

**RULES OF THE
CIRCUIT COURT
OF THE
FORTY-FIFTH
JUDICIAL CIRCUIT
STATE OF MISSOURI**

ORDER

The Rules of this Court shall apply to all proceedings in the Circuit Courts of Lincoln and Pike Counties, whether before Circuit Judges or Associate Circuit Judges, unless otherwise specified by individual rule.

These rules are adopted by Order of the Circuit Court en banc on this 7th day of February, 2025, and shall be effective upon signing. These rules supersede all prior local rules.

It is further ordered that a copy of these rules be forwarded to Betsy Ledgerwood, Clerk of the Supreme Court; to Jon Miners, Editor, West Group; and to the Circuit Clerks of the Forty-fifth Judicial Circuit, for distribution.

James D. Beck
Circuit Judge, Division I
(636) 528.7417

Rebecca Richardson
Associate Circuit Judge, Division II
(636) 528. 0326

Michael Jacobs
Associate Circuit Judge, Division III
(636) 528.0326

Milan Berry
Associate Circuit Judge, Division IV
(573) 324.5582

CIRCUIT COURT

FORTY – FIFTH JUDICIAL CIRCUIT

DIVISION I

Judge James D. Beck

DIVISION II

Judge Rebecca Richardson

DIVISION III

Judge Michael Jacobs

DIVISION IV

Judge Milan Berry

James D. Beck

Presiding Judge

Kathy Hall

Lincoln County Circuit Clerk

Kathy Turner

Pike County Circuit Clerk

Dena Johnston

Presiding Judge Secretary

Lincoln County Probate Clerk

Pike County Probate Clerk

Karen Dye

Amanda Miller

ADMINISTRATION

RULE 1 DIVISION OF COURT

The Forty-Fifth Judicial Circuit shall for the purposes of these rules be composed of Divisions I, II, III and IV, and there shall be the following divisions within the Circuit Court: Circuit Division, Family Court Division, Probate Division, Associate Circuit Division, Juvenile Division, Alternative Court (including various tracks thereof), Small Claims Division, Municipal Divisions, and such other divisions as may be established by local court rule.

A. The divisions of the Circuit Court which are presided over by a Circuit Judge shall be known as “Circuit Judge, Division No. I”.

B. The divisions of the Circuit Court which are presided over by Associate Circuit Judges shall be known as “Associate Circuit Judge, Division No. II”, “Associate Circuit Judge, Division No. III”, or “Associate Circuit Judge, Division No. IV”.

C. The Associate Circuit Judge serving the Associate Circuit Division No. II of Lincoln County and other Judges, while hearing probate cases in Lincoln County, shall also be Judge of the Probate Division of Lincoln County.

D. The Associate Circuit Judge serving in Associate Circuit Division No. IV of Pike County and other Judges, while hearing probate cases in Pike County, shall also be Judge of the Probate Division of Pike County.

E. There shall be Municipal Divisions of the Circuit Court in Lincoln and Pike Counties.

1. If any municipality in either Lincoln or Pike counties elects to retain its Municipal Judge, the Municipal Judge shall hear and determine municipal ordinance violations in a Municipal Division of the Circuit Court located in the municipality so electing to retain its Municipal Judge.

2. If any municipality in either Lincoln County or Pike County elects not to retain its Municipal Judge, municipal ordinance violations shall be heard and determined by an Associate Circuit Judge.

F. Small Claims cases shall be heard by an Associate Circuit Judge in the Small Claims Division of the Circuit Courts of Lincoln and Pike Counties.

G. Alternative Court and its various tracks shall be assigned by the Presiding Judge. The Court en banc will from time to time review and approve any changes to the Policies and Procedures Manuals and the Participant Manuals for the various tracks of Alternative Treatment Court.

[Amended eff. Feb. 9, 2024]

RULE 2 HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

Unless otherwise stated, all divisions of this Court presided over by a Circuit Court Judge, or an Associate Circuit Judge, shall open at such time as may be set by the judge of each respective division. Special appointments and settings for any other time shall be made with the Judge of the Division involved.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004; Nov. 28, 2007; Oct. 6, 2011. Amended eff. Feb. 9, 2024.]

2.2 TERMS OF COURT

A. PIKE COUNTY

The terms of Court shall commence on the Second Monday in January, April, July, and October.

B. LINCOLN COUNTY

The terms of the Court shall commence on the First Monday in January, April, July, and October.

[Adopted eff. Jan. 5, 2001.]

2.3 LAW DAYS

A. All motions or other matters preliminary to trial or default hearings in Division I which will take no longer than twenty (20) minutes may be heard on any Law Day or Supplemental Law Day which is designated for that particular type of action upon notice pursuant to Mo. Supreme Court Rule 44.

[Adopted eff. Jan. 5, 2001. Amended eff. Feb. 9, 2024]

B. Intentionally left blank.

C. Counsel serving said notice or desiring action by the Court on said motion, default or other preliminary matter, shall notify the clerk of the court not later than the last working day before any Law Day or Supplemental Law Day that said cause is to be heard.

[Amended eff. Feb. 4, 2024]

D. Intentionally left blank.

E. No motion, default or other preliminary matters requiring more than twenty (20) minutes for presentation shall be heard on any Law Day or Supplemental Law Day unless waived by the Court. On any Law Day or Supplemental Law Day, or by contacting the

Presiding Judge or the Secretary to the Presiding Judge, such matters may be given a special setting.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007.]

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

Cases heard in Division I on **Law Day and Supplemental Law Day** shall be heard, generally, in the order as called by the Circuit Judge.

- A. Intentionally left blank.
- B. Intentionally left blank.
- C. Intentionally left blank.
- D. Intentionally left blank.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Amended eff. Feb. 9, 2024.]

RULE 3 PLEADINGS

3.1 CAPTION

Pleadings which are filed within this Circuit shall be captioned in the following manner, and any pleadings not so captioned may be returned by the Clerk to the party attempting to file the same:

A. CIRCUIT COURT CASES:

IN THE CIRCUIT COURT OF (LINCOLN/PIKE) COUNTY, MISSOURI
Circuit Division

B. FAMILY COURT CASES (Dissolution, Motions to Modify)

IN THE CIRCUIT COURT OF (LINCOLN/PIKE) COUNTY, MISSOURI
Family Court Division

C. ASSOCIATE CIRCUIT CASES

IN THE CIRCUIT COURT OF (LINCOLN/PIKE) COUNTY, MISSOURI
Associate Circuit Division

D. PROBATE CASES:

IN THE CIRCUIT COURT OF (LINCOLN/PIKE) COUNTY, MISSOURI
Probate Division

In The Estate of John Doe,)
Deceased.) Case No. _____

OR

In The Matter of John Doe,)
Respondent.) Case No. _____

OR

In the Matter of John Doe,)
Minor.) Case No. _____

E. JUVENILE CASES:

IN THE CIRCUIT COURT OF (LINCOLN/PIKE) COUNTY, MISSOURI
Juvenile Division _____

[illegible]

F. MUNICIPAL CASES:

IN THE CIRCUIT COURT OF (LINCOLN/PIKE) COUNTY, MISSOURI
(Name of City) Municipal Division

City of _____,)
 Plaintiff,)
)
 vs.) Case No. _____
)
 John Doe,)
 Defendant.)

G. In all actions, there shall include a title of the action which shall be in the following form:

(a) “Petition for _____” (here insert the title as set forth on the “Party Information Sheet” (e.g. Petition for Quiet Title to Real Estate, Petition for Money Owing on Promissory Note, Petition for Damages, Based on Negligence) (not simply “Damages” or Negligence”) of the type of action being filed). Any petition not so titled **shall** be returned by the Clerk to the party attempting to file the same.

(b) Along with each Petition, the appropriate “Party Information Sheet” **shall** be completed and filed

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Feb. 4, 2024.]

3.2 STYLE

No local rule.

3.3 PLEADINGS AND PAPERS – SIZE

A. All pleadings and other papers, except exhibits offered for filing in any court within the Forty-fifth Judicial Circuit, and all forms used in any such court, including opinions, shall be on white paper of a size of 8 ½ x 11 inches. An exhibit may be on paper larger than 8 ½ x 11 inches. Briefs shall be prepared as provided in Supreme Court Rules 81.17 and 84.06.

B. Pleadings, Motions, Suggestions, Briefs and other papers and documents, except exhibits, filed or submitted to the Court shall be plainly, clearly and legibly typed or printed and double-spaced (except on lined forms with indicated spacing) and shall otherwise comply with Supreme Court rules and rules of this circuit.

C. Any pleading containing more than one page shall have pages numbered in sequence. Page numbers to be placed at bottom of pages. Each pleading shall be filed separately. Exhibits to a pleading shall be clearly marked and attached to the pleadings.

D. Copies of court forms are available from the respective clerk’s offices. Some of the forms are available by e-mail.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Oct. 14, 2008; March 10, 2009; Feb. 4, 2024.]

3.4 FACSIMILE FILING

3.4.1 FILING BY FACSIMILE DEVICE

A. If a document is required to be filed electronically pursuant to these local court rules, Supreme Court Rule 103, and/or Court Operating Rule 27, filing by facsimile shall only be allowed for persons not represented by counsel. Whenever only one copy of a motion, pleading or other document is required to be filed, and that document is ten (10) pages or fewer in length, and no filing fee or cost deposit is required for the filing, the document may be filed with the Court by facsimile transmission pursuant to Supreme Court Rule 43. Time of the receipt shall be determined by the Clerk’s fax machine or computer. If a document filing is not received by the clerk or if it is illegible, it is deemed not filed. Risk of loss in transmission, receipt or illegibility is upon the party transmitting and filing by electronic transmission. Transmission shall be to such number as is provided by the Circuit Clerk’s office.

B. The person filing a pleading or other document by facsimile device shall retain the original and make it available upon order of the Court. When a filing is made by facsimile, the person making such filing **shall not** file the original of the same document which was already filed by facsimile.

Waiver of these rules may only be granted by the Court.

[Amended eff. September 16, 2014]

3.4.2 SERVICE BY FACSIMILE DEVICE

A. Any order, judgment, warrant or other document issued by the Court may be transmitted by facsimile device or by electronic mail.

