RULES OF THE

CIRCUIT COURT

OF THE

TENTH

JUDICIAL CIRCUIT

STATE OF MISSOURI

Copyright © 2024
Rachel Bringer Shepherd

RULES OF THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
Marion, Monroe and Ralls Counties

Table of Rules

ADMINISTRATION

RULE 1. DIVISIONS OF COURT

RULE 2. HOURS AND TERMS OF COURT

2.1. Hours of Court.
2.2. Terms of Court.
2.3. Law Days.
2.4. Particular Matters on Particular Days.

RULE 3. PLEADINGS

3.1. Caption.
3.2. Style.

RULE 4. FILING OF CASES

4.2. Civil Cases.
4.4. Juvenile Cases.

RULE 5. FEES AND COSTS

5.1. Filing Fee and Cost Deposit.
5.2. Costs.

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

6.1. Assignment to Associate Circuit Judges.
6.3. Certification to Circuit Division.
6.4. Trial De Novo.

6.6. Absence of Judge (Associate Circuit).
6.7. Absence of Presiding Judge.

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1. When Allowed.
7.2. Duplicating Policy.

RULE 8. PUBLICATION OF DOCKETS

8.1. Trial Docket.
8.2. Dismissal Docket.
8.3. Law Day Dockets.

RULE 9. COURTROOMS

9.3. Use of Counsel Table.
9.4. Courtroom Decorum and Dress.
9.5. Who is Permitted Within the Bar.

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

RULE 11. RECORDING OF JUDICIAL PROCEEDINGS

RULE 14. PAYMENT OF RESTITUTION OR REPARATION FOR DAMAGE OR LOSS TO VICTIMS IN CIRCUIT COURT CASES

GENERAL RULES

RULE 21. ATTORNEYS

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. Advice to Client and Witnesses of Courtroom Procedure.

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM

RULE 23. TRANSCRIPTS

RULE 24. EXHIBITS

PRETRIAL MATTERS

RULE 32. DISCOVERY

32.1. Use of Discovery and Certification to Circuit Division.
32.2. Interrogatories.

RULE 33. PRETRIAL MOTIONS

33.1. Hearing Dates.

RULE 34. CONTINUANCES

34.1. Civil Cases.
34.2. Criminal Cases.

RULE 35. PRETRIAL CONFERENCES

RULE 36. SETTING CASES FOR TRIAL

36.1. Request for Trial.

RULE 37. DISMISSALS

37.1. Dismissal Docket.
37.2. Reinstatement of Cause.

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

41.1. Notice of Settlement.

TRIALS

RULE 51. COURT–TRIED CASES

51.1. Default and Uncontested Matters.
51.2. Contested Matters.
51.3. Preparation of Findings of Fact and Conclusions of Law.

RULE 53. JURY TRIALS

53.1. Instructions.
53.2. Closing Arguments.

RULE 54. JUDGMENT ENTRY

54.1. Contested Cases.
54.2. Default or Uncontested Cases.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION

61.1. Filing Requirements.
61.2. Home Study and Criminal Background Check.

RULE 62. DRIVERS' CASES

62.1. Applications for Hardship Driving Privileges.

RULE 64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO (COMMONLY KNOWN AS TITLE IV–D AND H.B. 601 ACTIONS)

RULE 67. CRIMINAL CASES

67.1. Pretrial Release.
67.4. Attorneys.
67.7. Motions.
67.9. Guilty Plea.
67.11. Probation and Parole.
67.12. Examination and Reports.

RULE 68. DISSOLUTION OF MARRIAGE

68.1. Filing Requirements.
68.3. Forms of Decree.
68.4. Filing of Financial Statements.
68.5. Child Support Guidelines and Worksheet and Maintenance and Child Support Payments.
68.6. Modification of Decree.
68.7. Termination of Child Support.
68.8. Attendance at Education Sessions.
68.9. Entry of Judgment Upon Affidavit-Requirements.

RULE 69. MUNICIPAL DIVISION

RULE 70. PARTITION

RULE 72. PROBATE

RULE 74. TRUST ESTATES

74.1. Inventory.
74.2. Reports.
74.3. Record.
74.4. Audit.

INTERNAL ORGANIZATION

RULE 100. [INTERNAL ORGANIZATION]

100.2. Local Court Rules.

RECORDS AND FILES

100.4. Storage of Records.
100.5. Clerk's Duties.

APPENDICES

Appendix A. Order Pursuant to Section 452.390-Rule 68.1(c).
Appendix B. Financial Statement Form-Rule 68.4(a).
Appendix C. Income and Expense Statement Form-Rule 68.4(a).
Appendix E. Affidavit for Judgment.

ADMINISTRATION

RULE 1. DIVISIONS OF COURT

The Circuit Court in each County (Marion, Monroe and Ralls) shall consist of the Circuit Division of Marion County (District 1 at Palmyra, Missouri and District 2 at Hannibal, Missouri), Monroe County at Paris, Missouri and Ralls County at New London, Missouri, the Juvenile Division, the Associate Circuit Division, and the Municipal Division.

[Eff. Aug. 15, 1981.]

RULE 2. HOURS AND TERMS OF COURT

RULE 2.1. HOURS OF COURT

(a) Circuit Court shall convene, unless otherwise ordered, as follows:

8:30 a.m. for adoption proceedings;
8:00 a.m. counsel and parties for jury trials;
8:30 a.m. jury panel to assemble for jury trials;
8:00 a.m. for non-jury trials;
9:00 a.m. Term Days and Law Days (except that adoption proceedings shall be at 8:30 a.m.);

(b) Associate Circuit Divisions shall convene at a time set by the Associate Judge of each particular division.

(c) The Court is open five days a week, Monday through Friday, for the purpose of filing papers in the Clerk's office. The Clerk's office is deemed always open.

(d) The State Offices of the Court will observe the following holidays: New Year's Day (1st day of January), Martin Luther King Day (3rd Monday of January), Lincoln's Birthday (12th day of February), Washington's birthday (3rd Monday in February), Truman's Birthday (8th day of May), Memorial Day (last Monday in May), Independence Day (4th day of July), Labor Day (1st Monday in September), Columbus Day (2nd Monday in October), Veteran's Day (11th day of November), Thanksgiving Day (4th Thursday in November), and Christmas Day (25th day of December). In the event that a state holiday falls on a Saturday, such holiday shall be observed on the preceding Friday. In the event that a state holiday falls on a Sunday, such holiday shall be observed on the following Monday.

[Eff. Aug. 15, 1981. Amended Dec. 1, 1997.]

RULE 2.2. TERMS OF COURT

Pursuant to Section 478.205, RSMo the Court repeals 10th Judicial Circuit Court Rule 2.2 and enacts in lieu thereof Rule 2.2 whereby the Term Days of this Circuit shall be as follows and effective as indicated:

Marion County, District 1, at Palmyra, Mo.
1st Wednesday in March—effective March 4, 2015
1st Wednesday in July—effective July 2, 2014
1st Wednesday in November—effective November 5, 1986

Marion County, District 2, at Hannibal, Mo.
1st Friday in January—effective 1/3/86
1st Friday in April—effective 4/4/86
1st Friday in July—effective 7/4/86
1st Friday in October—effective 10/3/86

Monroe County at Paris, Mo.
1st Thursday in March—effective 3/6/86
1st Thursday in July—effective 7/3/86
1st Thursday in November—effective 11/6/86

Ralls County at New London, Mo.
1st Tuesday in March—effective 3/4/86
1st Tuesday in July—effective 7/1/86
1st Tuesday in November—effective 11/4/86

[Repealed and adopted Oct. 1, 1985. Amended January 1, 2014]

Rule 2.2(a) The terms of jury service shall be six months and shall be scheduled as follows:

Marion Hannibal: December 1-May 31 and June 1-November 30
Marion Palmyra: November 1-April 30 and May 1-October 31
Monroe County: July 1-December 31 and January 1-June 30
Ralls County: February 1-July 31 and August 1-January 31

[Effective May 1, 2020]

RULE 2.3. LAW DAYS

Marion County, District I, at Palmyra, Mo.—the 1st Wednesday of each month.

Marion County, District II, at Hannibal, Mo.—the 1st Monday of each month—Criminal Law Day; the 1st Friday of each month—Civil Law Day; the 3rd Monday of each month—9:00 Civil Law Day—9:30 Criminal Law Day.

Monroe County—the 1st Thursday of each month.

Ralls County—the 1st Tuesday of each month.

[Eff. Aug. 15, 1981. Amended eff. Dec. 1, 1997, January 1, 2014]

RULE 2.4. PARTICULAR MATTERS ON PARTICULAR DAYS

(a) Term Day and Law Day.

Civil matters shall be noticed at 9 a.m. Criminal matters in Marion County, District I, at Palmyra, and Monroe County, and Ralls County, shall be noticed at 10:00 a.m., and shall be heard at the completion of the civil docket. Criminal matters in Marion County, District II, at Hannibal, shall be noticed at 9:00 a.m., on the 1st Monday of each month (unless specifically set otherwise by the Court), and noticed at 9:30 a.m., on the 3rd Monday of each month.

(b) Cases may be set for trial on Term Day by personal appearance of the attorney and without notice to the other party or parties, or on any Law Day on proper written notice and by personal appearance, or at any time by agreement of all parties and without personal appearance, or upon the Court's Motion.

