

**RULES OF THE CIRCUIT COURT OF THE  
FIRST JUDICIAL CIRCUIT  
[Clark, Schuyler and Scotland Counties]**

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# **ADMINISTRATION**

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

### **RULE 1.1 DIVISIONS OF COURT**

There shall be six divisions of court which shall be divided as follows:

Division One: Circuit Court, Clark County, Kahoka, Missouri

Division Two: Associate Circuit Court, Clark County, Kahoka, Missouri

Division Three: Circuit Court, Schuyler County, Lancaster, Missouri

Division Four: Associate Circuit Court, Schuyler County, Lancaster, Missouri

Division Five: Circuit Court, Scotland County, Memphis, Missouri

Division Six: Associate Circuit Court, Scotland County, Memphis, Missouri

[Eff. Nov. 22, 1991]

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

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

All sessions of Circuit Court shall begin at 9:00 a.m., unless noted below:

Jury cases shall begin at 9:00 a.m. Attorneys shall be present at 8:30 a.m. to consider pretrial matters.

The court is open five days a week, Monday through Friday, for the purposes of filing papers in the clerk's office. The clerk's office is deemed always open.

The court will observe the following holidays as noted in 9.010 RSMo: The first day of January, the third Monday of January (Martin Luther King's Birthday), the twelfth day of February (Lincoln's Birthday), the third Monday in February (Washington's Birthday), the eighth day of May (Truman's Birthday), the last Monday in May (Memorial Day), the fourth day of July, the first Monday in September (Labor Day), the second Monday in October (Columbus Day), the eleventh day of November (Veterans Day), the fourth Thursday in November (Thanksgiving Day), and the twenty-fifth of December (Christmas Day).

[Eff. Nov. 22, 1991. Amended eff. March 25, 2008.]

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

1. The Circuit Court of each county of the circuit shall be in continual session as provided by Section 475.205, RSMo. To the extent that a term of circuit court may be required or specified by these rules or by an provision of law, the "terms" of court, for divisions one, three and five shall be considered as commencing on the dates as hereafter stated:

- a. In Clark County on the first Monday in the months of April, August and December;
- b. In Schuyler County on the first Monday in the months of May and October;
- c. In Scotland County on the first Wednesday in the months of January, May and September.

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

[Eff. Nov. 22, 1991.]

## **RULE 2.3 LAW DAYS**

The law day for Divisions One, Three and Five will be held as follows, unless otherwise directed by the Court:

- a. In Clark County on the first Tuesday of each month;
- b. In Schuyler County on the first Thursday of each month;
- c. In Scotland County on the first Wednesday of each month.
- d. Juvenile Court law days shall be scheduled as follows: In Clark County, juvenile court shall be held at 9:00 a.m. on the Monday immediately prior to the Clark County regular law day each month. In Scotland and Schuyler Counties, the juvenile court shall be held at 1:00 p.m. on the regularly scheduled law day each month.

[Eff. Nov. 22, 1991. Amended eff. Feb. 6, 1997; Nov. 17, 1999; Jan. 1, 2005; March 25, 2008.]

## **RULE 2.4. HOURS OF ASSOCIATE CIRCUIT COURT**

Clark County Associate Circuit Court criminal and traffic court shall be held each Thursday at 9:00 a.m. Hearings on protective orders shall be held each Thursday at 10:00 a.m. Civil and probate court shall be held the first and third Thursdays of each month at 1:30 p.m. Municipal court shall be held on the third Thursday of each month at 8:30 a.m. Change of Judge cases shall be held on the third Thursday of each month at 9:00 a.m. Public Defender law days shall be held on the second and fourth Thursdays of each month at 1:00 p.m. Clark County Drug Court shall be held each Wednesday at 3:00 p.m.

Schuyler County Associate Circuit Court traffic court and weekly criminal law day will be held each Wednesday beginning at 9:30 a.m. and at 1:30 p.m. Civil cases will be heard on Wednesday morning beginning at 10:00 a.m. or as set on a case-by-case basis. Criminal and civil cases from which the Schuyler County Associate Judge has been disqualified or recused himself shall be heard at times set on a case-by-case basis.

Scotland County Associate Circuit Court traffic court will be held each Tuesday at 9:00 a.m.

[Eff. Nov. 22, 1991. Amended eff. Nov. 14, 1996; Nov 17, 1999, eff. Jan 1, 2001, Jan. 1, 2011.]