B. The Judge's signature on the transmitted document shall have the same effect as an original signature.

C. Documents signed by the Clerk requiring a seal, shall be deemed to have the same effect as the original, which shall be retained by the Clerk.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Feb. 4, 2024]

RULE 4 FILING OF CASES

4.0 All pleadings in Lincoln County and Pike County are filed in the Circuit Clerk's office as the clerks of each county are consolidated.

[Adopted eff. Nov. 28, 2007.]

4.1 CRIMINAL CASES

A. All criminal informations indictments, and complaints shall, in addition to the information required by Supreme Court Rule 23, contain the appropriate Missouri Charge Code as contained in the Missouri Charge Code Manual maintained by the Office of State Courts Administrator and the Missouri Department of Public Safety, Missouri State Highway Patrol, Criminal Records and Identification Division.

B. Intentionally left blank.

C. Intentionally left blank.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Feb. 9, 2024]

4.2 CIVIL CASES

A. The commencement of all civil actions shall be upon the filing of the original pleading with the Circuit Clerk. In the event an action is filed pro se, upon receipt of the original pleading and the required filing fees, the Circuit Clerk shall mark said document “filed”, set forth thereon the date of such filing, assign to said document an appropriate cause number, and shall index said actions in the computer. All actions filed by attorneys shall comply with e-filing requirements, and the clerks shall follow e-filing procedures.

B. Intentionally left blank.

C. Intentionally left blank

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Amended eff. September 16, 2014; Feb. 4, 2024]

4.3 PROBATE CASES

A. In Lincoln County and Pike County, all original pleadings including Wills and initial Application for Letters shall be filed with the Circuit Clerk in the appropriate county and assigned to the Probate Division.

B. The Probate Clerk shall be charged with all responsibilities of issuing process and making and storing of the records of the case.

4.3.1 FILINGS

All proceedings involving probate or estate administration, proceedings for the administration of testamentary or inter-vivos trust, mental health proceedings, guardianship and conservatorship proceedings, shall be filed in the Probate Division.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Oct. 14, 2008.]

4.4 JUVENILE CASES

No local rule.

4.5 SMALL CLAIMS CASES

A. All Small Claims cases shall be filed with the Circuit Clerk.

B. Intentionally left blank.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Feb. 9, 2024.]

4.6 MUNICIPAL CASES

Municipal Ordinance violations that are to be prosecuted in the Circuit Court shall be filed with the Circuit Clerk.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004; Nov. 28, 2007. Amended eff. Oct 6, 2011.]

RULE 5 FEES AND COSTS

5.1 FILING FEE AND COST DEPOSIT

Certain fees are set by statute and vary from time to time, therefore, costs deposits will be established by orders and a schedule of the amounts can be obtained from the Circuit Clerk's Office of each county.

The Court en banc shall at least annually review and determine the amount of cost deposits required.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Oct. 14, 2008; Mar. 10, 2009; Oct 6, 2011. Amended eff. October 1, 2014; Feb. 9, 2024]

5.2 COSTS

The Circuit Clerk shall be responsible for the collection of all costs after the initial filing fee.

- A. Intentionally left blank.
- B. Intentionally left blank.
- C. Intentionally left blank.
- D. Intentionally left blank.
- E. Intentionally left blank.
- F. The Circuit Clerk may charge reasonable fees for postage and copies in accordance with Court Rule 21.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Sept. 23, 2003; Jan. 16, 2004; Feb. 9, 2024]

5.3 WITNESS FEES

No local rule.

[Adopted eff. Jan. 5, 2001, Feb. 9, 224]

5.4 WAIVER OF FEES

No local rule.

5.5 MOTION FOR SECURITY

A. Further security for costs may be required upon motion of defendant, the Court, or any other officer of the Court. Upon the hearing of a motion for security of costs, or to sue as a poor person, the burden of proof establishing the grounds therefor shall be upon the party filing such motion, except when such motion is filed by the Court.

B. In lieu of filing a motion for security of costs, the court reporter may require a deposit for estimated cost of transcript on appeal.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

5.6 PAYMENT OF COURT COSTS AND FINES

Payment of court costs and fines may be made by cash, money order, cashier's check or credit card.

[Adopted eff. February 9, 2024]

5.7 TIME PAYMENT FEE

As authorized by Section 489.502, RSMo., a fee of twenty-five (\$25.00) dollars shall be assessed on each person who pays a court ordered judgment, penalty, fine, sanction, or court costs on a time payment basis, including, restitution and juvenile monetary assessments. A time payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full, within thirty days of the date of the court imposed the judgment, penalty fine, sanction, or court cost. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law.

[Amended eff. February 9, 2024]

5.8 OVERPAYMENT/UNDERPAYMENT OF COURT COSTS

Pursuant to Section 488.014 RSMo., the Circuit Clerk's Office shall not be required to refund any overpayment of court costs in an amount not to exceed five dollars or to collect any due court costs in an amount less than five dollars. Any overpaid funds are to be retained in an account with the county, and expended by the circuit clerk for the operation of the court.

[Amended eff. February 9, 2024]

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

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

Upon initial filing, criminal cases and civil cases of limited jurisdiction shall be immediately docketed for court date before an Associate Circuit Judge of the county wherein the case is filed.

[Amended eff. February 9, 2024]

6.1.1(a) BY LOCAL COURT RULES OR ORDER

All actions brought pursuant to Chapter 455 RSMo., known as Adult Abuse and Child Protection Orders, shall be assigned to an Associate Circuit Judge(s) of the County wherein the case is filed.

[Adopted eff. Jan. 5, 2001. Amended Aug. 26, 2009 eff. Sept. 1, 2009. Amended eff. Oct 6, 2011.]

6.1.1(b) ASSIGNMENT TO JUDGMENT, CASES, AND TRANSFER OF CASES

Upon the filing of any felony information with the Clerk of the Circuit Court within the 45th Judicial Circuit wherein a preliminary hearing has been waived by the defendant, the Judge before whom said preliminary hearing was waived, may, upon 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.

Preliminary hearings 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, or as directed by the Circuit Judge who will be assigned to said case.

[Amended eff. February 9, 2024]

6.1.2 SPECIAL ASSIGNMENT

No local rule.

[Adopted eff. Jan 5, 2001. amended March 7, 2003, eff. March 11, 2003.]

6.2 ASSIGNMENT TO CIRCUIT JUDGE

No local rule.

6.3 CERTIFICATION TO CIRCUIT DIVISION

No local rule.

6.4 TRIAL de NOVO

No local rule.

6.5 DISQUALIFICATION OF JUDGE

Immediately upon disqualification of any Associate Circuit Judge the cause shall be assigned either pursuant to an administrative order signed by the Presiding Judge, or immediately be given to the Presiding Judge for reassignment.

Immediately upon disqualification of the Circuit Judge the cause shall be given to the Supreme Court for reassignment.

[Amended eff. February 9, 2024]

6.6 ABSENCE OF JUDGE

No local rule.

6.7 ABSENCE OF PRESIDING JUDGE

No local rule.

RULE 7 WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

No official files of the Circuit Court shall leave the Office of the Circuit Clerk except in the custody of employees of the Circuit Court.

[Adopted eff. Jan. 5, 2001; Amended eff. Feb. 9, 2024]

7.2 DUPLICATING POLICY

Request for duplicate copies of court recorded testimony taken using sound recording equipment should be directed to the Circuit Clerk.

Copies of a court hearing taken using digital sound recording will be duplicated by the circuit clerk's office after receipt of a fee of \$25.00 per CD

[Adopted eff. Nov. 28, 2007; Amended eff. Feb. 9, 2024]

RULE 8 PUBLICATION OF DOCKETS

8.1 TRIAL DOCKET

No local rule.

8.2 DISMISSAL DOCKET

A. A Dismissal Docket may be prepared consisting of criminal and civil cases pending in the Circuit Court Division in which limited or no activity has been noted. These cases, as well as cases failing to proceed in a timely manner per “Notice of Dismissal”, (See rules 31.3 and 68.20) are subject to dismissal without prejudice for want of prosecution, and are subject to re-filing within one (1) year under Section 516.230 RSMo, where applicable. The Clerk or Presiding Judge Secretary shall notify in writing the last known counsel of record of such action, and parties shall be notified in writing at their last known address only if they have no attorney then of record.

B. In Division I, any party desiring the case to be retained on the active docket shall file a Motion to Retain on the Active Docket, and give notice to all opposing parties of when said motion will be heard, and thereafter appear in Court for hearing on the same.

C. Cases which have been dismissed shall be reinstated only upon written motion, properly noticed and heard by the Court, and upon a showing good cause why such case should be reinstated.

D. For 517 cases – no local rule.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001. Amended eff. Oct 6, 2011; Feb. 9, 2024]

RULE 9 COURTROOMS

9.1 ASSIGNMENT OF COURTROOM

Assignment of courtrooms shall be scheduled by the Presiding Judge’s secretary.

[Adopted eff. Nov. 28, 2007.]

9.2 PLACE OF HEARING

No local rule.

9.3 USE OF COUNSEL TABLE

Counsel tables in the Courtroom are reserved for the use of counsel and parties to the action being immediately presented to the Court. Plaintiff/Petitioner shall use table closer to jury box. Defendant/Respondent shall use table furthest from jury box.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004.]

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, assist the Court as needed, and shall quietly and politely abate any noise or display which detracts from the business of the Court.
- C. 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.
- D. All persons entering the courtroom while court is in session shall be appropriately dressed.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007, Feb. 9, 2024]

9.5 WHO IS PERMITTED WITHIN BAR

During the trial of any case, or the presentation of any matter to the court, only attorneys, court staff, jurors duly summoned for the case, parties of record and witnesses (as called) are permitted within the bar of the several courtrooms of this circuit, unless permission of the Judge be obtained in advance.

[Adopted eff. Nov. 28, 2007.]

9.6 VIDEO APPEARANCES

- A. Attorneys and parties may, at the discretion the judge, appear virtually for any regular docket.
- B. If an attorney or party appears virtually, they must utilize and turn on their camera so they can be seen.
- C. Attorneys and parties must dress appropriately for court, and be ready to proceed with their case(s) when let into the virtual hearing room. If an attorney or party is not available when their case is called, their case will be moved to the end of a docket.
- D. All matters that require oral argument, evidence presentation, and/or witness testimony must be done in person, unless agreed to by all attorneys/parties and by the judge hearing the particular case.