(c) Objections by an adverse party to a trial setting must be made at the Law Day when noticed or at the Term Day when a request is made.

(d) Continuances shall be granted only for good cause shown.

(e) The Court and Clerk shall be promptly notified if a case is settled.

(f) Pretrial conferences shall, when ordered, be had pursuant to Civil Rule 62.01.

(g) All notices of intent to call up any matter for hearing on Term Day or Law Day shall specify the hours of 9:00 a.m. unless otherwise allowed by the Court or provided for in subsection (a) of this rule.

(h) In order that a docket can be prepared, counsel or others desiring to have matters heard

on Term Day or Law Day, in addition to any notice required, shall register each matter by case name and number with the appropriate Circuit Clerk not later than 2:00 P.M., on the last working day preceding the Term or Law Day.

Counsel/Pro Se: Failure on your part to notify the Clerks' office may result in your matter being passed. The Clerks' office will no longer contact you.

(i) The Clerks shall register the cases as notified by counsel and shall then prepare and provide to the Court and counsel a docket listing the cases as requested by the Court**.**

(j) It shall be the duty of counsel who wish a matter to be heard on Term Day or Law Day to cause opposing counsel (or non-defaulting party) to appear by notice or agreement.

(k) The Court, on Term Day or Law Day, may vary the order of hearing cases at its discretion to accommodate exigent circumstances for counsel, parties, or witnesses.

(l) At Term Day and Law Day, counsel shall have available their exclusionary dates for the following six (6) months.

(m) Requests to take up any matter in a venue other than that in which it was originally filed, even by consent of the parties, must have prior approval of the Court.

[Eff. Aug. 15, 1981. Amended eff. Jan. 15, 1988; July 1, 1999; amended Nov. 22, 2005, eff. Jan. 1. 2006, amended effective January 1, 2014.]

RULE 3. PLEADINGS

RULE 3.1. CAPTION

(a) The caption of every pleading shall satisfy the requirements of statutes and Supreme Court Rules and, in addition, shall indicate the Division of the Circuit Court in which the pleading is filed.

[Eff. June 27, 2016.]

RULE 3.2. STYLE

(a) Pleadings to be filed in the Circuit Division shall be captioned:
"In the Circuit Court of _____ County, Missouri"
"In the Circuit Court of Marion County, District 1, Palmyra, Missouri"
"In the Circuit Court of Marion County, District 2, Hannibal, Missouri"

(b) Pleadings to be filed in the Juvenile Division shall be captioned:

"In the Circuit Court of _____ County, Missouri, Juvenile Division"
"In the Circuit Court of Marion County, District 1, Juvenile Division, Palmyra, Missouri"
"In the Circuit Court of Marion County, District 2, Juvenile Division, Hannibal, Missouri"

(c) Pleadings to be filed in the Associate Division shall be captioned:
"In the Circuit Court of _____ County, Missouri, Associate Division"
"In the Circuit Court of Marion County, District 1, Associate Division, Palmyra, Missouri"
"In the Circuit Court of Marion County, District 2, Associate Division, Hannibal, Missouri"

(d) Pleadings to be filed in the Probate Division shall be captioned:
"In the Circuit Court of _____ County, Missouri, Probate Division"
"In the Circuit Court of Marion County, District 1, Probate Division, Palmyra, Missouri"
"In the Circuit Court of Marion County, District 2, Probate Division, Hannibal, Missouri"

(e) Pleadings to be filed in small claims matters shall be captioned:
"In the Circuit Court of _____ County, Missouri, Small Claims Court"
"In the Circuit Court of Marion County, District 1, Palmyra, Missouri, Small Claims Court"
"In the Circuit Court of Marion County, District 2, Hannibal, Missouri, Small Claims Court"

(f) Pleadings to be filed in the Municipal Divisions shall be captioned:
"In the Circuit Court _____ County, Missouri, _(Name of City)_, Municipal Division"

(g) All Pleadings and Motions intended for filing in any case shall be legibly written on one side of the paper only, either typewritten or printed, double-spaced, on 8½ × 11 inch paper with a top and lefthand margin of at least one inch; shall be signed by the party and his or her attorney offering the same for filing together with the address, telephone, fax number, 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.

[Eff. Aug. 15, 1981. Amended eff. July 1, 1999 and January 1, 2014.]

RULE 4. FILING OF CASES

(a) No filing shall be rejected by the Circuit Clerk due to insufficient e-filing information or noncompliance with e-filing procedures. The Circuit Clerk's office shall notify the Judge and the filer of the deficiencies. If the filer fails to correct the deficiencies, the Judge may schedule the case for a dismissal hearing. If a filing in Marion County is e-filed in the wrong District, the Circuit Clerk shall accept the filing, and it shall be considered filed as of the date of filing.

(b) Every civil, criminal, domestic relations, and probate case filed in this Circuit must have a Party Information Sheet completed and filed with the initial filing documents. The Party Information Sheet form can be obtained from the Circuit Clerk's office. The Party Information Sheet will be kept in a secure filing location, separate from the case file and will be considered confidential. (See Supreme Court Rule 4.07.1)

(c) Warrants. When a warrant or body attachment is issued in any civil or criminal cause of action, the security level of the case shall be raised to a security level of 3 until such time as the warrant or body attachment is served or withdrawn.

[Adopted Nov. 22, 2005, eff. Jan. 1, 2006. Amended eff. Dec. 20 2010 and January 1, 2014. Amended effective June 27, 2016]

Rule 4.1 E-Filing Procedures

(a) E-filed documents must be received by the clerk two business days prior to the date of hearing. Documents e-filed within two business days of the date of hearing may be considered on the date of hearing only upon the discretion of judge presiding over the hearing, and the filer must bring paper copies of the document to the hearing.

(b) Electronic documents shall be maintained at a security level inaccessible to the public. The e-filing security level of documents in a particular case shall be raised or lowered at the request of the judge presiding over the case.

(c) Local police departments within the Tenth Circuit, the Northeast Missouri Drug Task Force, and the Missouri State Highway Patrol shall be permitted to obtain an agency ID and e-file within the Tenth Circuit. Other agencies requesting an agency ID shall receive such an ID only upon order of the Presiding Judge.

(d) Tenth Circuit Bar Members who have been designated as Senior Counsellors by the Missouri Bar Association will be exempt from e-filing requirements.

[Effective June 27, 2016]

RULE 4.2. CIVIL CASES

Civil Case Management.

(a) It is ordered that the Circuit Clerk shall maintain a calendar in which all Civil case files, including domestic, shall be listed as follows, for the purposes stated, and further, that the

Clerk shall enter the authorized docket entry:

1. 15 days from filing. If issuance of summons is withheld at request of counsel in anticipation of defendant's/respondent's entry of appearance and no entry of appearance has been filed at the end of 15 days, the Clerk shall enter the following order:

No entry of appearance having been made, summons is ordered issued. Counsel to provide service instructions within five days hereof, and failing same, cause will be dismissed without prejudice, for inability to prosecute, unless for good cause shown. Clerk to notify.

2. 15 days after issuance of in-state summons to check service and 30 days after issuance of out-of-state summons to check service. If non-est return, the Clerk shall enter the following order:

Plaintiff/Petitioner granted 15 days to request alias summons or other service. Failing same, cause will be dismissed for failure to obtain service, unless for good cause shown. Clerk to notify.

3. 31 days after personal service of summons or 46 days after first publication , the Clerk shall enter the following order:

Cause is set for (next law day date) for default, consent hearing, scheduling conference, trial setting or other order. If for trial setting, counsel to submit available trial dates. Clerk to notify attorneys of record or litigants who have filed pro se. Parties in default will not be notified.

4. On filing of answer, the Clerk shall enter the following order:

Cause is set for (next law day date) for consent hearing, scheduling conference, discovery schedule, trial setting or other order. Counsel requested to provide agreed upon discovery schedule on or before said date and, failing same, Court will set discovery schedule if appropriate. If for trial setting, counsel to submit mutually available trial dates. Clerk to notify.

5. On filing of un-noticed motion not requiring evidence or extended argument, the Clerk shall enter the following order:

Plaintiff's/Defendant's un-noticed Motion to _____ filed _____ is set for hearing and disposition on (next law day date). Clerk to notify.

6. On filing of un-noticed motion requiring evidence or extended argument, the Clerk shall enter the following order:

Plaintiff's/Defendant's un-noticed Motion to _____ filed _____ is set for (law day date) for purpose of setting same for hearing and disposition.

Note: The Court does not set un-noticed motions for temporary orders in domestic cases under this Rule.

7. In cases where the trial court has ordered that jury instructions be supplied prior to trial, the Clerk shall notify the trial judge if jury instructions are not timely received.

(b) It is further ordered that the Clerk shall docket the entry, or shall docket the setting for the next occurring law day for which timely notice may be given, and notify counsel and pro se parties, by use of the appropriate authorized docket entry contained in this rule.

(c) It is further ordered that, in cases where evidence of discovery sought or had outside the discovery schedule is sought to be filed, the Clerk shall mark such evidence as "Received but not filed because outside of discovery schedule," and shall notify counsel accordingly.