## RULE 3. PLEADINGS

The following caption is required:

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI  
Division \_\_\_\_\_

(NAME)	)	
(ADDRESS)	)	
(CITY)	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
(NAME) <sup>1</sup>	)	
(ADDRESS) <sup>2</sup>	)	
(CITY)	)	
	)	
Respondent.	)	

### CAUSE<sup>3</sup>

Signed (Attorney of Record or Party)  
(Address)  
(Telephone Number)  
(Missouri Bar Number)

<sup>1</sup>If a corporate defendant, also list officer or registered agent in charge with address and telephone number. If a foreign corporation, also give address of local office and name of officer in charge.

<sup>2</sup>If defendant has a rural route, give directions or a P. O. Box number

<sup>3</sup>If the party is required to state the cause of action on the pleading they should be directed to do so under this section.

{Eff. Nov. 22, 1991.}

### RULE 3.2 STYLE

All pleadings and motions intended for filing in any case shall be legibly written on one side of the paper only, either typewritten or printed, double-spaced, on 8 ½ inch by 11 inch paper with a top and left-hand margin of at least one inch; shall be signed by the party or his attorney offering the

same for filing together with the address, telephone and bar identification numbers of the trial attorney in the case; shall be captioned with the style and number of the case, the character of the pleadings and motions and, if a petition, the nature of the suite, and, if consisting of more than one sheet, shall be securely bound at the top with page numbers at the bottom. Paragraphs of pleadings shall be numbered consecutively. An attorney offering a paper for filing may sign it on behalf of a law firm or attorney when duly authorized to do so; but he must also subscribe his own signature on said paper. (The attorney whose signature is affixed to the pleading of paper shall be deemed to be the trial attorney in the case.) Where service of summons or other pleading is requested, a copy of the pleading for each party to be served shall be filed and shall include the address for each party to be served.

## **RULE 4. FILING OF CASES**

**RULE 4.1.** The divisions of the circuit court in all counties have consolidated and adopted a centralized filing system. All cases shall be filed in the office of the Circuit Clerk in the appropriate county.

[Eff. Nov. 22, 1991. Amended Aug. 9, 2006, eff. Jan 1, 2007; Jan. 1, 2010.]

### **RULE 4.2 FILING OF CASES**

Paper documents shall be accepted for filing in all cases in a particular county or division until the case type is designated by the Presiding Judge as one that shall be filed electronically. The Presiding Judge shall designate a case type to be filed electronically by administrative order. The administrative order shall specify the date by which a case type shall no longer be filed by paper. The case types shall be all probate, excluding mental health cases; all municipal cases including municipal trial de novo cases, traffic, infractions, watercraft and conservation cases; all domestic relations case types, including paternity, except for orders of protection; all associate civil cases and all circuit civil cases. All attorneys who attempt to file a document with the court shall be a registered user of the electronic filing system established by the Office of State Court Administrator. The following subsections of the rule shall become effective once designated by the Presiding Judge that the case type shall be electronically filed. Once the case type has been designated for electronic filing, no paper in that case file shall be accepted unless provided by Rule 4.8 or order of the court. All paper not covered by Rule 4.8 or order of the court shall be returned by the clerk to the filing party and shall not be deemed filed.

[Eff. Nov. 12, 2014.]

### **RULE 4.7. FACSIMILE FILING AND SERVICE**

1. **Authority for Rule.** This rule is promulgated under the authority conferred by Missouri Supreme Court Rule 43.02(c).
2. **Facsimile Filing Authorized.** Any pleading or other document including an original filing, may be filed in any division of this court having, maintaining, or designating a facsimile machine for receipt of such transmissions, by transmission of the same to such facsimile machine.

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

The pleading or document shall be deemed filed, subject to subparagraphs 3 and 4 of this rule on the date and at the time actually received at the office of the Clerk.

Risk of loss in transmission, receipt or legibility is upon the person or party transmitting or filing by facsimile.

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

Subject to subparagraph 3 of this rule, the person filing the pleading or other document by facsimile transmission shall retain the original and make it available upon order of the Court.

**3. Filing of Original, When.** If the pleading or document is one which requires any oath, verification, acknowledgment, jurat or affidavit, the original of the same shall be transmitted to the Court the next business day following the date of facsimile transmission.

Such original pleading or document shall be transmitted by personal delivery to the Court, or by depositing in the United States Mail (First Class postage prepaid), addressed to the Clerk of the appropriate division.

If the original of said pleading or document is not received by the court within four (4) business days of the next business day following facsimile transmission, the pleading or document and its filing may be stricken by the Court, on its own motion, or that of any other party.

The date of the filing of the original filing or document shall relate back to the date of receipt of the document sent by facsimile transmission.