E. All matters that need to be heard on the record by either a court reporter, or FTR Gold, must be held in person, unless permission is given by the judge on a particular case.

F. In any felony criminal matter, written waiver of appearance by the defendant must be signed by the defendant prior to hearing any motion, evidentiary hearing, or plea. Said written waiver shall be filed with the court.

G. All trials, criminal and civil, shall be conducted with the attorneys and parties appearing in person. Witnesses may appear virtually only with consent of all parties and with permission of the judge. For good cause shown, the judge may allow witnesses to appear without the consent of all parties.

[adopted Nov. 25, 2024]

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 costs 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. Preparation of a typewritten transcript of a record preserved by electronic recording shall not begin until the Clerk is paid a sum sufficient to cover the estimated costs of this work. The estimated charge may vary depending upon how the typewritten copy is to be prepared. It is the responsibility of the appellant to pay the amount owed upon being presented with a bill by the Clerk of the appropriate division.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004.]

RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

All persons shall refrain from any broadcasting, televising, recording (audio or video) or taking photographs in the courtrooms of any Courthouse and the Lincoln County Justice Center or in the corridors or stairways adjacent thereto during sessions of Court, ~~or~~ recesses between sessions, or any other time, except Court personnel authorized to preserve the record. Associate Circuit Divisions may upon request authorize recording of proceedings in preliminary hearings when no other record is being made.

This prohibition shall extend to any other room occupied or used by Court personnel, including, but not limited to court clerks, bailiffs, court reporters, administrative staff, administrators, judges and any other persons employed by or contracted to work for the Court. The term “rooms” shall include courtrooms, judges’ chambers, jury assembly room, jury deliberation rooms, treatment court staffing room, clerk office spaces, administrator

office, presiding judge's secretary's office, attorney work room, attorney/client meeting rooms, hallways, closets, restrooms and common areas.

Broadcasting, televising, recording (audio or video) and/or taking photographs may be allowed by the approval of the Presiding Judge or by approval other judges in situations where the judge is the acting Presiding Judge or is directly involved in the activity requested to be broadcasted, televised, recorded or photographed.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004; Feb. 9, 2024]

RULE 12 MONEYS PAID INTO COURT

12.1 BOND IN CRIMINAL CASES

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited shall be considered by the court as belonging to the defendant.

Upon the disposition of the charge, all assessments against the defendant including, but not limited to court costs, fines, court ordered restitution, victim compensation fund, and various other fees shall be deducted from the cash bond before any money is refunded to the defendant or any third party.

Unpaid court costs, fines, court ordered restitution, victim compensation fund, and various other fees owed by the defendant to this Court on other cases in the 45th Judicial Circuit, including any Treatment Court fees, shall also be deducted before any money is refunded to the defendant or any third party.

A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party.

[Adopted eff. Jan. 5, 2001. Amended eff. Mar. 10, 2009; Feb. 9, 2024]

RULE 13 COMMUNICATIONS WITH COURT

13.1 ORAL COMMUNICATIONS WITH THE COURT

Oral communications with the Court about pending or contemplated cases are not permitted unless all parties are represented during such communications.

[Adopted eff. Jan. 5, 2001.]

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

Ex parte communications to a judge may be placed in the court file in the Clerk's Office.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004; Feb. 9, 2024]

GENERAL RULES

RULE 21 ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

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

1. Circuit Division cases shall have precedence over Associate Circuit Division cases.
2. Criminal trials shall have precedence over civil trials.

B. Intentionally left blank.

C. If a trial setting in a division is delayed because an attorney is engaged in an argument before an appellate court, said cause shall be reset for trial.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004, Feb. 9, 2024]

21.2 ENTRIES OF APPEARANCE

Attorneys retained in pending cases shall file a written entry of appearance promptly after their employment.

[Adopted eff. Jan. 5, 2001.]

21.3 CONDUCT OF ATTORNEYS

Attorneys are expected to conduct themselves in a professional and courteous manner.

[Adopted eff. Jan. 5, 2001.]

21.4 WITHDRAWAL OF ATTORNEYS

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4, (Code of Professional Responsibility) Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. Any attorney who desires to withdraw as attorney of record for any party to any action pending in this Court shall comply with the following procedures:

A. The attorney shall file a written motion requesting leave of Court to withdraw. 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 day and time at which the moving attorney will call up the motion before the Court for hearing.

B. 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 43.01. 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.

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

D. 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.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001. Amended eff. Feb. 9, 2024]

21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

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.

[Adopted eff. Jan. 5, 2001.]

21.6 APPOINTMENT OF ATTORNEYS

No local rule.

21.7 AGREEMENT OF ATTORNEYS

Except for oral stipulations agreed to by both counsel in open court, no private oral agreement between parties or counsel will be recognized by the Court. Any agreement contemplating action or the withholding of action by this Court shall be in writing and filed with the Clerk.

[Adopted eff. Jan. 5, 2001.]

21.8 ADVICE TO CLIENT AND WITNESS OF COURTROOM PROCEDURE

No local rule.

RULE 22 APPOINTMENT OF GUARDIAN ad LITEM

No local rule.

RULE 23 TRANSCRIPTS

All Court Reporters working for the 45th Judicial Circuit shall prepare an original and three (3) copies of all indigent criminal transcripts on appeal and the cost of the extra copy shall be submitted to the State Courts Administrator's Office.

[Adopted eff. Jan. 5, 2001.]

RULE 24 EXHIBITS

A. All exhibits offered during the trial of a case, except depositions filed, marital settlement agreements, and required documents in domestic relations cases, shall remain in the custody of the attorney offering the same and shall at all reasonable times be subject to examination by opposing counsel.

B. SPECIAL NOTE: Except for good cause shown, the attorney shall mark all exhibits proposed to be offered in evidence, and have the court reporter (or clerk if there is no court reporter) initial same prior to beginning trial. Plaintiff shall use numbers and Defendant shall use letters.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004. Amended eff. Oct 6, 2011; Feb. 9, 2024]

PRE-TRIAL MATTERS

CASE MANAGEMENT - DIVISION I

RULE 31.1 DOMESTIC RELATIONS CASES – SEE RULE 68

[Adopted Feb. 28, 2005, eff. March 7, 2005.]

RULE 31.2 CIVIL CASES OTHER THAN DOMESTIC RELATIONS

Upon filing of a civil case, the case shall be set on a regular civil docket not more than one hundred twenty (120) days after filing for a case management conference

[Adopted Feb. 28, 2005, eff. March 7, 2005; Amended eff. Feb. 9, 2024]

RULE 31.3 CASE MANAGEMENT – DISMISSAL DOCKET

No Local Court Rule.

[Adopted Feb. 28, 2005, eff. March 7, 2005. Amended eff. Nov. 28, 2007; Feb. 9, 2024]

RULE 31.4 CERTIFICATION OF SETTLEMENT NEGOTIATIONS

No local rule.

RULE 31.5 DOCKET MANAGEMENT

The primary responsibility for Circuit Division case management shall rest with the Judge assigned, who shall establish whatever procedures deemed necessary to achieve compliance with Supreme Court Administrative Rule 17. No provisions herein shall be construed as a limitation upon the exercise of discretion on the part of the assigned Judge

to advance cases on the trial docket, to grant special settings where required for good cause, or in otherwise managing the docket.

Upon consent of the parties, and/or order of the Court, a scheduling order may be entered.

Deviation from this Scheduling Order shall be only by consent of the parties and/or by leave of Court. Further, this Scheduling Order assumes prompt disposition of discovery disputes. The parties are strongly encouraged to resolve discovery disputes by mutual consent and without the need for Court intervention. In no event shall deviations from the deadlines in this Order or delays in resolving discovery disputes affect the “ready for trial” date set forth herein, except by Court order:

[Adopted Feb. 28, 2005, eff. March 7, 2005, Amended eff. Feb. 9, 2024]

RULE 32 DISCOVERY

RULE 32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

Discovery shall comply with Supreme Court rules 56, 57, 58 and 59.

[Adopted Feb. 28, 2005, eff. March 7, 2005, Amended eff. Feb. 9, 2024]

RULE 32.2 INTERROGATORIES

A. Each party shall be limited to propounding interrogatories pursuant to Supreme Court Rules.

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

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Feb. 9, 2024]

32.3 DEPOSITIONS

No local rule.

32.4 MOTION FOR SANCTIONS

No local rule.

32.5 CRIMINAL DISCOVERY

No local rule

32.6 ATTEMPT TO RESOLVE

The Court will not hear objections to interrogatories or the answers thereto, objections to requests for admissions or the replies thereto, objections to motions to produce, or motions

for sanctions to enforce discovery unless there is filed with the Court, together with the notice of hearing, a certification signed by the attorney for the party calling for the hearing which states that, prior to filing the motion, counsel has attempted to discuss the matter with opposing counsel in a good faith effort to resolve the disputed issues.

[Amended eff. Dec. 5, 2001; Feb. 9, 2024]

RULE 33 PRETRIAL MOTIONS

33.1 HEARING DATES

All motions or other matters preliminary to trial may be heard on any Law Day upon proper service pursuant to Supreme Court Rules.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004; Nov. 28, 2007, Feb. 9, 2024]

33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED

No local rule.

33.3 ORAL ARGUMENTS-WHEN DESIRED AND HOW REQUESTED

Oral argument on motions or other matters preliminary to trial shall be no longer than ten (10) minutes for each party with moving party permitted to divide total time with not more than five (5) minutes for rebuttal. On application by either party the court may grant additional time.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001.]

33.4 MOTIONS IN LIMINE

All Motions in Limine shall be in writing and accompanied by citations of authority. They shall be filed and notice given to the adverse party no later than five (5) days prior to the date of trial, if in person, or eight days' notice if by mail, electronic mail, or facsimile.

[Adopted eff. Jan. 5, 2001; Feb. 9, 2024]

RULE 34 CONTINUANCE

A. In accordance with Supreme Court rules, an application for a continuance shall be made by a written motion and shall be accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based.