[Eff. Aug. 15, 1981. Amended Nov. 22, 2005, eff. Jan. 1, 2006; amended eff. Dec. 20, 2010 and January 1, 2014]

RULE 4.4. JUVENILE CASES

(a) All juvenile cases shall be heard by the Presiding Judge or by those to whom he or she assigns such case or cases.

(b) Juvenile Division files may be inspected, examined or copied only by leave of the Presiding Judge.

(c) All applications for Orders in the Juvenile Court shall be in written form and shall be taken up as provided by statute, Supreme Court rules, and these rules.

[Eff. Aug. 15, 1981.]

RULE 5. FEES AND COSTS

RULE 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 or she shall give his or her receipt, the following sums:

CIRCUIT DIVISION

(a) The basic filing fee in all cases shall be $105.00 for Circuit Civil, and $107 for Circuit

domestic, which sum includes the $10.00 law library fund fee pursuant to Section 514.470, RSMo. The filing fee for adoption cases shall be $185.00.

(b) In all cases wherein publication is required, an additional fee of $250.00 is required.

(c) In adoption cases an additional fee shall be required for a Guardian Ad Litem fee. The fee shall be $200.00. In Domestic Relation cases where a Guardian Ad Litem is used, the Party or Parties whose allegations give rise to such appointment shall deposit a fee based on the estimated fee of the Guardian Ad Litem and/or set by the Court. The court may order other parties in the action to deposit funds toward the Guardian Ad Litem fee. However such fee is not limited to the estimate of the proposed Guardian Ad Litem. The Court shall set all other Guardian Ad Litem or Next Friend fees.

(d) In actions certified to the Circuit Court from Associate Circuit Court, the party whose action causes such transfer shall deposit publication and guardian ad litem costs as well as other costs provided for in these rules (5.1) except that the $10.00 law library fee shall not be required to be deposited in those types of cases excluded pursuant to Section 514.470.

(e) Time Payment Fee. Any judgment, penalty, fine, sanction or court costs not paid in full within 30 days of the date the court imposed the judgment, penalty, fine, sanction or court costs shall have an additional time payment fee of $25.00 imposed. Ten dollars of the fee shall be retained in a fund managed by the Circuit Clerk of each county in the Circuit. The fund shall be expended at the discretion of the Circuit Clerk of each county of the circuit for the purposes set forth in Section 488.5025.RSMo.

(f) Costs. Any person may obtain a copy of an electronically recorded court proceeding upon payment to the Office of the Circuit Clerk a fee of $25.00 per day of the proceedings. The requesting party shall specify the date for which the recordings are requested. All monies received under this rule shall be deposited and expended by the Circuit Clerk in the same manners provided for interest income under Section 483.310 RSMo. If a hearing for which the recording is being requested contains in-camera juvenile testimony or any other testimony that was heard in confidence by the Court, only by written authorization from the judge assigned to this case shall that part of the testimony be electronically copied.

(g) Witness Fees. Witness fees shall not be allowed, unless claim therefore shall be made to the clerk. The attorney causing any witness to be subpoenaed shall be responsible for seeing that claim is properly made.

(h) Certified copy costs: In civil and domestic cases, one certified copy will be provided to each party free of charge. Additional certified copies will cost 25 cents per page plus $1 for certification.

ASSOCIATE CIRCUIT DIVISION

(a) In actions filed in the Associate Circuit Division under small claims court procedures, the deposit shall be in the amount provided by Section 482.345-1, RSMo.

(b) In all other actions filed in the Associate Circuit Division, $35.00 fee for Associate Civil shall be deposited with the Clerk of the Court pursuant to Section 483.530, RSMo as amended.

(c) Probate Division costs will be charged under Section 483.580, RSMo as amended.

MUNICIPAL DIVISION

(a) In Municipal Ordinance violation cases costs shall be deposited pursuant to Section 479.260, RSMo as amended.

(b) A fee of $2.00 shall be assessed as costs, where so provided, for the training of law enforcement officers pursuant to Section 590.140, RSMo.

No Clerk of any Court in this Circuit shall accept for filing any action in these Courts, except where the Court has permitted the party to file in Forma Pauperis, unless the aforementioned costs and fees be paid at the time the action is filed and if after an action is accepted for filing, it is thereafter determined that publication is required or a guardian ad litem must be appointed, then such additional filing fees must be paid prior to any further proceedings in that action.

[Eff. Aug. 15, 1981. Amended eff. Sept. 1, 1995; Dec. 1, 1995; Nov. 22, 2005, eff. Jan. 1, 2006; Dec. 20, 2010; June 27, 2016]

RULE 5.2. COSTS

a.In all cases filed in this Circuit, court costs shall be payable by cash, credit or debit card, electronic transfer of funds, electronic payment**,** or negotiable instrument only.

b. In criminal cases, as costs are collected, restitution shall be paid first unless otherwise ordered by the Court.

[Adopted May 19, 2000. Amended January 1, 2014 and June 27, 2016.]

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

RULE 6.1. ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

(a) See 6.1.1.

6.1.1. By Local Court Rule or Order. The following types of cases which have been filed in the Circuit Court Division are assigned to the Associate Circuit Division of the appropriate counties for hearing on the record:

(a) Cases arising under the Uniform Reciprocal Enforcement Support Act.

(b) Cases arising under Chapters 207 and 208 (commonly known as Title IV–D and House Bill 601 actions).

(c) Contempt actions for child support arising under Paragraphs (a) and (b) above and for support of maintenance in cases where an Associate Circuit Judge heard the Dissolution case in the first instance.

(d) Applications for hardship driving privileges initially filed in the Circuit Court.

(e) Trials de novo under Sections 479.200, 482.365(2), 512.181(1) and 543.290(1), RSMo.

(f) All cases filed pursuant to Chapter 455, RSMo (Adult Abuse and Child Protection Orders).

(g) Cases filed by a Prosecuting Attorney's Office for Declaration of Paternity, Order of Support and Judgment on a State Debt and Motion for Contempt arising therefrom, and all other cases involving Declaration of Paternity.

(h) Cases filed by the Prosecuting Attorney or his Assistant or an attorney representing the State or any of its departments or subdivisions for the purpose of securing original support decrees, orders or judgments, or modification or enforcement of existing support decrees, orders or judgments. The Associate Judge of Marion County shall hear cases venued in Marion County, District I and II, at Palmyra and Hannibal, Missouri. The Associate Judge of Ralls County shall hear cases venued in Ralls County at New London, Missouri. The Associate Judge of Monroe County shall hear cases venued in Monroe County, at Paris, Missouri.

(i) All domestic relations matters or derivatives thereof, including contempt motions, filed by a prosecuting attorney or his assistant.

(j) All juvenile cases filed by or on behalf of the Juvenile Officer in Marion or Ralls Counties are assigned to the Associate Circuit Judge of Ralls County and all such cases filed in Monroe County are assigned to the Associate Circuit Judge of Monroe County.

(k) Upon the filing of any felony information with the Clerk of the Circuit Court within the

10th Judicial Circuit wherein a preliminary hearing has been waived by the defendant, the judge before whom said preliminary hearing was waived, may, upon written consent of defendant, defendant's counsel and counsel for the state, proceed to dispose of the case upon plea of guilty on the record under applicable circuit court procedures. No formal assignment by the presiding judge shall be required to accept such plea, but thereupon said case is assigned for all purposes, including, but not limited to post-conviction proceedings and probation revocation.

Preliminaries which are not waived, where all consents are not obtained or where the guilty plea is not entered and accepted on the day of the waiver of the preliminary hearing, shall be returnable to the circuit court for arraignment the next following law day under procedures currently applicable.

The following types of cases are automatically assigned to Associate Circuit Judges for disposition upon the filing of a written request by all counsel of record. They shall be heard on the record under Circuit Court Rules with direct appeal to the appropriate Appellate Court.

(a) Uncontested actions involving title to real estate.

(b) Uncontested dissolutions of marriage, legal separations, and separate maintenance proceedings.

(c) Uncontested Motion to Modify decrees of dissolution of marriage, legal separation, separate maintenance, child custody and child support matters.

(d) All replevin cases under Section 533.240, RSMo without limitation on the value of property involved or damages claimed.

(e) Forcible entry and detainer and unlawful detainer under Section 534.060, RSMo, even if the case is designated to be heard under practice and procedure applicable before Circuit Judges.

(f) Particular pretrial matters, other proceedings in the case, or all proceedings in any other civil case with consent as provided in Section 478.225–6, RSMo.

6.1.2. Special Assignment.

(a) An Associate Circuit Judge shall hear and determine on the record such other cases, individually or by type of cases as may from time to time be assigned by order of the Presiding Judge under 478.240–2, RSMo.

[Eff. Aug. 15, 1981. Amended eff. May 5, 1987; March 27, 1991; Jan. 1, 1993; Sept. 1,

1995; Nov. 15, 2000; Feb. 13, 2001.]

RULE 6.3. CERTIFICATION TO CIRCUIT DIVISION

(No Local Rule.) See Rule 32.1.

[Eff. Aug. 15, 1981.]