**4. When Filing Fee or Deposit Required.** No pleading or document which requires a filing fee or deposit shall be filed hereunder without advanced payment of said filing fee or deposit.

**5. Court Orders Transmitted by Facsimile Transmission.** Court orders, judgments or decrees, including warrants and search warrants may be transmitted to the Clerk of the various division, or others, by facsimile transmission, and until receipt of the originally signed order, as herein provided, they shall have the same effect and be acted upon by all persons as if they were the original executed by the Court.

The next business day following entry of an order which has been filed under this rule, the Court shall cause the original of the same to be transmitted to the Clerk of the Division so as to be received by the fourth (4<sup>th</sup>) business day following the filing of the same by facsimile transmission.

**6. Service by Facsimile Transmission.** When service by ordinary mail or personal delivery is provided by Missouri Supreme Court Rule 43.01, or otherwise by law, such service may be made by facsimile transmission of a copy to any attorney or party to be served who maintains a device for receipt of facsimile transmission.

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

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

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

Except in the case of Court orders, judgments or decrees, if a document is transmitted after 4:00 p.m. in the time zone in which it is to be received, service shall not be deemed to have occurred until the next business day.

**7. Facsimile Archive.** All facsimile filings must be on archivable paper. Those clerk's offices utilizing facsimile machines with thermal facsimile paper must make a copy of the facsimile paper or document transmitted and file a copy of the facsimile transmission as the original document in the file.

**8. Service, How Show.** Service by facsimile transmission shall be shown as provided in Missouri Supreme Court Rule 43.01(d).

**9. Cost for Receipt of Transmission by Facsimile.** The maintenance of a facsimile device by a clerk's office and rules allowing filing by facsimile transmission benefit primarily the person desiring to file by this method of transmission. It causes the clerks or the court system additional expense to acquire and maintain a device and phone line to receive these transmissions, and often to transfer the transmission to archivable quality paper.

The clerk of a division maintaining a device to receive or send facsimile transmissions may charge the person or entity filing by facsimile \$.50 per page for receiving and processing such document and \$1.00 per page for document transmission.

Nothing in this rule shall require a clerk of any division to maintain a device for or require them to transmit any document by this method.

Nothing in this rule shall require the clerk of any division to maintain, designate or receive facsimile transmission outside regular office hours or regular business days. For purposes of this rule only, regular office hours shall be deemed to be those hours between 8:00 a.m. and 4:00 p.m.

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

- a. be paid upon receipt by the person or entity, or
- b. be subject to additional filing deposit by the clerk as provided in these rules; or
- c. be taxed as costs by the clerk of Court to the party for whom the facsimile charge was incurred.

If any party or entity is delinquent in the payment of any facsimile charge, the Clerk of the division may decline to receive or transmit any documents by facsimile transmission or receipt from or to such person or entity until all charges have been fully paid.

If the Circuit Clerk of any county in this circuit maintains a facsimile machine in the Clerk's office, such machine shall be deemed available to receive facsimile filings for all divisions of the Court in that county, and may be used by all divisions in that county to make facsimile transmissions.

10. **Business Day Defined.** A business day is any day not a Saturday, Sunday or holiday recognized as such by the Missouri Supreme Court through the Office of State Courts Administrator.

11. **Effective Facsimile Signature.** A facsimile signature shall have the same effect as an original signature.

[Eff. Jan. 1, 1997. Amended eff. March 1, 1998.]

#### **RULE 4.8 EXCEPTIONS TO ELECTRONIC FILING**

An exception to the electronic filing rule is that paper documents shall continue to be allowed to be filed in small claims cases, cases filed under Chapter 455, in any cases by a self-represented litigant, for any documents prepared within a courtroom during a hearing or trial and by specific court order.

[Eff. Nov. 14, 2014.]

## **RULE 5. FEES AND COSTS**

### **Rule 5.1. Filing Fee and Cost Deposit**

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

#### **Circuit Division**

All original civil cases	\$ 150.00*
Each additional defendant	25.00
General execution/garnishments	45.00
Publication requirement (additional)	200.00
Guardian ad litem (additional)	75.00
Adoptions (additional)	100.00

\*Fee includes law library fund surcharge of \$15.00

#### **Associate Division**

All original civil cases (Costs)	\$ 53.00*
Service (first defendant)	50.00
Service (each additional defendant)	30.00
Sheriff's service (first defendant)	50.00
Sheriff's service (each additional defendant)	30.00
Small claims with registered mail service	55.00
Small claims with personal service (first defendant)	85.00