B. All motions for a continuance shall be signed by the party and/or party's attorney.

C. Continuances shall be granted upon a showing of good cause. In criminal cases, no continuances shall be granted unless the Court finds the ends of justice served by taking such action outweigh the benefits of a speedy trial.

D. When a continuance is granted in any case in the Circuit Division, said case shall be reset at that time or scheduled to a date certain to be reset.

E. When a continuance is granted in a Probate Division case, Juvenile Division case, or Associate Circuit Division case, hearing on said cause shall be reset to a date certain at the time the continuance is granted, or continued generally to be reset upon notice properly given.

F. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the Court.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Feb. 9, 2024]

34.1 CIVIL CASES

No local rule.

34.2 CRIMINAL CASES

No local rule.

RULE 35 PRETRIAL CONFERENCES

The Court upon request of either party, or upon its own motion, may order a pretrial conference in order to clarify issues and expedite the trial.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001.]

RULE 36 SETTING CASES FOR TRIAL

36.1 REQUEST FOR TRIAL

A. Circuit Division

Parties may request a trial setting in person with all opposing counsel or parties present. If the Judge allows the parties to file a written request for trial setting, the same shall occur as set forth in the paragraph immediately below.

Upon permission from the Judge, the parties may file a request for trial setting (see sample below) in the division to which the case is assigned, giving exclusionary dates for the four (4) months following the request. A copy of the trial request must be sent to opposing counsel and opposing counsel will have ten (10) days to file exclusionary dates. Counsel for either party may indicate a preference for setting for more than sixty (60) days from trial setting request. If no exclusionary dates are forthcoming, the case may be set without the benefit of exclusionary dates. In cases where no request is made by either side and

three months elapse with no action, or where cases exceed time standards, the case may be set for trial by the Court or cause may be dismissed without prejudice.

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

SAMPLE TRIAL REQUEST

CAPTION

REQUEST FOR TRIAL SETTING

The above case is at issue, all discovery has been completed on behalf of (Plaintiff/Defendant), and request is hereby made that it be placed on the Court's Trial Docket.

I. Exclusionary dates for (Plaintiff/Defendant) are:

- (a) Month 1 (May be excluded entirely)
- (b) Month 2
- (c) Month 3 (If more than 4 exclusionary dates – explanation for each is necessary)
- (d) Month 4 (If more than 4 exclusionary dates – explanation for each is necessary)

II. Length of trial _____ Day(s); Jury _____ Non-jury _____

III. The names, addresses and telephone numbers of all trial counsel for all parties are as follows:

IV. Opposing counsel has ten (10) days to file exclusionary dates.

Attorney for _____

V. Certificate of mailing:

NOTE: "Failure to designate jury trial on civil trial request shall be considered a waiver of right to jury trial."

[Amended eff. Oct 6, 2011; Feb. 9, 2024]

B. Associate Circuit Division

Cases docketed in an Associate Circuit Division may be set for trial by request either in writing or in open court on the return date or any setting day thereafter.

C. Amendment of Pleadings

After a case has been placed on the trial docket or set for trial, no pleadings may be amended except by leave of court, and such leave will be granted only upon a showing of due diligence in requesting such leave at the earliest practicable time.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004, Feb. 9, 2024]

RULE 37 DISMISSALS

37.1 DISMISSAL DOCKET

(See Rule 8.2)

[Adopted eff. Jan. 5, 2001.]

37.2 REINSTATEMENT OF CAUSE

(See Rule 8.2)

[Adopted eff. Jan. 5, 2001.]

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.

[Adopted eff. Jan. 5, 2001.]

RULE 42 DEFAULT

A. In any action or proceeding before a court of record, if there shall be a default of any appearance by the defendant or the plaintiff, before judgment the moving party shall file a verified petition or an affidavit setting forth facts showing that defendant is not in military service. If unable to file such verified petition or affidavit, plaintiff shall in lieu thereof file a verified petition or affidavit setting forth either that the defendant is in military service or that plaintiff is not able to determine whether or not defendant is in such service. (Source U.S.C.A. 50 App. Sec. 520).

B. It shall be the duty of counsel to ascertain that process has been properly served in time, and to furnish a memorandum of the amount claimed before requesting judgments on undefended actions on bonds, bills, notes and accounts. In Circuit Judge Divisions, testimony and/or affidavits shall be provided to support entry of a default judgment.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004. Amended eff. Oct 6, 2011; Feb. 9, 2024]

TRIALS

RULE 51 COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS

At the time of hearing, counsel for the plaintiff or petitioner shall submit a proposed form of judgment to the Court, unless waived by the Court.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004.]

51.2 CONTESTED MATTERS

See Rule 54.1.

[Adopted eff. Jan. 5, 2001.]

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 time of the trial, or within a reasonable time as directed by the Court.

[Adopted eff. Jan. 5, 2001.]

RULE 52 SELECTION OF JURY

52.1 JURY QUESTIONNAIRES AND JUROR IDENTIFICATION

Jury Questionnaire Forms, Juror Names, and any information relating to jurors is strictly confidential. Such information shall not be copied in any way, used for any purpose other than trial preparation in this particular case and shall be returned to the Court on the day of trial. Counsel affirms they will not retain copies of any of this information in any way once voir dire is complete. Said information shall remain in the court file for legitimate use by the parties upon request to the Court.

Violation of this acknowledgement shall subject the violator to a show cause hearing to show the Court why the violator shall not be held in contempt of court.

The Circuit Clerk shall request all jurors to prepare a juror questionnaire in standard form. These forms shall be made available to the attorneys involved in the trial not more than three (3) days before trial. No questionnaire shall be released until the attorney involved signs a receipt and acknowledgment certifying that there will be no unauthorized secondary

release of information. The information will be returned to the Clerk after the jury is selected. All jury lists and questionnaires shall be maintained as a closed record and shall not be otherwise disclosed without order of the Court.

Jury lists and questionnaires maintained by the court in criminal cases shall not be accessible except to the court and the parties. Upon conclusion of the trial, the jury lists and questionnaires shall be retained under seal by the court except as required to create the record on appeal or for post-conviction litigation. Information collected by the court or court personnel about a venireperson is confidential and shall not be disclosed by the parties or their lawyers except on application to the trial court and a showing of good cause.

The Circuit Clerk for five (5) years shall maintain a record of Jury Lists and Questionnaires of tried cases.

[Amended eff. Feb. 9, 2024]

RULE 53 JURY TRIALS

Waiver of Jury Trial-Civil

- A. Parties shall be deemed to have waived trial by jury:
1. By failing to appear at trial;
 2. By filing with the Clerk written consent in person or by attorney;
 3. By oral consent in Court, entered on the record;
 4. By entering into trial before the Court without objection; or
 5. By failing to request jury trial, in writing, at time request for trial setting is made.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

53.1 INSTRUCTIONS

- A. Except for Good Cause Shown:
1. The attorneys shall submit to the Court their proposed instructions to the jury prior to trial, reserving their right to submit requests for additional or modified instructions thereafter in light of the opposing party's proposed instructions and unanticipated evidence.

[Adopted eff. Jan. 5, 2001.]

53.2 CLOSING ARGUMENTS

No local rule.

RULE 54 JUDGMENT ENTRY

54.1 CONTESTED CASES

In non-jury cases, Counsel for each party is encouraged to prepare and submit a proposed judgment to the Court, and/or memoranda in support of said proposed judgment. Any proposed judgment submitted to the Court may also be emailed to the Judge in the case in a Word document format. Further, any proposed judgment submitted to the Court shall be kept at a level three (3) security level so that only the attorneys on the case may see the proposed judgments.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001. Amended eff. September 16, 2014; Feb. 9, 2024]

54.2 DEFAULT OR UNCONTESTED CASES

At the time of hearing, counsel for the plaintiff or petitioner shall submit a proposed form of judgment to the Court, unless waived by the Court.

[Adopted eff. Jan. 5, 2001.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 ADOPTION

61.1 FILING REQUIREMENTS

A. Upon the filing of a petition for adoption or for transfer of custody prior thereto, and upon application to the Court, the Court will appoint a Guardian ad Litem for the child sought to be adopted and order the statutory investigation and report.

If waiver of the statutory investigation is appropriate, Petitioner(s) may submit a motion for waiver of investigation (other than criminal record check) and submit a proposed order.

B. Before hearing of a petition for transfer of custody or for adoption, counsel for petitioner(s) shall request a pretrial conference with the Court and Guardian ad Litem to verify compliance with statutory requirements. Said request for pretrial conference shall be made to the Judge assigned to the case. In lieu of a pretrial conference, counsel may file with the Court a checklist verifying that all statutory requirements have been satisfied.

C. Counsel shall request a time certain for a hearing on said petition from the Judge assigned to the case.

D. Criminal history may be obtained through the Missouri Highway Patrol with fingerprints submitted, or through a request from the Family Care Safety Registry

(FCSR). If FCSR is utilized and a criminal history is found, the Judge may order an additional history from the Missouri Highway Patrol, with fingerprints required.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004. Amended eff. Oct 6, 2011, Feb. 9, 2024]

61.2 HOME STUDY

No local rule.

RULE 62 DRIVERS' CASES

62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES

If the application is pursuant to a person completing or participating in DWI Court, then that case will be assigned to the judge assigned to Treatment Court. All other applications shall be assigned by the Presiding Judge.

[Adopted eff. Jan. 5, 2001. Amended eff. Feb. 9, 2024]

62.2 PETITIONS FOR REVIEW

All petitions for review of administrative actions of the Department of Revenue relative to driving privilege shall be filed in the proper county. Such cases, if filed in the Circuit Division, may be assigned to an Associate Circuit Judge for hearing in the discretion of the Presiding Judge.

[Adopted eff. Jan 5, 2001. Amended eff. Nov. 28, 2007; Feb. 9, 2024]

62.3 BREATHALYZER TEST

All petitions for review of driver's license revocations for refusal to submit to a chemical or breath test shall be filed in the proper county. Such cases filed in the Circuit Division may be assigned to an Associate Circuit Judge for hearing in the discretion of the Presiding Judge.