RULE 6.4. TRIAL DE NOVO

(a) The right to trial de novo shall be perfected by filing of application with the Clerk serving the Associate Circuit Judge or Municipal Judge within ten (10) days after judgment is rendered together with a deposit in the amount provided in these rules, and if applicable, a bond to be approved by the Associate Circuit Judge or Municipal Judge conducting the prior hearing. The Clerk shall thereupon give notice to the opposing party and attorney under Section 512.190, RSMo and the case shall be transmitted to the Circuit Clerk under Section 512.250, RSMo.

(b) See also 6.1.1(e) of these rules.

[Eff. Aug. 15, 1981.]

RULE 6.6. ABSENCE OF JUDGE (ASSOCIATE CIRCUIT)

(a) In the absence of any Associate Circuit Judge of this Circuit, of any Division, any other Associate Circuit Judge or Circuit Judge may sit as the Judge of the Division in which the Judge is absent and perform all of the duties of the absent Judge.

[Eff. Aug. 15, 1981.]

RULE 6.7. ABSENCE OF PRESIDING JUDGE

(a) In the absence of the Presiding Judge, the Presiding Judge may appoint an Associate Circuit Judge of the Tenth Circuit as Acting Presiding Judge who may sit as the Judge of the Division in which the Judge is absent and perform all the duties of the absent Judge or the Presiding Judge may request the Supreme Court to appoint a Special Judge to perform all the duties of the absent Judge.

[Eff. Aug. 15, 1981. Amended eff. July 1, 1999.]

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

RULE 7.1. WHEN ALLOWED

(a) Except for use in Court or by a Judge, records shall be removed from the possession of the Clerk of the Court only when transferred on a change of venue or upon direction of the Judge having jurisdiction.

[Eff. Aug. 15, 1981.]

RULE 7.2. DUPLICATING POLICY

(a) Clerks are authorized to deliver to any party or his counsel photographic reproductions of authorized portions of any case file upon payment of cost of reproduction, which said cost shall be determined by the clerk or statute.

[Eff. Aug. 15, 1981.]

RULE 8. PUBLICATION OF DOCKETS

RULE 8.1. TRIAL DOCKET

(a) At least five (5) days before the first day of each term the clerk shall prepare a written docket to be known as "Court Docket" listing all cases pending together with their file numbers, date of filing, general nature of the case, and the names of counsel, and if assigned to an Associate Circuit Judge or Special Circuit Judge, then the name of that Judge. The "Court Docket" shall be assembled in the following manner:

1. The first or outside page shall set forth at the top thereof the words "Court Docket", beneath which shall be set out the name and year of the term, beneath which shall be set out the name of the Court and Circuit number, beneath which shall be set out the terms of that Court, beneath which shall be set out the names and titles of the Court officers, beneath which shall be set out the effective dates of that particular term.

2. (Deleted)

3. Thereafter shall appear, separately, a list of active criminal cases.

4. Thereafter shall appear a list of civil cases.

5. Thereafter shall appear a list of domestic relations cases.

6. Thereafter shall appear a list of trust estates.

7. Thereafter shall appear a list of cases assigned to Associate Circuit Judges by the Presiding Judge and the date of assignment indicated by the letters D/A, followed by date of

assignment.

8. Thereafter shall appear a list of civil cases assigned to Special Circuit Judges and/or Associate Circuit Judges by the Supreme Court, and the date of assignment indicated in the manner set out in paragraph 7 above.

9. (Deleted)

[Eff. Aug. 15, 1981. Amended eff. Dec. 20, 2010.]

RULE 8.2. DISMISSAL DOCKET

(a) Any civil cases, including domestic relations matters, pending in the Circuit Court Division, in which no significant activity has been noted on the case docket sheet for three (3) months or more is subject to dismissal for want of prosecution at the time of docket call on Term Day. The Clerk shall notify last known counsel of record of such action. Parties shall be notified at their last known address only if no attorneys are then of record. Such dismissals shall be without prejudice but may be reinstated only upon written motion and notice, and for good cause shown.

(b) Failure of a party to be ready when the case is reached for trial shall be grounds for dismissal of the case for want of prosecution in the discretion of the Court.

[Eff. Aug. 15, 1981. Amended eff. July 1, 1999.]

RULE 8.3. LAW DAY DOCKETS

(a) The Clerks of Court shall prepare a Law Day Docket setting forth cases set or noticed for that day, by name of the case and setting forth the names of the attorneys. The types of cases shall be set forth as directed by the Court.

[Eff. Aug. 15, 1981. Amended eff. Sept. 1, 1995; Dec. 1, 1997; January 1, 2014.]

RULE 9. COURTROOMS

RULE 9.3. USE OF COUNSEL TABLE

(a) Counsel tables in the Courtroom are reserved for the use of counsel and parties to the action being immediately presented to the Court.

[Eff. Aug. 15, 1981.]

RULE 9.4. COURTROOM DECORUM AND DRESS

(a) The Sheriff or his deputy and the Clerk or deputy shall be in the Courtroom at all times when the Court is in session unless excused by the Court.

(b) The bailiff (or if excused, the clerk) shall formally open each session of court, shall enforce the rule against smoking while Court is in session, and shall quietly and politely abate any noise or display which detracts from the business of the Court.

(c) All attorneys and Court officials shall conduct himself or herself in a gentlemanly and ladylike manner.

(d) Attire of male attorneys shall include, in addition to other basic business attire, a coat and tie. Attire of female attorneys shall include, in addition to other basic business attire, a coat.

(e) Counsel in cases not before the Court shall not hold conferences with clients or others in the Courtroom while Court is hearing other matters.

(f) One attorney shall be primarily responsible for the conduct of the proceeding and shall examine witnesses for each party filing separate pleadings. Such counsel shall be changed only by leave of Court, which shall be freely given.

(g) Smoking is not permitted while Court is in session.

(h) The Courtroom shall be well-kept, heated, lighted, air-conditioned, ventilated and appropriately furnished.

(i) Judges shall maintain order and decorum in proceedings before them and/or while in or out of session.

(j) Non-attorneys are not permitted to bring cell phones, cameras, or any other electronic or recording devices into the courtroom without prior permission of the judge and sheriff. During any hearing or conference in a cause of action in which an attorney is representing himself or herself, the attorney shall not be permitted to bring cell phones, cameras, or any other electronic or recording device into the courtroom without prior permission of the judge and sheriff.

[Eff. Aug. 15, 1981 amended effective January 1, 2014]

RULE 9.5. WHO IS PERMITTED WITHIN THE BAR

(a) Attorneys, Court Officers, parties, witnesses when called and such other persons as the Court designates.

[Eff. Aug. 15, 1981.]

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

(a) The statutory rate for the cost of original deposition and attendance fee of the Court Reporter shall be deemed to be court costs in this Circuit. However, the actual costs of the depositions may be deemed to be court costs upon the agreement of the attorneys for the parties. In any event, the attorneys for the parties shall notify the Clerks of the Courts of this Circuit, upon completion of a case, the actual amounts that are to be attributed as court

costs, within ten (10) days of completion of the case.

(b) 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.

[Eff. Aug. 15, 1981.]

RULE 11. RECORDING OF JUDICIAL PROCEEDINGS

(a) All persons except those authorized by the Court to preserve the records and those authorized by the Court pursuant to Article V, Section 4 of the Missouri Constitution, Court Operating Rule No. 16, shall refrain from broadcasting, televising, recording, or taking photographs in the Courtrooms and in the corridors and stairways adjacent thereto while Court is in session and during recesses.

[Eff. Aug. 15, 1981. Amended eff. July 1, 1999; Feb. 22, 2000.]

RULE 14. PAYMENT OF RESTITUTION OR REPARATION FOR DAMAGE OR LOSS TO VICTIMS IN CIRCUIT COURT CASES

(a) All payments for restitution or reparation for damage or loss to victims in felony, misdemeanor or infraction cases shall be paid in accordance with Missouri statute.

(b) All payments for restitution or reparation for damage or loss to victims in juvenile cases shall be paid to the 10th Circuit Juvenile Officer at 10th Circuit Juvenile Justice Center, Hannibal, Missouri. The Juvenile Officer shall promptly issue receipts for all such payments and credit the account of the offender.

(c) All payments made pursuant to paragraphs (a) and (b), supra, shall be payable by check, money order or cash, and if by cash then as much as mathematically possible in currency and the balance in specie.

(d) All payments made by check or money order shall be made payable to the Juvenile Officer and the victim's name shall not appear as payee. The Juvenile Officer shall promptly issue receipts for all such payments and credit the account of the offender.

[Adopted eff. Dec. 19, 1988 amended effective January 1, 2014]

GENERAL RULES

RULE 21. ATTORNEYS

RULE 21.2. ENTRIES OF APPEARANCE

(a) Attorneys retained in pending cases shall enter their appearance promptly after their employment.

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

[Eff. Aug. 15, 1981.]

RULE 21.3. CONDUCT OF ATTORNEYS

(a) Counsel shall maintain the dignity and decorum or proceedings in Court by proper demeanor towards opposing counsel, parties, witnesses, and the Court. They shall refrain from unfair or derogatory personal references to opposing counsel, from haranguing, vexatious, or offensive interrogation of witnesses, and from making objections in a loud or discourteous fashion.

[Eff. Aug. 15, 1981.]