\*Fee includes law library fund surcharge of \$15.00

#### **Probate Division**

Incapacitated/Disabled	\$ 125.00*
Plus first personal service	50.00
Each additional personal service	30.00
Conservatorship of minors	110.00*
Plus first personal service	50.00
Each additional personal service	30.00
Guardianship only of Minors	110.00*
Plus first personal service	50.00
Each additional personal service	30.00
Miscellaneous probate (other than decedent's estates)	75.00
Plus first personal service	50.00
Each additional personal service	30.00

\*Fee includes law library fund surcharge of \$15.00

In the event service is required outside of the county of filing, Plaintiffs/Petitioners in the Associate and Probate Divisions may, at their option, obtain the precise service fee amounts from the appropriate Sheriff, and deposit with the appropriate clerk sufficient funds to cover the court costs only, together with a separate check made payable directly to the appropriate sheriff for the precise amount required for service.

## **Rule 5.2. Law Library Fund.**

Pursuant to Chapter 488.426 RSMo, any party filing a civil case in the circuit court shall, at the time of filing of the suit, be required to deposit with the clerk of the court a surcharge in the amount of fifteen dollars (\$15.00) in addition to all other deposits required by law or court rule. All sums collected pursuant to this rule shall be governed by Section 488.429 RSMo, et seq.

[Eff. Dec. 11, 1996. Amended Aug. 30, 2001, eff. Jan. 1, 2002; Jan. 1, 2004.]

## **Rule 5.3 Time Payment Fee**

Pursuant to Section 488.5025 RSMo, in addition to any other assessment authorized by law, there shall be assessed a fee of twenty-five dollars 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 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.

Ten dollars of the time-payment fee collected pursuant to this section shall be retained by the clerk of the court of the county from which such fee was collected and said fund shall be applied and expended under the direction and order of the court en banc of any such county to be utilized by the court to improve, maintain and enhance the ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preservation of the record, or improve the administration of justice. Eight dollars of the time-payment fee shall be deposited in the statewide court automation fund pursuant to Section 476.055 RSMo. Seven dollars of the time-payment fee shall be paid to the director of revenue to be deposited to the general revenue fund.

[Eff. Nov. 1, 2011]

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

### **Rule 6.1. ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES**

**6.1.1. By Local Rules or Order.** All matters filed in associate circuit court that are contested shall be heard on the record under the procedure applicable under Chapter 517 RSMo, except:

- (1) Felony cases prior to the filing of an information;
- (1) Municipal ordinance violation cases;
- (2) Small claims cases as provided in Section 482.300 through Section 482.365, RSMo 1978.

(Rule 6.1.1 Revised and adopted 6-17-19, effective 6-17-19)

**6.1.2. Assignment of Cases.** The associate circuit judges of this circuit shall be automatically assigned to hear and determine all proceedings filed under Chapter 455 RSMo. Associate circuit judges may be assigned by the presiding judge to any other cases filed in circuit court. Any proceedings in cases assigned pursuant to this rule shall be hard on the record under procedures applicable before circuit judges.

**6.1.3. Automatic Assignments.**

(a) Absence of Circuit Judge. In the absence of an associate circuit judge, any judge of the circuit is assigned to perform all duties of the absent judge except try criminal cases and accept guilty pleas.

(b) Upon Request of Another Judge. Any judge may request another judge to hear cases set on a particular docket or day. Upon acceptance by the judge, he is automatically assigned to perform all duties of the requesting judge.

(c) Associate judge automatically assigned upon request of parties.

(d) Non-criminal and juvenile cases in divisions presided over by a circuit judge are assigned to any available associate circuit judge of the circuit upon the request of all parties not in default. The associate circuit judge shall hear and determine the case. Subsequent motions to modify custody, support, visitation and maintenance shall be heard by the circuit judge unless the case is assigned to the associate circuit judge, or all parties not in default request an associate circuit judge to hear the case.

[Eff. Nov. 22, 1991. Amended eff. Nov. 14, 1996; Nov. 17, 1999.]

## **RULE 7. WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE**

### **Rule 7.1. When Allowed**

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

[Eff. Nov. 22, 1991.]

### **Rule 7.2. Duplicating Policy**

Requests for copies of court records should be directed to the circuit clerk or division clerk. Parties shall be charged the rate which from time to time is established by the circuit clerk.

[Eff. Nov. 22, 1991.]

## **RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME**

Preparation of any transcript on appeal by an official court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the

reporter reasonably estimates such transcript will cost. In the event of any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due upon delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

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

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

[Eff. Nov. 22, 1991.]