[Adopted eff. Jan. 16, 2004. Amended eff. Nov. 28, 2007; Feb. 9, 2024]

RULE 63 ASSOCIATE CIRCUIT DIVISION CASES

63.1 FILING OF CASES:

All filings shall be with the Circuit Clerk and assigned to the appropriate Division.

63.2 COST DEPOSITS SHALL BE DEPOSITED WITH THE COURT

Fees and costs shall be submitted per rule 5 hereof.

63.3 TRANSCRIPTS OF RECORDS

The original of all records of proceedings in the Associate Circuit Judge Divisions are on file in the offices of the Circuit Clerk. Requests for transcripts and the appropriate costs postings shall be made in that office.

[Adopted eff. Feb. 9, 2024]

63.4 TRIAL DE NOVO

- A. The right to file for a Trial de Novo is set forth in Section 512.180 RSMo.
- B. Requests for Trial de Novo shall be filed in the division where the original Judgment was made and accompanied by the appropriate fees.

63.5 DISCOVERY AND THIRD PARTY ACTIONS

No local rule.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004. Amended eff. Oct 6, 2011; Feb. 9, 2024]

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 PRETRIAL RELEASE

A. All defendants bound over in felony cases shall appear in the Circuit Division on the date specified in the Order binding them over.

B. Associate Circuit Division

1. All criminal defendants released on bond shall appear in the Court designated and at the time, and on the date the bond is first returnable.

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.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

67.2 PRELIMINARY HEARING

- A. The Associate Circuit Judges of this Circuit shall be responsible for setting Bonds in their Court in their respective counties.
- B. If an Associate Circuit Judge shall be unavailable for setting Bonds for a period in excess of twenty (20) hours, then he/she 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/her and where he/she 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. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

67.3 GRAND JURY

- (a) There shall be established in the Forty-Fifth Judicial Circuit a standing Grand Jury.
- (b) The Grand Jury shall be selected by the Presiding Judge and shall hold office for a term of six months, said term which shall be designated at the time of the selection of the Grand Jury.
- (c) The Grand Jury shall meet at a location selected by the Prosecuting Attorney and shall meet no more frequently than one day per month, without prior approval of the Presiding Judge.
- (d) The Grand Jury shall be composed of twelve (12) regular member and three (3) alternate members. A Foreperson shall be designated by the Presiding Judge at the time of selection of the Grand Jury and the Grand Jury members may select one or more members to be the Acting Foreperson in the absence of the Foreperson. All members and alternate members may attend all sessions but

prior to the hearing of evidence on any case the Foreperson shall designate the 12 members or alternates who shall be permitted to vote on that case.

- (e) The following case types may be brought before the Grand Jury:
1. Sex offense cases;
 2. Drug cases involving confidential informants and/or undercover officers;
 3. Any case where the defendant is incarcerated in the Missouri Department of Corrections, in the custody of another state, or in Federal custody.
 4. Any case involving the prison in Bowling Green, Missouri;
 5. Any class A, B or unclassified felony.
- (f) If any other case type has been initiated by the filing of a complaint and has been pending in the associate circuit court for more than one hundred twenty (120) days after initial appearance, then the case may be brought before the Grand Jury upon approval by the Presiding Judge.
- (g) Any other case type may be brought before the Grand Jury with the approval of the Presiding Judge.
- (h) The Court en Banc reserves the right, at any time, to terminate the standing Grand Jury.

[Adopted eff. Feb. 9, 2024]

67.4 ATTORNEYS

No local rule.

67.5 ARRAIGNMENTS

If a defendant does not enter a plea of guilty at the arraignment, a date shall be set for case review. If the Judge so desires, a date shall be set for the filing of all pretrial motions to be filed by either party, a date set for the hearing of all pretrial motions including request for psychiatric examinations, a date set for pretrial conference, and a date set for trial.

[Adopted eff. Feb. 9, 2024]

67.5.1 IN GENERAL

No local rule. (See 67.5 above)

67.5.2 DATES

No local rule. (See 67.5 above)

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

67.6 DISCOVERY

See Rule 32.2.

67.7 MOTIONS

No local rule.

67.8 PLEA BARGAINING

No local rule.

67.9 GUILTY PLEA

Those wishing to enter a guilty plea in Circuit Court shall complete a Petition to Enter Plea of Guilty, have it marked as defendant's exhibit A by the court reporter or clerk, and submit the same to the Court at time of plea. A single page form is available for misdemeanors, and a multiple page form for felonies. A court action form shall be completed in each case involving the recommendation of supervised probation by probation and parole.

[Adopted eff. Feb. 9, 2024]

67.9.1 WHERE ENTERED

No local rule.

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

See Rule 67.9.

[Adopted eff. Jan. 5, 2001. Amended eff. Feb. 5, 2001; Jan. 16, 2004.]

67.10 CALENDAR

No local rule.

67.11 PROBATION AND PAROLE

No local rule.

[Adopted eff. Jan. 5, 2001. Amended eff. Nov. 28, 2007. Amended eff. Oct 6, 2011. Amended eff. September 16, 2014; Feb. 9, 2024]

67.12 EXAMINATION AND REPORTS

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.

[Adopted eff. Jan. 5, 2001. Amended eff. Feb. 5, 2001.]

67.13 WARRANTS

Upon execution, search warrants, the applications thereof, and written affidavits shall be retained by the designated court clerk in the office of the Circuit Clerk in the county from which the warrant was issued. The warrant, applications and affidavits shall remain confidential until the return of the warrant is filed or the warrant expires.

[Adopted eff. Nov. 28, 2007.]

RULE 68 DISSOLUTION OF MARRIAGE (FAMILY COURT)

68.1 CREATION

There is hereby created within and for the 45th Judicial Circuit a Family Court as provided in Section 487.010, et.seq. RSMo.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

68.2 DESIGNATIONS OF DIVISIONS

The Presiding Judge shall assign a judge as the Family Court Division.

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004, Feb. 9, 2024]

68.3 ASSIGNMENT OF FAMILY CASES

Family court cases as defined in Section 487.080 RSMo. may be assigned by the Presiding Judge, either by class of case or on a case-by-case basis.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004. Amended eff. Oct 6, 2011; Feb. 9, 2024]

68.4 FAMILY SERVICES AND JUSTICE FUND

As provided in Section 488.2300 RSMo., a fee of \$30.00 per case shall be collected and deposited in the “Family Services and Justice Fund” to be expended for such purposes as allowed by law and in such amounts as the Presiding Judge may from time to time authorize with the concurrence of the Circuit Court en banc.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Feb. 9, 2024]

68.5 FILING REQUIREMENTS

A. WAITING PERIOD

1. No hearing shall be conducted nor judgment entered in any dissolution case until thirty (30) days after service of process has been obtained or entry of appearance filed in this Court.

B. STATISTICAL REPORT

1. Information necessary to give notice to the Missouri Department of Health of the entry of judgment of dissolution of marriage or legal separation shall be supplied by counsel or the parties on the forms provided for that purpose by the Circuit Clerk. Completion and filing of the information form shall be effected at the time of the hearing or prior thereto.

C. UNIFORM CHILD CUSTODY ACT – REQUIREMENTS

1. Petition or Affidavit attached thereto shall state:
 - a. Name and age of each child born of the marriage.
 - b. Present residence of child(ren) and length of residence.
 - c. Residences of child(ren) for past six (6) months and with whom resided (names and addresses).
 - d. Prior litigation regarding custody of child(ren) in which petitioner has participated in any capacity in this or in any other state.
 - e. Pending custody proceedings in this or any other state.
 - f. Information regarding any person, not a party to this action who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren).
2. Notices of Custody Proceedings shall be given to:
 - a. Any parent whose parental rights have not been terminated.
 - b. Any person having physical custody of the child.

D. FAMILY COURT AND ADULT ABUSE – CHILD PROTECTION INFORMATION SHEETS

1. The Circuit Clerk shall develop a Family Court Information Sheet, which shall be completed and attached to all initial pleadings filed with the Family Court Division. The Family Court Information Sheet shall include the style and case number of any case involving the parties, or their

children, presently pending or previously adjudicated in any court, including, but not limited to, dissolutions of marriage, paternity, motions to modify custody or support, change of name, adult abuse, child protection, family access, juvenile neglect, juvenile abuse, juvenile delinquency, adoption or guardianship. The Family Court Information Sheet shall also set forth all other names by which any of the parties, or their children, have been known along with their social security numbers.

2. The Family Court Information Sheet shall be completed and filed at the time of filing of the petition.
3. The Adult Abuse – Child Protection Information Sheet shall be completed and filed at the time of filing of all Adult Abuse and Child Protection cases.

E. PROPOSED PARENTING PLAN

Petitioner shall file his/her proposed parenting plan along with the filing of initial pleadings. Respondent shall file his/her proposed parenting plan at time of filing initial responsive pleading.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004. Amended eff. Oct 6, 2011; Feb. 9, 2024]

68.6 SEPARATION AGREEMENT

In all cases where written separation agreements are made under the provisions of Sec. 452.325 RSMo., a copy of such executed agreement shall be submitted to the Court for approval prior to the hearing. WAIVER OF THE DIVISION OF PROPERTY WILL NOT BE ACCEPTED BY THE COURT.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004.]

68.7 FORMS OF JUDGMENT

A. All Family Court judgments, including Dissolution of Marriage, Paternity and Motions to Modify shall contain findings of the court and must include and recite:

1. Full name of attorney or attorneys and party represented. If either party is not represented by counsel, the judgment shall so state.
2. The last four (4) digits of social security numbers of the parties, and their minor children.
3. The addresses of the parties, and the employers' names, if disclosed in the pleadings.

4. Manner of service and when accomplished or entry of appearance, if one has been filed, showing date of filing.

5. Date and place of marriage, place of registration of marriage, and date of separation.

6. Residence in Missouri of not less than ninety (90) days, prior to filing of petition.

7. Statement that at least thirty (30) days have elapsed since the service of the petition upon the non-moving party, or filing of entry of appearance by the non-moving party.

8. Statement regarding children born of the marriage (or if none, so state), names, last four (4) digits of social security numbers and ages of children, in whose custody they are, and whether wife is pregnant.