RULE 21.4. WITHDRAWAL OF ATTORNEYS

(a) An attorney may withdraw his appearance by written or oral motion, and if permitted to withdraw, counsel shall forthwith notify his client and opposing counsel in writing with a copy to the Clerk, setting forth the trial date, if any. If withdrawal is permitted, the Clerk shall remove the name of the withdrawing counsel from the case.

[Eff. Aug. 15, 1981.]

RULE 21.5. FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

(a) Attorneys are expected to be present at the beginning of the docket call. If any matter is not ready when called, it will go to the bottom of the list of its particular category, and then if not ready, it will be passed to the end of the day.

[Eff. Aug. 15, 1981.]

RULE 21.6. ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE

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

The attorney shall advise his or her client, witnesses, and their friends and family if present not to discuss any phase of the case with the court or any prospective jurors.

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.

[Adopted eff. July 1, 1999. Amended January 1, 2014.]

RULE 21.7 ATTORNEYS WITHDRAWN FROM A CASE

In all criminal cases and domestic cases which are not tried, the attorneys for the parties shall be withdrawn from the case at the time a Judgment or other disposition is entered unless the attorney asks the Court for leave to remain as ongoing counsel in the case. In criminal and domestic cases which are tried, the attorneys for the parties shall be withdrawn from the case at the time of disposition or Judgment on post-trial motions unless the attorney asks the Court for leave to remain as ongoing counsel in the case.

[Eff. June 27, 2016, amended June 29, 2016]

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM

(a) Counsel or guardian ad litem will be appointed in civil cases for unknown or incompetent parties, domestic relation cases involving minors, members of the armed forces, persons confined to prison and indigent defendants, all if required by law.

[Eff. Aug. 15, 1981.]

RULE 23. TRANSCRIPTS

(a) Where the record is made by the Court Reporter, all orders for transcripts on appeal or of the testimony of any witness or witnesses shall be made in writing to the Court Reporter with a copy to the Circuit Clerk, and the report and acceptance of service of such order shall be filed with the Clerk of the Circuit Court in which the case is pending. All applications for extension of time to file transcripts shall show the date the same was ordered and a copy of such order for extension of time shall be forwarded to the attorneys involved by the official Court Reporter.

[Eff. Aug. 15, 1981.]

RULE 24. EXHIBITS

(a) All exhibits introduced during the trial of a case, except depositions, shall remain in the custody of the attorney introducing the same and shall at all times be subject to examination by opposing counsel.

[Eff. Aug. 15, 1981.]

PRETRIAL MATTERS

RULE 32 DISCOVERY

RULE 32.1. USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

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

[Eff. Aug. 15, 1981.]

RULE 32.2. INTERROGATORIES

(a) Each party shall be limited to propounding a total of thirty (30) interrogatories, including sub-parts thereof. With leave of Court, upon good cause shown, additional interrogatories may be propounded.

(b) The original of the interrogatories shall be served upon adverse counsel. The interrogatories are not to be filed with the Court except as provided by paragraph (d) herein.

The interrogating party shall show on the interrogatories the Certificate of Mailing and shall file with the Court at the time they are mailed a Certificate of Mailing of the interrogatories which shall include the following:

1. The party to whom mailed.

2. The date of mailing.

3. Designation of pleading as first interrogatories, second interrogatories, etc.

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

(c) The interrogated party shall retype the interrogatory before each answer, using the same interrogatory number as in the interrogatories propounded by the opponent.

(d) The interrogated party shall prepare the affidavit to be signed by the appropriate party and attach it as a last page of the interrogatories and then file the completed original containing both interrogatories and answers thereto with the Circuit Clerk, mailing a copy to each party.

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

[Adopted eff. Oct. 1, 1985.]

RULE 33. PRETRIAL MOTIONS

RULE 33.1. HEARING DATES

(a) All pretrial motions shall be held on Law Days.

[Adopted eff. Sept. 15, 1989.]

RULE 34. CONTINUANCES

RULE 34.1. CIVIL CASES

(a) Continuances shall be granted only for good cause shown.

[Eff. Aug. 15, 1981.]

RULE 34.2. CRIMINAL CASES

(a) Continuances shall be granted only for good cause shown.

[Eff. Aug. 15, 1981.]

RULE 35. PRETRIAL CONFERENCES

(a) Pretrial conferences shall, when appropriate, be had pursuant to Civil Rule 62.01.

[Eff. Aug. 15, 1981.]

RULE 36. SETTING CASES FOR TRIAL

RULE 36.1. REQUEST FOR TRIAL

(a) Parties or their attorneys may request trial settings on Term Day without notice or on any Law Day with five (5) days written notice to all parties or their attorneys, or at any time by agreement of the parties, or the Court's own Motion. Should a Law Day fall on a Term Day, notice is not required. (Effective Date shall be as set out in Rule 2.2.) (See Rule 32.1(a).)

[Adopted eff. Oct. 1, 1985.]

RULE 37. DISMISSALS

RULE 37.1. DISMISSAL DOCKET

(a) Any civil case, including domestic relations matters, pending in the Circuit Court Division, in which no significant activity has been noted on the case docket sheet for three (3) months or more, is subject to dismissal without prejudice for want of prosecution at the time of docket call on Term Day. The Clerk shall notify, in writing, last known counsel of record of such action and parties shall be notified in writing at their last known address only if no attorneys are then of record and if the party is not in default. Such dismissals shall be without prejudice and may be reinstated only upon written motion and notice and for good cause shown.

(b) Failure of a party to be ready for trial when a case is reached for trial shall be grounds for dismissal of the case for want of prosecution in the discretion of the Court.

[Eff. Aug. 15, 1981. Amended eff. Sept. 1, 1995; July 1, 1999; January 1, 2014.]

RULE 37.2. REINSTATEMENT OF CAUSE

(a) Civil cases which have been dismissed may be reinstated only upon written Motion and

Notice and for good cause shown.

[Eff. Aug. 15, 1981. Amended eff. July 1, 1999.]

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

RULE 41.1. NOTICE OF SETTLEMENT

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

[Eff. Aug. 15, 1981.]

TRIALS

RULE 51. COURT–TRIED CASES

RULE 51.1. DEFAULT AND UNCONTESTED MATTERS

(a) In default and uncontested cases, counsel for prevailing parties shall on the day of disposition present to the Court for approval the Judgment or Decree to be entered in such case.

[Eff. Aug. 15, 1981. Amended January 1, 2014.]

RULE 51.2. CONTESTED MATTERS

(a) In contested cases, counsel for prevailing parties shall within five (5) days of its trial present to the Court for approval the Judgment or Decree to be entered in such case with a copy to opposing counsel.

[Eff. Aug. 15, 1981. Amended January 1, 2014.]

RULE 51.3. PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) 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.

[Eff. Aug. 15, 1981; amended effective January 1, 2014.]

RULE 53. JURY TRIALS

RULE 53.1. INSTRUCTIONS

(a) Attorneys for the parties shall submit to the Court at the pretrial conference , an original and one copy of instructions they anticipate using with MAI or MAI–CR numbers affixed on the bottom thereof.

[Eff. Aug. 15, 1981, amended effective January 1, 2014]

RULE 53.2. CLOSING ARGUMENTS

(a) Counsel shall be allowed a reasonable time to argue their case. Counsel for Plaintiff shall not be allowed more than half of this time to close.

[Eff. Aug. 15, 1981.]

RULE 53.3 SECURITY LEVEL OF JURY CASES

The security level of a case set for jury trial shall be raised to a security level of 3 seven days before the trial, at the time the jury is called, or at an earlier date at the discretion of the Court to protect the rights of the parties to a fair trial.

[Effective January 1, 2014]

RULE 54.4 JURY QUESTIONNAIRES

Jury questionnaires provided to counsel shall remain confidential. Counsel, counsel's employees and agents, and parties are prohibited from disclosing any information from the juror questionnaires to any non-party.

RULE 54. JUDGMENT ENTRY

RULE 54.1. CONTESTED CASES

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

[Eff. Aug. 15, 1981.]

RULE 54.2. DEFAULT OR UNCONTESTED CASES

(a) Counsel for the prevailing party shall on the day of disposition present to the Court for its approval the Judgment or Decree to be entered in the cause.

[Eff. Aug. 15, 1981.]

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) His pleading or an affidavit attached to it, information under oath concerning child custody and custody proceedings as required by Section 452.480, RSMo.

(b) A Certificate of Adoption (vital statistics report) on a form to be provided by the Clerk.

[Eff. Aug. 15, 1981, amended effective January 1, 2014.]

RULE 61.2. HOME STUDY AND CRIMINAL BACKGROUND CHECK

(a) Unless waived pursuant to Section 453.070, RSMo, upon the filing of the Petition involving children in the custody of the Missouri Department of Social Services, Children's Division, the Missouri Department of Social Services, Children's Division, shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child, including a criminal background check. For children not in the custody of the Missouri Department of Social Services, Children's Division, a private agency shall conduct the home study and background check. The Clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.

(b) Pursuant to Section 453.070, subsection 5, in any case wherein the suitability investigation has been waived, the petitioning parents shall effectuate a criminal background check, in the manner following:

1. Petitioners may go directly to the Missouri State Highway Patrol Headquarters in Jefferson City, sign a waiver to make application for a fingerprint card, pay the fee and be fingerprinted, and receive the results while they wait. The certified copy of the criminal background check would then be returned by the Petitioners and filed with the Court.

