFFIDAVIT--REQUIREMENTS

- (1) Final Orders Entered--When. Judgments in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:
  - (a) There are no minor children of the mother and father and the mother is not pregnant, or the parties are represented by counsel and have entered into a written agreement determining custody and child support; and
  - (b) The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and
  - (c) There is no genuine issue as to any material fact; and
  - (d) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.
- (2) Affidavit--Filing. If one party desires to submit the matter for entry of Judgment upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed decree or order, a copy of any written



agreement proposed for adoption by the court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a decree of dissolution or decree of legal separation.

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

#### 68.11 MEDIATION

No Local Rule

#### 68.12 PRO SE LITIGANT

- (1) Every party not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, parentage or modification of any judgment in any such proceeding shall complete the litigant awareness program available through the Missouri Supreme Court website and file the certificate of completion with the clerk.
- (2) Every party not represented by counsel who desires to file pleadings shall only be permitted to use pleadings as promulgated by the Joint Commission to Review Pro Se Litigation as approved by the Supreme Court of Missouri and available on its website or as available through the clerk of this court who may charge \$1.00 per page.

#### 68.13 AFFIDAVITS TO TERMINATE CHILD SUPPORT

Upon the filing of an affidavit to terminate child support, the Circuit Clerk shall immediately place the case on the next civil docket to be held by the judge assigned to hear that particular case. The Circuit Clerk shall, in addition, immediately e-mail the judge at issue so he/she can review the affidavit and determine whether a potential conflict exists. Affidavits to terminate child support shall remain on the judge's civil calendar until finally disposed.

### RULE 69 MUNICIPAL DIVISION

#### 69.01 DETERMINING INDIGENT STATUS

- (1) Any person seeking permission to proceed as an indigent in a municipal division case shall submit to the court a Statement of Financial Condition pursuant to Supreme Court Operating Rule 69.01.
- (2) A person is presumed indigent if the person:
  - (a) Is in the custody of the Children's Division or the Division of Youth Services; or

- (b) i. Has unencumbered assets totaling under \$5000, and
- ii. Has total household monthly income below 125% of Federal Poverty Guidelines found at: <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

## RULE 70 PARTITION

No Local Rule

## RULE 71 ADMINISTRATIVE REVIEWS

No Local Rule

## RULE 72 PROBATE

No Local Rule

## RULE 73 SMALL CLAIMS

No Local Rule

## RULE 74 TRUST ESTATES

### 74.1 INVENTORY

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

### 74.2 REPORTS

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

### 74.3 RECORD

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

### 74.4 AUDIT

No Local Rule

## RULE 81 EXECUTION

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

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

A deposit sufficient to cover the cost of sheriff's fees shall be paid to the clerk at the time of filing the application, and, if publication of notice of sale is necessary, a deposit, sufficient to cover cost of publication shall be paid to the clerk at the time of filing application.

## RULE 82 GARNISHMENT

No Local Rule

## RULE 83 JUDICIAL SALES

No Local Rule

# INTERNAL ORGANIZATIONS

## RULE 100

### 100.1 PRESIDING JUDGE

No Local Rule

#### 100.1.1 ELECTION

The Presiding Judge shall be the Circuit Judge elected to serve in the Ninth Judicial Circuit.

### 100.1.2 DELEGATION OF APPOINTING AUTHORITY REGARDING JUVENILE OFFICE

The Presiding Judge of the Ninth Judicial Circuit delegates the appointing authority granted to his office by the Missouri Revised Statutes in regards to the hiring and removal of all personnel related to the operation of the Juvenile Office of the Ninth Judicial Circuit to the Associate Circuit Judge for the County of Linn. The delegation includes, but is not limited to, the Chief Juvenile Officer, all deputy juvenile officers regardless of the county they primarily serve, the Juvenile Circuit Attorney, and all support personnel related to the Juvenile Office.

### 100.1.3 DISPUTE RESOLUTION – PROCEDURE

No Local Rule

## 100.2 LOCAL COURT RULES

### 100.2.1 FORMULATION

No Local Rule

### 100.2.2 PUBLICATION

In all cases requiring publication, the party requesting publication shall make arrangements with the newspaper for payment of the fee and pay same before proof of publication is filed, or pay to the clerk before publication is ordered an amount sufficient to cover the cost of publication.

## 100.3 LIBRARY FUND

See Local Rule 5.1

## 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 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

100.5 CLERK'S DUTIES

100.5.1 MONIES PAID INTO COURT

No Local Rule

100.6 SELECTION OF VENIREMEN

No Local Rule

All rules set out herein shall be in full force and effect from and after \_\_\_\_\_.

Approved by the Court en banc.

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TERRY TSCHANNEN  
Presiding Judge  
Ninth Judicial Circuit of Missouri