9. That neither petitioner nor respondent is a member of the armed forces. If either party is a member of the armed forces, a statement that the member waives his/her rights under the Soldiers and Sailors Relief Act.

10. Whether or not there is marital property or marital debt to be divided or a written separation agreement entered into by the parties. The separation agreement shall be set forth in full, unless there is provision otherwise in the agreement. Provisions in settlement pertaining to custody and child support must be included in the judgment, along with a statement that the court has examined the separation agreement and found it fair and not unconscionable. If the parties own personal or real property, the judgment of dissolution MUST provide for the disposition of all property, and if there is not real or personal property, the judgment shall so state.

11. A specific written parenting plan, setting forth the terms of such parenting plan arrangements specified in subsection 7 of section 452.310 RSMo. Such a plan may be a parenting plan submitted by the parties pursuant to section 452.310, RSMo., or, in the absence thereof, a plan determined by the court.

12. If there is a request that the wife's maiden name or former name be restored, the findings shall so state and set out in full the requested name to be restored.

13. In a proceeding for dissolution of marriage, that the marriage is irretrievably broken and that, therefore, there remains no reasonable likelihood that the marriage can be preserved. In a proceeding for legal separation, that the marriage is not irretrievably broken and that, therefore, there remains a reasonable likelihood that the marriage can be preserved.

B. The judgment of the court shall contain the following provisions:

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

2. An award as to the custody of the children, if any minor children, support and maintenance payments, to whom paid or Family Support Payment Center, visitation rights and date payments are to begin. Upon application by the obligee or the Missouri Division of Child Support Enforcement of the Department of Social Services, the obligor's wages or other income shall be subject to withholding without further notice if the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation. The order shall also contain provisions notifying the obligor that:

(a) The withholding shall be for the current month's maintenance and support; and

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

3. In every judgment establishing or modifying child custody or visitation, the relocation notice required by §452.377.11, RSMo.

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

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

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

7. **IF NOT CONTAINED IN ANY SEPARATION AGREEMENT BEING INCORPORATED INTO THE JUDGMENT, THE COMPLETE LEGAL DESCRIPTION OF ANY REAL ESTATE, TITLE TO WHICH MAY BE AFFECTED BY THE JUDGMENT.**

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

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

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

C. All proposed judgments shall be filed with the Court as one document, with all exhibits attached, including, but not limited to, separation agreements, parenting plans, legal descriptions, and Form 14. Further two complete copies shall be filed, one redacted and one unredacted.

D. Counsel may make written request to the Circuit Clerk that any judgment of dissolution of marriage or legal separation affecting title to real estate, upon entry thereof, be filed in the Office of the Recorder of Deeds in the county where the real estate is located. Said request

shall specify the Office(s) of the Recorder where filing is to be made, and if other than in Pike or Lincoln County, Missouri, the mailing address. Such expense for recording the judgment shall be taxed as costs in the case. **IF NOT CONTAINED IN ANY SEPARATION AGREEMENT BEING INCORPORATED INTO THE JUDGMENT, THE COMPLETE LEGAL DESCRIPTION MUST BE INCLUDED IN THE JUDGMENT.**

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001; Jan. 16, 2004; Nov. 28, 2007; Feb. 9, 2024]

68.8 FILING OF FINANCIAL STATEMENTS

A. In all actions for Dissolution of Marriage or Legal Separation, a Statement of Marital and Non-marital Assets and Debts **shall** be completed by each party, executed under oath, filed with the Court and served on the opposing party. In all actions for Dissolution of Marriage, Legal Separation, Paternity and Motions to Modify, a Statement of Income and Expense shall be completed by each party, executed under oath, filed with the Court and served on the opposing party. Petitioner shall file his/her statements with the petition. Respondent shall file his/her statements with the answer.

B. In all contested Motions to Modify Child Support, Alimony or Maintenance, a Statement of Income and Expenses shall be completed by each party, executed under oath, filed with the Court and served on the opposing party. The moving party shall file his/her statements with the motion. The responding party shall file his/her statements within thirty (30) days of service of the motion.

C. If any changes occur prior to the trial date, the information provided shall be updated immediately and served on the opposing attorney with a Certificate of Service of same to the Court.

D. If a party fails to timely file or update his/her Statement of marital and Non-marital Assets and Debts, or his/her Statement of Income and Expenses, the Judge may, at his or her discretion, order sanctions against that party such as the party so failing being prohibited from presenting affirmative evidence as to the values of the property, income or expenses which were not provided to opposing counsel.

E. In all cases involving payment of maintenance or child support, petitioner shall submit OSCA form C516 or such similar form as is provided by the Circuit Clerk's office, on or before date of hearing. Any payment made by payer should be mailed to FSPC, P. O. Box 109002, Jefferson City, MO 65110-9002. Payment must include case number and social security number.

F. On all contested domestic relation proceedings, prior to the hearing, both parties **shall**, in addition to the financial statements, prepare a list of all items of personal property stating whether said items are marital or non-marital, the fair market value, who has possession, and the amount owed against said items.

[Adopted eff. Jan. 16, 2004. Amended eff. No. 28, 2007.]

68.9 MODIFICATION OF JUDGMENT

No local rule.

68.10 RELATED PATERNITY/DISSOLUTION PETITIONS

Due to issues of confidentiality, in any dissolution case in which paternity of one or more children must be established and the alleged parent is not a spouse in the dissolution case, a separate case shall be filed to establish paternity with no filing fee required. The paternity case and the dissolution case shall automatically be assigned to the same Judge for disposition. A Motion for Change of Judge in either case, shall be considered a Motion for Change of Judge in each case.

A declaration of non-paternity may be filed within the dissolution case if no other paternity is being established.

In order to avoid a separate filing fee, the attorney filing the paternity case shall file a memorandum advising the Clerk of the companion divorce case and its case number, and requesting waiver of the filing fee.

[Adopted eff. Dec. 16, 2009. Amended eff. Oct 6, 2011; Feb. 9, 2024]

68.11 PARENT EDUCATION PROGRAM

All parties before the court in any proceeding for dissolution of marriage, paternity suits where both parties are before the court, legal separation, annulment or modification or enforcement thereof, or post-proceedings, which involve child custody shall be required to participate in and successfully complete a court-approved parent educational program. A certificate of completion shall be filed with the Court, before entry of a judgment of dissolution, modification, paternity, etc., unless otherwise ordered by the court.

A party shall be considered “before the court” if he/she files any pleadings, entry of appearance, or signs a proposed marital settlement agreement or parenting plan.

The petitioner or movant shall attend said program within sixty (60) days of the filing of the petition or motion. The respondent in the proceeding shall attend said program within sixty (60) days of the date of service of process. Each party shall pay the cost of their respective attendance.

NOTE: The Court may strike/dismiss the pleadings of any non-complying party or impose any and all other appropriate sanctions. For good cause shown, the Court may waive application of this rule.

[Adopted eff. Jan. 16, 2004; Amended eff. Feb. 9, 2024]

68.12 ENTRY OF JUDGMENT UPON AFFIDAVIT – REQUIREMENTS

A. **Final Order 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 affidavit of either or both parties when:

1. The parties have entered into a written agreement determining custody 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 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 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 proceedings, together with a copy of the proposed judgment or order, a copy of any written agreement proposed for adoption by the Court, a completed Form 14, and any other supporting evidence. The filing of such an affidavit shall not be deemed to shorten any statutory waiting period required for entry of a judgment of dissolution or judgments of legal separation.

C. **Final Order Entered – When:** Final orders in a proceeding for change of name, and any other uncontested causes, may be entered upon affidavit of petitioner/plaintiff when:

1. Any person entitled to service has been served.

2. The submitting party shall file an affidavit setting forth the testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceedings, together with a proposed judgment or order. The filing of such an affidavit shall not be deemed to shorten any statutory waiting period required for entry of a judgment.

D. **Hearing Required – When:** The Court shall not be bound to enter a judgment or order upon 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. Jan. 16, 2004.]

68.13 ALTERNATIVE DISPUTE RESOLUTION

A. ESTABLISHMENT OF PROGRAM

Pursuant to Supreme Court Rule 17, the Court adopts the following alternative dispute resolution program. This program is applicable to all civil disputes except those subject to

Supreme Court Rules 88.02 to 88.06. The alternative dispute resolution mechanism shall be mediation.

B. NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

In all actions in which this rule applies, a notice of the availability of alternative dispute resolution services shall be furnished to all parties. The Circuit Clerk shall provide the notice to the party or parties initiating the action at the time the action is filed. All responding parties shall be provided the notice along with the summons and petition. The notice shall advise the parties of the availability of alternative dispute resolution and shall inform the parties that the names of mediators qualified under this rule and a description of their background and fees may be obtained from the court. Counsel for the parties shall discuss alternative dispute resolution with their clients.

C. REFERRAL TO MEDIATION

Any party to a proceeding may file a motion requesting alternative dispute resolution within thirty (30) days of the date in which responsive pleadings are due or the court may order the mediation on its own motion at any time. Upon the order of the court, the parties shall agree to a mediator within fifteen (15) days from the date of the order. If the parties are unable to agree upon a mediator within that time frame, then the court shall appoint a mediator from the court-approved list.

Nothing herein contained shall preclude the parties from agreeing to participate in mediation independent of this rule.

D. CONFIDENTIALITY

The mediation shall be private and confidential as provided by Supreme Court Rule 17.06. No stenographic, electronic or other record of the mediation shall be made.

E. COMPENSATION

The mediator shall receive compensation as the parties and the mediator selected agree. The fee, unless otherwise agreed by the parties, or ordered by the court, shall be borne equally by the parties and shall be paid directly to the mediator selected. The court reserves the right to review the reasonableness of the fee charged by the mediator.

F. QUALIFICATIONS OF MEDIATORS

The mediator must meet the qualifications as set forth in Supreme Court Rule 17.04.

G. LIST OF MEDIATORS

The Circuit Clerk shall maintain and make available to counsel, parties and the public the list of qualified mediators compiled by the clerk under this rule. The list shall include the mediator's training, experience, qualifications and other information deemed appropriate by the court.