In lieu of No. 1,

2. Petitioners may go to local law enforcement officials, sign a waiver to make application for a fingerprint card, pay the fee and be fingerprinted, and receive the results, by mail, in four to six weeks. The certified copy would then be filed with the Court.

[Eff. Aug. 15, 1981. Amended eff. Sept. 1, 2001; January 1, 2014.]

RULE 62. DRIVERS' CASES

RULE 62.1. APPLICATIONS FOR HARDSHIP DRIVING PRIVILEGES

(a) These cases are assigned to Associate Circuit Judges pursuant to Rule 6.1.1(d) of these Rules.

[Adopted Eff. Aug. 15, 1981.]

RULE 64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO (COMMONLY KNOWN AS TITLE IV–D AND H.B. 601 ACTIONS)

(a) These cases are assigned to Associate Circuit Judges pursuant to 6.1.1(b) of these Rules.

[Eff. Aug. 15, 1981.]

RULE 67. CRIMINAL CASES

RULE 67.1. PRETRIAL 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.)

67.1.3. Bail Bond. (Pursuant to Section 478.248).

(a) The Associate Circuit Judge of this Circuit shall be responsible for setting Bonds in their Courts in their respective counties.

(b) If an Associate Circuit Judge shall be unavailable for setting Bonds for a period in excess of twenty-four (24) hours, then he shall make arrangements for another Associate Circuit Judge of this Circuit to be available for setting Bonds and, in any such event, the absent Judge or consenting Judge shall notify appropriate law enforcement agencies of that county, advising such agencies of the identity of the Judge substituting for him and where he can be reached.

(c) For the purpose of effectuating the intent and purpose of this rule, this Court assigns and grants to the Associate Circuit Judges of this Circuit, the authority to assign one another to their respective counties for the purpose of setting such bonds in their absence.

[Adopted eff. Oct. 31, 1985; amended January 1, 2014.]

(d): Cash bonds which exceed the costs, fine, board bill, and restitution of the case in which the bond was posted shall be applied to costs, fine, board bill, and restitution owed by the defendant in other cases in the same county, with priority given in order of oldest to newest cases.

[Adopted June 27, 2016]

RULE 67.4. ATTORNEYS

See Rule 21 of these rules.

[Eff. Aug. 15, 1981.]

RULE 67.7. MOTIONS

(a) All Motions shall be disposed of prior to trial.

[Eff. Aug. 15, 1981.]

RULE 67.9. GUILTY PLEA

67.9.1. Where Entered. (No Local Rule.)

67.9.2. Petition to Enter a Plea of Guilty.

(a) No plea of guilty will be accepted unless the amount of restitution has been determined and made known to the Court.

Further, any plea of guilty accepted by the Court is limited to the crime with which defendant is charged. However, the Court may accept an offered plea agreement relating to other actual or potential charges if the number thereof has been definitely ascertained. If payment of restitution for the other or potential charges is part of the plea agreement, the total amount of restitution must be known and certain at the time of the plea.

[Adopted eff. Nov. 25, 1987, amended January 1, 2014.]

RULE 67.11. PROBATION AND PAROLE

(a) Board of Probation pre-sentence reports, progress reports, and violation reports shall be removed from the Court files before inspection or examination by anyone other than the Court, the Prosecuting Attorney or his Assistant, Public Defender or his Assistant, Defense Counsel, and Defendant.

[Eff. Aug. 15, 1981.]

RULE 67.12. EXAMINATION AND REPORTS

(a) Medical and psychiatric reports shall be treated as confidential and shall not be open for inspection or examination by anyone other than those expressly entitled to such inspection or examination by statute, Supreme Court Rules, or by Rules of this Court. Such reports shall be removed from the file by the Clerk prior to allowing examination thereof, except for those permitted to inspect and examine pursuant to the foregoing.

[Eff. Aug. 15, 1981.]

RULE 68. DISSOLUTION OF MARRIAGE

RULE 68.1. FILING REQUIREMENTS

(a) The parties shall state in the pleadings or an affidavit attached to them information under oath concerning child custody proceedings as required by Section 452.480, RSMo.

(b) At the time of filing the Petition, the Petitioner shall file a Certificate of Dissolution of Marriage (vital statistics report) on a form to be provided by the Clerk.

(c) All requests for investigations and reports on custodial arrangements for children, requested pursuant to Section 452.390 shall be made by an Order form attached hereto and made a part hereof, prepared by the requesting party and in sufficient numbers to provide for an original form for the Court file and copies for the attorneys of record, for parties not represented by counsel and for the Division of Family Services. The Clerk shall provide this form. [See Appendix A.] Home and social studies in child custody matters as well as financial records shall be confidential and shall not be open for inspection or examination by anyone other than the Court, the parties or counsel in the case.

(d) In contested cases, counsel, or if a party is not represented by counsel, then the party, shall file, ten (10) days prior to hearing, a financial statement and an income and expense statement identical to the forms attached to these Rules. At the time of filing such

statements, counsel shall also mail or furnish a copy to opposing counsel or party.

[Eff. Aug. 15, 1981.]

RULE 68.3. FORMS OF DECREE

(a) All decrees of dissolution, legal separation or modification decrees affecting the title to real estate shall include directly or by reference the complete legal description of such real estate. A copy thereof shall be delivered by counsel to the Circuit Clerk for filing in the office of the Record of Deeds. The expense of recording same shall be paid by the party delivering the decree for filing and such expense shall be taxed as costs in the case.

(b) A copy of all default decrees of dissolution, legal separations or modifications shall be delivered by counsel for the Petitioner to the Clerk along with a statement of last known mailing address of the Respondent. The Clerk shall cause to be deposited in the U.S. mail an envelope addressed to the Respondent, enclosing a certified copy of said decree. If child support has been awarded, the mailing to the Respondent shall be by certified mail, return receipt requested. Expense of such mailing shall be taxed as costs in the case.

[Eff. Aug. 15, 1981.]

RULE 68.4. FILING OF FINANCIAL STATEMENTS

(a) Counsel for all represented parties, and the party if not represented by counsel, shall file in contested cases, a financial statement and an income and expense statement in a form identical to the form attached to these rules and made a part hereof. The Clerk shall also furnish these forms. These statements must be filed by the moving party at least ten (10) days prior to trial or contested hearing on a motion for temporary custody, support, or fees and copies thereof must be provided to opposing counsel. Opposing counsel must file financial statements and income and expense statements at least five (5) days prior to trial or contested hearing on a motion for temporary custody, support, or fees and copies thereof must be provided to counsel for moving party. [See Appendices B and C.] The aforesaid statements and information required shall be confidential subject to inspection only by the Court, the parties and their attorneys.

[Eff. Aug. 15, 1981. Amended eff. Dec. 2, 1991 and January 1, 2014.]

RULE 68.5. CHILD SUPPORT GUIDELINES AND WORKSHEET AND MAINTENANCE AND CHILD SUPPORT PAYMENTS

When there are children involved in the case, the basis child support obligations as authorized and announced by Missouri Supreme Court Rule 88, MRCP, effective April 1,

1994, as amended, shall be followed absent circumstances wherein the Court finds the Rule 88 MRCP child support guidelines "unjust or inappropriate".

A Missouri Supreme Court Form has been prescribed to calculate presumed child support amounts under the guidelines (i.e., "Form 14"), along with Directions, Comments for Use and Examples for Completion of Form 14, and a Schedule of Basic Child Support Obligations as set out in the Missouri Rules of Court. This form shall be accurately filled out and filed with the Court by *each* party, prior to the close of evidence, or as otherwise permitted by the Court in all cases.

All payments of maintenance and child support payments shall be paid through the Family Support Payment Center which shall act as trustee therein pursuant to Section 452.345, RSMo., unless otherwise ordered by the Court.

[Adopted eff. May 5, 1987. Amended eff. July 1, 1999; Nov. 22, 2005, eff. Jan. 1, 2006 and January 1, 2014.]

RULE 68.6. MODIFICATION OF DECREE

See Sections 68.1(c), and 68.3(a) and (b) of these Rules.

[Former 68.5 eff. Aug. 15, 1981. Renumbered as Rule 68.6, eff. May 5, 1987.]

RULE 68.7. TERMINATION OF CHILD SUPPORT

When both parties wish to terminate child support pursuant to Section 452.340.3, in addition to any other available proceeding, said parties may do so by filing with the Clerk of the Court, their notarized statement, signed by both parties, setting forth their request and grounds therefor pursuant to Section 453.340.3. No court costs shall be assessed when this procedure is utilized.

[Adopted eff. Oct. 10, 1994. Amended eff. July 1, 1999.]

RULE 68.8. ATTENDANCE AT EDUCATION SESSIONS

In dissolution of marriage or legal separation actions or modification action involving children filed after January 1, 2014, parties may use completion of the free online parenting class at www.uptoparents.org to show compliance with the Missouri law requiring educational sessions for parents. Parties may attend other educational sessions if approved by the Court.

The Petitioner shall complete the program within 60 days of the filing of the petition or motion, and the Respondent shall complete the program within 60 days of the date of

service of process or filing of a written waive of service of process.