H. DISQUALIFICATION AND WITHDRAWAL OF MEDIATORS

No person shall serve as a mediator in any proceeding in which the mediator is interested, prejudiced, related to a party, has been counsel to a party in the cause, or under any circumstances which would reasonably call into questions to the mediator's impartiality. A mediator may withdraw for any reason set forth in this rule or for any other reason.

I. RESULTS OF MEDIATION

The results of the mediation shall not be reported to the court except as provided in Supreme Court Rule 17.05. Parties attempting resolution through alternative Dispute Resolution, without success, shall receive priority in trial settings.

[Adopted eff. Jan 16, 2004. Amended eff. Oct 6, 2011.]

68.14: MEDIATION OF CHILD CUSTODY AND VISITATION MEDIATION DEFINED

Mediation under this local rule includes, but is not limited to, the process by which a mediator, selected by the parties or appointed by the court, assists the parties in reaching a mutually acceptable agreement as to issues of child custody and visitation. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise, and finding points of agreement. An agreement reached by the parties is to be based on the decisions of the parties and not the decisions of the mediator. The agreement reached can resolve all or only some of the disputed issues.

[Adopted eff. Jan 16, 2004; Feb. 9, 2024]

68.15: MEDIATION – WHEN ORDERED - APPOINTMENT OF MEDIATOR

A. In every case involving contested issues of child custody and/or visitation, the parties shall participate in a minimum of two (2) hours of mediation pursuant to Missouri Supreme Court Rule 88.02 through 88.08 and this local rule unless waived by the court for good cause shown as hereinafter set forth. Unless the parties present a signed parenting plan related to custody and visitation to the Court at the initial case management conference, mediation shall be ordered under this section. In all family-law related cases referred to mediation by the terms of this rule, the parties are encouraged to mediate any or all other issues including, but not limited to, child support, property division and maintenance. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties and the mediator.

B. If both parties indicate a willingness to use mediation per the Mediation Notice and Election Form, or if mediation is ordered by the Court, an Order of Mediation shall then be issued by the Court. Mediation shall be completed within the time frame set forth in the court order for mediation.

C. If the parties have not selected a mutually agreeable mediator from the court-approved list, the court shall appoint a mediator from the court-approved list to conduct mediation pursuant to the rule. Fees for mediation may be adjusted by the court upon consideration of the parties' Statement of Income and Expenses and if resources are available to the Court.

D. Within fourteen (14) days of the compliance and/or completion of the mediation, the mediator shall file with the court, a notice indicating the compliance with the minimum two hours of mediation pursuant to the rule and notice of completion of the case as to whether or not the issues were settled. Any memorandum of understanding of the parties along with the ongoing contested issues at the close of mediation shall be sent to parties and their attorneys (if any).

E. Some cases may be inappropriate for mediation, which may include those with a history of domestic violence. If the case is deemed inappropriate for mediation due to domestic violence or a significant imbalance of negotiating power or for any other reason determined by the mediator, the mediator shall so notify the Court in writing.

[Adopted eff. Jan. 16, 2004; Amended eff. Feb. 9, 2024]

68.16: MEDIATION-QUALIFICATIONS OF THE MEDIATOR

A. A mediator who performs mediation in a contested child custody matter pursuant to this rule shall be a person who has stated by affidavit that he or she:

1. Is an attorney or a person who possesses a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships; and,
2. Has completed an approved training program which consists of at least forty (40) hours of curriculum requirements approved by the Missouri Supreme Court or its designee. Such curriculum shall substantially meet the training requirements and components as established by the Association of Conflict Resolution and must include at least four (4) hours dealing with domestic violence and power imbalance issues.

B. All newly qualified mediators shall, within one (1) year of qualification, obtain the following training:

1. Attorney-mediators shall receive eight (8) hours additional training in matters relating to child psychology, child development, family dynamics or equivalent approved training in the field of behavioral sciences;
2. Non-attorney mediators shall receive eight (8) hours additional training in areas relating to the law concerning family law matters.

- C. All new and existing mediators shall receive at least six (6) hours of continuing education annually in fields relating to alternative dispute resolution services or behavioral sciences that are applicable and relevant to issues of child and family development and psychology.
- D. All Rule 88 mediators trained prior to December 1, 2002, shall be exempt from the new education requirements established above with the exception of continuing education but shall advise the court and the Office of State Courts Administrator of the number of formal hours of mediation training received.
- E. The Circuit Clerk shall maintain a list of persons qualified to act as mediators under this rule. Only those persons who are included on the court-maintained list of mediators may be considered as mediators according to this rule. To be included on this court-maintained list, the interested person must file the previously described affidavit with the Circuit Clerk along with a statement containing, at the minimum, the following information: business address; telephone number; fax number; e-mail address, if any; degree(s) and the institution(s) obtained therefrom; type and number of hours of mediation training; current profession and hourly rate of mediation. The person may also attach a resume or curriculum vitae in lieu thereof.
- F. The list of mediators shall be updated from time to time as deemed necessary by the presiding Judge. All persons included in the list of mediators shall keep the circuit clerk apprised of any changes to their qualifications, including any change in status with any professional association, and their fees.
- G. All mediators who serve in family law related cases by court order shall submit an application for listing on the Approved Mediators List to be established and maintained by the Office of State Courts Administrator.
- H. Disqualification of a mediator shall be ordered in any legal proceeding upon the filing of a written application with ten (10) days of appointment. Each party is entitled to one (1) disqualification in each proceeding, except a party may be entitled to additional disqualifications for good cause shown. A mediator who has been appointed shall advise the court of any fact bearing on their qualifications, including any fact which would be reason for their disqualification. If the court disqualifies a mediator, an order shall be entered naming a qualified replacement. Nothing shall limit the mediator's ability to refuse assignment of any mediation under this rule.

[Adopted eff. Jan. 16, 2004.]

68.17: MEDIATION-DUTIES OF THE MEDIATOR

- A. The mediator in writing shall:
 - 1. Inform the parties of the costs of mediation;
 - 2. Advise the parties that the mediator does not represent either or both of the parties;

3. Define and describe the process of mediation to the parties;
4. Disclose the nature and extent of any relationships with the parties and any personal, financial, or other interests that could result in a bias or a conflict of interest;
5. Advise each of the parties to obtain independent legal advice;
6. Disclose to the parties' attorneys any factual documentation revealed during the mediation if at the end of the mediation process the disclosure is agreed to by the parties;
7. Ensure that the parties consider fully the best interests of the children and that the parties understand the consequences of any decision they reach concerning the children;

B. The mediator may meet with the children of any party and, with the consent of the parties, may meet with other persons.

C. The mediator shall make a written memorandum of any understanding reached by the parties. A copy of the memorandum shall be provided to the parties and their attorneys, if any, at the time of filing notice of compliance. The mediator shall advise each party in writing to obtain legal assistance in drafting any agreement or for reviewing any agreement drafted by the other party. Any understanding reached by the parties as a result of mediation shall not be binding upon the parties until it is reduced to writing, signed by the parties and their attorneys, if any, and approved by the court.

D. The mediator may act as a mediator in subsequent disputes between the parties. However, the mediator shall decline to act as attorney, counselor or psychotherapist for either party during or after the mediation or divorce proceedings unless the subsequent representation, counseling, or treatment is clearly distinct from the mediation issues. The mediator may not subsequently act as an investigator for any court-ordered report nor make any recommendations to the court regarding the child care issues.

[Adopted eff. Jan 16, 2004.]

68.18: TERMINATION OF MEDIATION

A. At any time after two hours of mediation either party may terminate mediation ordered under Rule 88.04.

B. The mediator shall terminate mediation whenever the mediator believes:

1. That continuation of the process would harm or prejudice one or more of the parties or the children; or

2. That the ability or willingness of any party to participate meaningfully in mediation is so lacking that a reasonable agreement is unlikely.

C. The mediator shall report the termination of mediation to the court. The mediator shall not state the reason for termination except when the termination is due to (1) failure of a party to participate meaningfully, or (2) a conflict of interest or bias on the part of the mediator, in which case another mediator may be appointed.

[Adopted eff. Jan. 16, 2004. Amended eff. Oct 6, 2011.]

68.19: CONFIDENTIALITY

A. Mediation proceedings shall be regarded as settlement proceedings. With the exception of information released pursuant to subdivision 88.06(a)(6), any communication relating to the subject matter of such disputes made during the mediation by any participant, mediator, or any other person present at the mediation shall be a confidential communication. No admission, representation, statement or other confidential communication made in setting up or conducting such proceedings not otherwise discoverable or obtainable shall be admissible as evidence or subject to discovery.

B. No person who serves as a mediator, nor any agent or employee of that person, shall be subpoenaed or otherwise compelled to disclose any matter disclosed in the process of setting up or conducting the mediation.

[Adopted eff. Jan. 16, 2004.]

68.20: CASE MANAGEMENT

A. General

The Judge of the Family Court, in consultation with the other judges assigned to the Family Court Division, shall establish a coordinated system for the management and resolution of all cases assigned to the Family Court Division. The judge of each division of the Family Court Division may establish such trial, pendente lite, case management, settlement and motion dockets as are needed for the effective operation of that division. The times and dates of such dockets shall be set by the judge of each division.

B. Case Management Conference Docket

1. All cases filed in the Family Court Division shall be set down for a case management conference as close to one hundred twenty (120) days from date of filing as is practicable. Upon filing, the Circuit Clerk shall provide to the filing party a Notice of Case Management Conference, which shall set forth the assigned date and time of said conference. The Notice of Case Management Conference shall be served upon the responding party with the summons and service copy of the initial pleading.

2. Once scheduled, a Case Management Conference may only be rescheduled by the judge to whom the case has been assigned. Counsel of record or unrepresented party are required to appear in person at the Case Management Conference., unless previously excused by the judge to whom the case has been assigned. **Failure of the counsel of record or unrepresented party to appear for the scheduled Case Management Conference may result in the dismissal, without prejudice, of the case, or the issuance of such other sanctions as the court may deem appropriate.**

3. Attendance at the Case Management Conference shall not be required in any case that is resolved by default, affidavit or consent memorandum before the scheduled conference date.

4. At the Case Management Conference the following issues will be addressed:

- a. The need for mediation;
- b. Compliance with the parent education class;
- c. The need for guardian ad litem;
- d. Discovery issues/timelines;
- e. Trial/Pre-Trial Conference setting.

[Adopted eff. Jan. 16, 2004; Amended eff. Feb. 9, 2024]

68.21: MOTIONS PENDENTE LITE

A. All motions pendente lite seeking temporary awards of child custody, child support, maintenance or other temporary relief pending trial upon the merits shall be heard at such times as determined by the judge to which the case has been assigned.

B. No motion pendente lite shall be noticed up for hearing prior to the first of the following: Thirty days after service of the petition upon the opposing party; waiver of service by the opposing party; or the filing of an answer by the opposing party.

[Adopted eff. Feb. 9, 2024]

68.22: GUARDIAN AD LITEM

A. From and after the date of this rule, the Court will only select Guardians ad Litem from a list of approved Guardians Ad Litem. To be on the approved list, an attorney seeking to serve as a Guardian Ad Litem shall provide verification to the Court of compliance with all continuing education requirements as set forth in the Standards for Guardians ad Litem on an annual basis. Failure to comply with the education requirements will result in being removed from the list of approved Guardians ad Litem.

B. A Guardian ad Litem who is paid by the parties shall be paid a fee based upon an hourly fee of \$200 per hour. A Guardian ad Litem who is paid by Lincoln or Pike County shall be paid a fee based upon an hourly fee of \$150 per hour.

C. From time to time, the judge on a particular case, may require the parties to deposit fees to secure payment for Guardian ad Litem fees.

[Adopted eff. Feb. 9, 2024; Amended Feb. 7, 2025]

RULE 69 MUNICIPAL DIVISION

No local rule.

RULE 70 PARTITION

A. In partition sales, plaintiff's attorney shall assist the Sheriff or Commissioners in preparing all necessary reports of sale and orders of distribution and present them to the Court.

B. No report of commissioners in partition, and no report of a sale in partition by the Sheriff, or any Commissioner appointed by the Court, not excepted to, shall be confirmed unless the same has been on file at least three (3) days, unless all parties in interest or their attorneys or guardians expressly request in writing that an order of confirmation be entered.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001.]

RULE 71 ADMINISTRATIVE REVIEWS

No local rule.

RULE 72 PROBATE

72.1 ELECTRONIC FILING IN THE PROBATE DIVISION

A. Except as otherwise provided herein, all probate matters shall be filed in accordance with Supreme Court Rule 103 and Supreme Court Operating Rule 27. Attachments, including exhibits, that are part of any filing shall be filed electronically at the same time.

B. The original of the following documents shall be filed physically with the probate division within five (5) business days after it is electronically filed:

- (1) Upon electronic filing, the will or codicil will be accepted as filed. However, no further process shall occur on the estate until the original will or codicil has been filed with the Court;
- (2) Original commissions and testimonials of subscribing witnesses.

C. Medical interrogatories shall be electronically filed in proceedings for guardianship and/or conservatorship prior to the day of hearing. Originals of those interrogatories shall be presented in court for the purpose of evidentiary stipulations or offers at the time of the hearing on the petition.

D. Self-represented parties, except those who are attorneys licensed to practice in the State of Missouri, shall file original pleadings and documents with the clerk of the court.

E. Attorneys shall be responsible for entering all parties into the e-filing system. Parties shall include:

- (1) Petitioner(s);
- (2) Decedent;
- (3) Minor(s);
- (4) Respondent(s);
- (5) Spouse;
- (6) All heirs;
- (7) All legatees/devisees;
- (8) Plaintiff(s);
- (9) Defendant(s).

Pursuant to Supreme Court Operating Rule 4.07, if the party is a person and the information is reasonably available, the full Social Security number for each party shall be provided on the Confidential Filing Sheet.

F. Any document subject to the requirements of Section 472.080, RSMo, shall bear an original signature and be converted to a PDF format in order to be electronically filed. The original document shall be presented to the court upon request.

G. In any decedent's estate, including Application for Letters, Affidavit for Small Estate, Refusal of Letters, and Petitions to Determine Heirship, a copy of the death certificate shall be electronically filed with the court.

[Adopted eff. Feb. 9, 2024]

72.2 ELECTRONIC FILING OF SETTLEMENTS IN THE PROBATE DIVISION

A. In accordance with Supreme Court Rule 103 and Court Operating Rule 27, all reports in lieu/interim/annual and final type settlements, including statement of accounts, along with vouchers and required verifications of accounts shall be filed electronically.

B. All vouchers/checks shall be e-filed as an attachment to the settlement. They must be numbered and submitted in consecutive order consistent with the listing of disbursements on the settlement. Supporting documents shall be clearly legible. The court may request presentment of the original voucher or any other supporting documentation if deemed necessary. Further, cancelled vouchers/checks must clearly show the front and back of the vouchers/checks.

C. All verification of accounts shall be e-filed as a separate document and not as an attachment to the settlement. The court may request presentment of the original verification of account or any other supporting documentation if deemed necessary.

D. Petitions to Approve the Settlement, Notices or Waivers from all interested persons, and the Final Settlement/Statement and Proposed Order of Distribution should all be submitted as additional documents and not as attachments.

[Adopted eff. Feb. 9, 2024]

72.3 GUARDIANSHIP/CONSERVATORSHIP

A. Prior to the hearing seeking appointment of guardian or conservator for alleged disabled or incapacitated person or minor, counsel for Petitioners shall procure and file the statutory required background checks for each Petitioner seeking appointment as guardian/co-guardian or conservator/co-conservator. Said requirement shall not apply to Petitioners seeking appointment of the Public Administrator.

B. Petitioners shall electronically file a copy of the minor child's birth certificate with the petition.

[Adopted eff. Feb. 9, 2024]

RULE 73 SMALL CLAIMS

No local rule. (See Supreme Court Rules 140 through 155)

RULE 74 TRUST ESTATES

No local rule.

74.1 INVENTORY

No local rule.

74.2 REPORTS

No local rule.

74.3 RECORD

No local rule.

74.4 AUDIT

No local rule.

POST TRIAL

RULE 81 EXECUTION

No local rule.

RULE 82 GARNISHMENT

No local rule.

RULE 83 JUDICIAL SALES

No local rule.

INTERNAL ORGANIZATION

RULE 100 INTERNAL ORGANIZATION

100.1 PRESIDING JUDGE

100.1.1 ELECTION

100.1.2 DUTIES OF PRESIDING JUDGE

A. The Presiding Judge of the Circuit shall have the authority to assign Judges to hear such cases or classes of cases as the Presiding Judge may determine, and to assign Judges to divisions.

B. The Presiding Judge of the Circuit shall not have the authority to assign:

1. A Municipal Judge to hear any case other than to initially hear a municipal ordinance violation case of the municipality which makes provision for such municipal Judge;

2. A Judge to hear the trial of a felony case when he has previously conducted the preliminary hearing in that case;

[Adopted eff. Jan. 5, 2001.]

100.2 LOCAL COURT RULES

Any of the above rules or parts thereof in conflict with any rule of the Supreme Court of Missouri or any law of the State of Missouri is hereby considered amended to conform to said rule or law governing same.

100.2.1 FORMULATION

No local rule.

100.2.2 PUBLICATION

No local rule.

[Adopted eff. Jan. 5, 2001. Amended eff. Dec. 5, 2001.]

100.3 LIBRARY FUND

All suits filed in the Circuit Court shall be accompanied by a deposit of fifteen dollars (\$15.00) as a Law Library fee. This deposit shall be in addition to all other deposits now or hereafter required by law or court rule, but is included in the deposits required under Rule 5.1 of these rules. No summons shall issue until the deposit has been made. This rule shall not apply to actions sent to the County on a change of venue, within the Probate Court jurisdiction, cases filed under Chapter 517 RSMo. procedures, small claims procedures, applications for Trial de Novo, or to suits, civil or criminal, filed by the County or State or any City.

Lincoln County:

On the first day of each month, the Circuit Clerk of Lincoln County shall pay the entire fund created by said deposit in Lincoln County during the preceding month to the Treasurer of the Lincoln County Circuit Court Library Fund for the purpose of maintenance and upkeep of the Law Library, and such other use as is allowed by Missouri Statutes. The Treasurer for said fund shall be appointed by the Court en banc.

Pike County:

On the last day of each month, the Circuit Clerk of Pike County shall pay the entire fund created by said deposit in Pike County during the preceding month to the Treasurer of the Pike County Circuit Court Library Fund for the purpose of maintenance and upkeep of the Law Library, and such other use as is allowed by Missouri Statutes. The Treasurer for said fund shall be appointed by the Court en banc.

It is further provided that the Judges of the Circuit Court, the officers of all Courts of record and all attorneys licensed to practice law in any such County shall be entitled at all reasonable times to use said libraries to the support of which said funds are applied. In addition, the public may utilize the library at reasonable times.

(See Section 514.440-514.489 RSMo.)

[Adopted eff. Jan. 5, 2001. Amended eff. Jan. 16, 2004. Amended eff. Oct 6, 2011. Amended eff. Feb. 9, 2024]

100.4 STORAGE OF RECORDS

No local rule.

100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILED (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.

[Adopted eff. Jan. 5, 2001.]

100.5 CLERK'S DUTIES

No local rule.

100.6 SELECTION OF VENIREMEN

No local rule.

RULE 101 ELECTRONIC FILING

101.01 ELECTRONIC FILING

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

[Adopted eff. Feb. 9, 2024]

RULE 102 SECURITY LEVELS

Filings shall be filed at security levels established by the Supreme Court. Upon request of a party, or the Court on its own motion, a security level may be changed upon good cause shown.

[Adopted eff. Feb. 9, 2024]

RULE 103 REDACTION

A. All filers shall comply with the redaction requirements set forth in Missouri Supreme Court Rules and Court Operating Rules. Any person filing a proposed order or judgment shall file both a redacted and unredacted version of the proposed order or judgment.

B. The signed unredacted copy of any order or judgment shall be considered as the original. Redacted copies of orders or judgments may not have a signature on said document, but will indicate whether the unredacted version has been signed.

[Adopted eff. Feb. 9, 2024]