The court, for good cause shown, may waive the application of this rule.

The trial court may impose appropriate sanctions on any non-complying party, including striking the pleadings of the non-complying party.

[Adopted eff. July 1, 1999. Amended January 1, 2014.]

RULE 68.9. ENTRY OF JUDGMENT UPON AFFIDAVIT—REQUIREMENTS

(a) Final Orders Entered—When. Final orders in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:

(1) There are no minor children of the mother and father and the mother is not pregnant, or at least one party is represented by counsel and the parties have entered into a written Parenting Plan determining custody, visitation and child support; and

(2) The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and

(3) There is no genuine issue as to any material fact; and

(4) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

(b) Affidavit—Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit containing, at a minimum, the information in Appendix Form E, setting forth sworn testimony showing the Court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with an original and three copies of the proposed Decree or Judgment, a copy of any written agreement proposed for adoption by the Court, a completed Form 14 (if children are involved), and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a Decree of Dissolution or Decree of Legal Separation.

(c) Notice of Request. Notice of the intention of either party to request the entry of judgment upon affidavit must be given in writing, unless such notice is specifically waived in writing by the other party, not less than ten (10) days prior to the filing of the affidavit, unless the request for such relief is by agreement of the parties. Notice shall be given to legal counsel for the opposing party or to the opposing party, personally, if not represented, with a copy of the notice and proof of service being filed with the court. No notice shall be

required to be given to a party who is in default unless otherwise required by law.

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

[Adopted eff. July 1, 1999.]

RULE 69. MUNICIPAL DIVISION

(a) Judges of Municipal Divisions of the Circuit Court may, in their discretion, establish a Traffic Violations Bureau pursuant to Supreme Court Rule 37.50.

[Eff. Aug. 15, 1981.]

Rule 69.01 DETERMINATION OF INDIGENT STATUS

(a) A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court the following "Statement of Financial Condition."

STATEMENT OF FINANCIAL CONDITION

Name: _____ Case Number: _____

Address: _____

Your Age and Date of Birth: _____

Phone Number: _____ (Is it OK to text you at this number? Yes/No)

1) If you plead guilty or are found guilty, can you pay your fines and costs today? Yes/No

If you answered "No," why not?

_____

_____

_____

_____

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

2) Are you currently in the custody of the Children's Division or DYS? Yes/No

3) Have you spent a night in jail during the past year because you were unable to
post a bond?

Yes/No If "Yes," how much was your bond? $_____

4) Are you receiving public assistance? Yes/No If "Yes," please tell us what type of public assistance you are receiving (for example, food stamps, TANF,
Medicaid, housing assistance, other types of public assistance):
_____
_____
_____
_____

5) Please list the following income from the previous month for your entire household:

Take home pay for the month including overtime and bonuses: _____
Social security income (including social security disability): _____
Workers' compensation income: _____
Unemployment income: _____
Retirement income: _____
All other income: _____

Total: _____

6) How many people live in your household? _____

7) Do you have cash, bank accounts, or any other assets, including vehicles or real

estate free of debt, that totals more than $5,000? Yes/No If "Yes," what type?

_____
_____

_____
_____

If you are facing the possibility of jail time and cannot afford to hire a lawyer,
you are entitled to have a lawyer appointed by the court to represent you.

Do you want a lawyer to represent you in this case? Yes/No

Can you afford to hire a lawyer to represent you in this case? Yes/No

Are you asking the court to give you some more time to hire a lawyer? Yes/No

Are you asking the court to appoint a lawyer for you today? Yes/No

The above information is true and correct to the best of my knowledge under
penalty of law.

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

(b) A person is presumed indigent if the person:

(1) Is in the custody of the Children's Division or the Division of Youth Services; or

(2)(A) Has unencumbered assets totaling under $5,000, and

(B) Has total household monthly income below 125% of Federal Poverty Guidelines, which currently are:

1 household person: $1,238

2 household persons: $1,669
3 household persons: $2,100
4 household persons: $2,531
5 household persons: $2,962
6 household persons: $2,715
7 household persons: $3,393
8 household persons: $4,258

[Add $433 for each additional person]

[Eff. December 29, 2016]

RULE 70. PARTITION

(a) In Partition matters, Plaintiff's attorney shall assist the Sheriff in preparing all necessary Reports of Sale, Orders of Distribution, etc. and present them to the Court.

[Eff. Aug. 15, 1981.]

RULE 72. PROBATE

(a) Cases in the Probate Division which are adversary in nature shall be heard on the record. There shall be no trial de novo to the Circuit Court and the case shall be appealable to the appropriate Appellate Court as provided by statute. The record shall be made by electronic device.

(b) Medical and psychiatric reports in probate cases shall be treated as confidential and shall not be open for inspection or examination and shall be removed from the file by the Clerk before examination by anyone other than those expressly entitled to such examination under the statute, Supreme Court Rule, or by Rules of this Court.

[Eff. Aug. 15, 1981.]

RULE 74. TRUST ESTATES

RULE 74.1. INVENTORY

(a) 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.

[Eff. Aug. 15, 1981.]

RULE 74.2. REPORTS

(a) 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.

[Eff. Aug. 15, 1981.]

RULE 74.3. RECORD

(a) 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, (see Rule 8.1.6) so that the Circuit Court shall be advised of the pendency of proceedings in which trustee's reports are required to be filed.

[Eff. Aug. 15, 1981.]

RULE 74.4. AUDIT

(a) The Court may, prior to approval of a trustee's report, order an audit by a qualified person appointed by the Court.

[Eff. Aug. 15, 1981.]

INTERNAL ORGANIZATION

RULE 100. [INTERNAL ORGANIZATION]

RULE 100.2. LOCAL COURT RULES

100.2.1. Formulation.

(a) These rules shall be known as "Tenth Circuit Court Rules," abbreviated as "10th CCR." Individual rules shall be cited as "10th CCR _____." For instance, this section of the rules should be cited as "10th CCR 100.2.1(a)."

(b) All other rules of this Court inconsistent herewith shall be and hereby are revoked.

(c) In the event that any of these rules are in conflict with the Rules of the Missouri Supreme Court or contrary to law, these rules are to such extent to be void and without effect.

(d) These Rules shall be in full force and effect from and after the 15th day of August, 1981, and from and after the date of adoption of any amendments hereto by Order of the

Presiding Judge.

(e) The Circuit Clerks, within fourteen (14) days of receipt of these Rules and amendments or supplements thereto, shall distribute copies thereof to each attorney of their county (the Clerk of District 2 to distribute to Hannibal attorneys; the Clerk of District 1 to distribute to Palmyra attorneys), and to out-of-circuit attorney who regularly enter that county for the practice of law. The Clerks shall make and file Certificates upon completion of such distribution reciting the description of the materials distributed, the distributees, and the date of distribution.

(f) Upon entry of appearance of an attorney not previously shown as a distributee of the Rules, the Circuit Clerk shall forward a copy of the current rules to such attorney.

(g) No charge shall be made for initial distribution of Rules, but the cost of reproduction, to be determined by the Clerks and payable in advance, shall be charged for subsequent copies.

100.2.2. Publication.

(a) Circuit (which term includes District Clerks) and Division Clerks shall file and maintain copies of the Rules in their respective offices, keep them supplemented to date, and make them available to the public and Bar. Except for those copies to be furnished free of charge as mentioned in Rule 100.2.1(g), copies furnished to the public shall be payable as set forth in said Rule.

[Eff. Aug. 15, 1981.]

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). Paper files existing prior to June 27, 2016, shall be the official court record, even if the contents have been scanned into the e-filing system.

(a) In each case, the Circuit Clerk shall preserve and retain a paper copy of each judgment, except judgments of dismissal. The paper copy of the judgment shall be considered the official court record of the judgment. The electronic copy of the judgment shall be considered the official court record only if the paper copy is lost or destroyed. The Circuit Clerk shall also preserve and retain the following paper documents: original Last Wills and Testaments and codicils, the Information to which disposition applies in felony criminal cases, and any original documents

required to be filed pursuant to Missouri statutes or any applicable Missouri Supreme Court Rules.

[Adopted June 27, 2016]

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.

(a) It shall be the responsibility of the Counties of this Circuit to defray the expenses for material and equipment utilized by the Court Reporter in performing her duties.

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.)

[Eff. Aug. 15, 1981.]

RULE 100.5. CLERK'S DUTIES

100.5.1. Monies Paid Into Court. (No Local Rule.)

100.5.2. [List of Prospective Jurors.] In all cases where a jury is required, the Circuit

Clerk shall prepare a list of the prospective jurors and deliver the same to the Sheriff not less than 5 days prior to trial or as otherwise ordered by the trial court, and Saturdays, Sundays and Holidays shall be excluded for purposes of computing the five (5) day period.

[Eff. Aug. 15, 1981. Amended eff. Sept. 1, 1995 and January 1, 2014]

APPENDICES

APPENDIX A. ORDER PURSUANT TO SECTION 452.390—RULE 68.1(c)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

_____, PETITIONER	)	
VS.	)	CASE NO. _____
_____, RESPONDENT	)	

ORDER

Pursuant to Section 452.390, the Court Orders the _____ County, Mo. Division of Family Services/Name of private agency to conduct an investigation and make a report concerning custodial arrangements for minor children born of the marriage of the Parties.

The Investigator shall make available to Counsel and to any Party not represented by Counsel an Investigator's file of underlying data and reports, complete texts of diagnostic reports made to the Investigator pursuant to the provisions of sub-section 2 of 452.390, and the names and addresses of all persons whom the Investigator has consulted.

Upon completion of the report the said Division/name of private agency is directed to furnish a copy of said report to Counsel for the Parties and to any Party not represented by Counsel and to forward the original thereof, in a sealed envelope, to the Clerk of this Court.

Petitioner is represented by _____ (not represented by Counsel).

Respondent is represented by _____ (not represented by Counsel)

Petitioner resides at _____, Phone No. _____ (no phone) and is employed by _____, Phone No. _____ (no phone).

Respondent resides at _____, Phone No. _____ (no phone) and is employed by _____, Phone No. _____ (no phone).

DATED: _____

_____

_____, Judge

10th Judicial Circuit of Missouri

cc:

[Eff. Aug. 15, 1981, amended effective January 1, 2014]

APPENDIX B. FINANCIAL STATEMENT FORM—RULE 68.4(a)

STATE OF MISSOURI)
) SS.
COUNTY OF _____)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

_____)
)
vs.) No. _____
)
_____)

FINANCIAL STATEMENT OF _____, who being first duly sworn, on my oath state my financial condition as follows:

Note: For value, set forth current market value.
In column 1 indicate H if husband's debt, W if wife's, J if joint.
In column 2 indicate M for marital property and NM for non-marital.
In column 3 indicate H if title is in husband, W if title in wife, or J.
In column 4 indicate H if possession is in husband, W if in wife.
Use reverse side or attach additional sheets if necessary.

				1	2	3	4
		Value	Debt & Creditor	Debtor	M/NM	Title	Poss.
1.	Cash and Deposit accounts. (checking, savings, savings & loan, credit union, etc.)	$_____			_____	_____	_____
	_____	$_____			_____	_____	_____
	_____	$_____			_____	_____	_____
2.	Motor Vehicles: (year, make, model)						
	_____	$_____	$_____	_____	_____	_____	_____
	_____	$_____	$_____	_____	_____	_____	_____
3.	Real Estate & Leaseholds (address & brief descrip.)						
	_____	$_____	$_____	_____	_____	_____	_____
	_____	$_____	$_____	_____	_____	_____	_____
	_____	$_____	$_____	_____	_____	_____	_____
4.	Household furnishings and equipment.	$_____	$_____	_____	_____	_____	_____
5.	Securities (stocks & bonds)						
	_____	$_____	$_____	_____	_____	_____	_____
	_____	$_____	$_____	_____	_____	_____	_____
6.	Life Insurance (cash value)	$_____	$_____	_____	_____	_____	_____
	_____	$_____	$_____	_____	_____	_____	_____

_____	$_____	$_____	_____	_____	_____	_____
_____	$_____	$_____	_____	_____	_____	_____
7. Other Major Assets.	$_____	$_____	_____	_____	_____	_____
_____	$_____	$_____	_____	_____	_____	_____
_____	$_____	$_____	_____	_____	_____	_____
_____	$_____	$_____	_____	_____	_____	_____
8. Other Major Debts.						
_____	$_____	$_____	_____	_____	_____	_____
_____	$_____	$_____	_____	_____	_____	_____
_____	$_____	$_____	_____	_____	_____	_____

_____
Affiant

Subscribed and sworn to before me this ____ day of _____, 19__.

My term expires: _____ _____
Notary Public

[Eff. Aug. 15, 1981.]

APPENDIX C. INCOME AND EXPENSE STATEMENT FORM—RULE 68.4(a)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

Cause No. _____

INCOME AND EXPENSE STATEMENT OF _____, who, being first duly sworn, upon oath states as follows:

MY REGULAR INCOME:

A. Gross wages and commissions each pay period ..... $_____
Weekly _____; Every 2 weeks _____; Twice a month _____; Monthly _____
Payroll deductions each pay period:
Fed. Tax $_____; State Tax $_____; FICA $_____ $_____
_____ $_____
_____ $_____
Net take home earnings each pay period $_____
Net take home earnings on a monthly basis $_____

B. Other income (e.g. net business income, net rentals, dividends, etc.) averaged out on a monthly basis. $_____

MY REGULAR MONTHLY EXPENSE:

A. General Expenses.
1. Rent or Mortgage or agreement of sale, including monthly pro-rata of property taxes, insurance, etc. $_____
2. Utilities (Water, Electricity, Gas, Telephone) $_____
3. Car operation, maintenance, repair & insurance $_____
4. Insurance, other than car insurance $_____
5. Installment contracts and required monthly payment on:
Auto(s) $_____; household items $_____;
$_____; personal loans $_____. $_____
6. Support obligations under any prior court order. $_____
7. Payments to other dependents. $_____
TOTAL $_____

B. Other Expenses.	For only <u>Myself</u>	For ____ <u>Children</u>
1. Food	$_____	$_____
2. Clothing	$_____	$_____
3. Medical and dental	$_____	$_____
4. Laundry and cleaning	$_____	$_____

5. Recreation.....$_____ $_____
6. School.....$_____ $_____
7. Payments to others for child care .....$_____ $_____
8. Income taxed on alimony.....$_____ $_____
9. Others (Itemize)
   (a) _____ .....$_____ $_____
   (b) _____ .....$_____ $_____
   (c) Miscellaneous _____ .....$_____ $_____
   TOTAL.....$_____ $_____

_____

Subscribed and sworn to before me this ____ day of _____, 19__.

My commission expires: _____ _____
Notary Public

[Eff. Aug. 15, 1981.]

APPENDIX E. AFFIDAVIT FOR JUDGMENT

STATE OF MISSOURI)
) SS.
COUNTY OF _____)

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
AT _____, MISSOURI

_____
Petitioner,
Social Security #: _____

vs. CASE NO: _____

_____
Respondent.
Social Security #: _____

AFFIDAVIT FOR JUDGMENT
(Pursuant to Local Rule 68.9)

Comes now the above-named PETITIONER/RESPONDENT (Strikeout whichever does not apply), and by this Affidavit applies for Judgment upon Affidavit, pursuant to Local Court Rule 68.9, and in support thereof, under Oath, states and affirms as follows:

(Mark "x" all that apply, and mark "N/A" or Strikeout all that do not apply)

1. Petition for DISSOLUTION OF MARRIAGE/LEGAL SEPARATION was actually filed on the _____ day of _____, _____, in the Office of the Circuit Clerk.

2. Service was obtained upon the Respondent on the _____ day of _____, _____, by: ____ Personal Service; ____ Filing of Waiver of Service/Entry of Appearance.

3. This Marriage occurred on the _____ day of _____, _____, and is Registered in the County of _____, and State of _____.

4. This marriage is irretrievably broken and cannot be preserved.

5. There were: _____ No children born of this Marriage; _____ All children born of this Marriage are Emancipated; _____ The custody, temporary custody, visitation, and support of all minor unemancipated children listed below have been provided for in a written Parenting Plan and Settlement Agreement executed by BOTH parents,

attached hereto as an exhibit:

Child's Name:	Child's Birth Date:
_____	_____
_____	_____
_____	_____

6. The Female Spouse _____ is currently pregnant; _____ is not now pregnant.

7. There is no other Litigation pending in this or any other State affecting the custody of the aforesaid minor children, nor anyone not a party to these proceedings who is known to affiant to be claiming any rights with respect to the minor children aforesaid, EXCEPT AS SET FORTH ON ATTACHMENT TO THIS AFFIDAVIT. CHECK HERE, _____ IF EXCEPTIONS ARE ATTACHED.

8. Neither party to this action is currently, to affiant's knowledge, on active duty in the Armed Forces of the United States or any of its Allies. CHECK HERE _____ IF EITHER PARTY IS ON ACTIVE DUTY, AND ATTACH EXPLANATION.

9. _____ All separate Property and Marital Property of the Parties has already been divided and/or there remains no Separate or Marital Property subject to division by the Court.

10. _____ Affiant Waives and Gives Up for NOW AND FOREVER any Maintenance from his/her spouse, and asserts that he/she understands that such a Waiver is IRREVOCABLE if approved by the Court.

_____ Affiant requests the Court to award _____ Modifiable _____ Non–Modifiable MAINTENANCE as provided in the attached Settlement Agreement.

11. _____ No award of attorney's fees shall be made to either party.

_____ Attorney's fees shall be awarded as provided in the attached Settlement Agreement.

12. Court costs shall be assessed to the: _____ Petitioner; _____ Respondent; _____ Both Equally; _____ Waived (Specify Reason): _____ Other Percentage Division (Specify): _____

The undersigned, upon Oath, asserts and affirms that the foregoing is true and correct.

_____

PETITIONER/RESPONDENT
(Strike whichever is inapplicable)

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

Subscribed and Sworn to before me, a NOTARY PUBLIC, this _____ day of _____, _____.

_____
_____, NOTARY PUBLIC
(Print Name)

"SEAL" My Commission Expires: _____

NOTE: Submit with an Original & 3 copies of Proposed Judgment.

[Adopted eff. July 1, 1999.]