## **RULE 11. RECORDING OF JUDICIAL PROCEEDINGS**

All persons except those authorized by the Court to preserve the record shall refrain from broadcasting, televising, recording or taking photographs in the courtroom and in the corridors and stairways adjacent thereto while court is in session and during recesses.

[Eff. Nov. 22, 1991.]

## **RULE 12. DUTIES OF CIRCUIT CLERK**

- A. Upon filing of any post-trial motion under Criminal Rule 29.15 by movant, the clerk shall immediately notify the trial judge of the filing in order that the court may, if necessary, appoint counsel and take other action as indicated.
- B. Upon filing of an entry of appearance in Criminal Rule 29.15 actions by respective counsel, the clerk shall immediately notify the trial judge in order that the cause may be set for trial.

[Eff. Nov. 22, 1991.]

## **GENERAL RULES**

### **RULE 21. ATTORNEYS**

#### **Rule 21.3 CONDUCT OF ATTORNEYS**

It is the responsibility of the initiating attorney to notify the clerk of court and court reporter of any continuance granted or any other matter which results in case not being heard when set for trial.

[Eff. Nov. 22, 1991.]

#### **Rule 21.4 WITHDRAWAL OF ATTORNEYS**

An 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:

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

A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 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.

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.

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

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

[Eff. Nov. 22, 1991.]

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

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

He is to advise his client not to discuss any phase of the case with the Court.

When the rule as to witnesses is involved, each attorney is charged with the duty of seeing that the witnesses comply with that rule. If any witness violates the rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered.

[Eff. Nov. 22, 1991.]

### **RULE 24. EXHIBITS**

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

[Eff. Nov. 22, 1991.]

## **PRETRIAL MATTERS**

### **RULE 33. MOTIONS AND NON-JURY MATTERS**

#### **RULE 33.4. BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED**

All motions shall be in writing and accompanied by a written memorandum setting forth reasons in support thereof with citations and points relied upon. Either party thereafter upon five (5) days notice may call up said motion for hearing. If no memorandum is filed, then upon notice by either party, the court will consider the motion without argument. After submission, the court will consider the motion without argument. After submission, the court may require such memoranda or briefs as the court may deem advisable. Time to file written memorandum may be extended by the court for good cause shown.

[Eff. Nov. 22, 1991.]

#### **RULE 33.6. MOTIONS IN LIMINE**

All motions shall be in writing and accompanied by citations of authority. (See also Rule 33.4.)

[Eff. Nov. 22, 1991.]

## **RULE 34. CONTINUANCES**

### **RULE 34.1. CIVIL CASES**

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

### **RULE 34.2. CRIMINAL CASES**

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally. A continuance will be granted in criminal cases only if the court finds the ends of justice served by taking such an action outweighs the benefits of a speedy trial. For good cause shown, the court may continue a criminal proceeding to a fixed day, or to a date to be set thereafter. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the court. All applications for continuances shall conform to Supreme Court Rule 24.

[Eff. Nov. 22, 1991.]

## **TRIALS**

### **RULE 52. VOIR DIRE**

#### **Rule 52.1. JURY QUESTIONNAIRES**

The jury questionnaire shall be delivered with the summons along with directions to complete and return it to the clerk's office within five days.

Jury questionnaires shall be available on the day of any jury trial by contacting the clerk. At the completion of the voir dire examination it is the responsibility of the attorney to return his copy of the jury questionnaires to the clerk. The jury questionnaire is also a matter of public record and may be inspected by the attorneys at any time that the court is in session.

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

[Eff. Nov. 22, 1991.]

## **RULE 54. COURT-TRIED CASES**

### **RULE 54.1. PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

[Eff. Nov. 22, 1991.]

## **RULE 55. JUDGMENT ENTRY**

### **RULE 55.1. CONTESTED CASES**

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

[Eff. Nov. 22, 1991.]

### **RULE 55.2. DEFAULT OR UNCONTESTED CASES**

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

[Eff. Nov. 22, 1991.]

## **RULE 61. SETTLEMENT**

### **RULE 61.1. NOTICE OF SETTLEMENT**

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

[Eff. Nov. 22, 1991.]

# **RULES RELATING TO PARTICULAR ACTIONS**

## **RULE 71. ADOPTION**

### **Rule 71.1. FILING REQUIREMENTS**

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

[Eff. Nov. 22, 1991.]

<sup>1</sup>Repealed. See now section 193.205 RSMo

### **RULE 71.2. HOME STUDY**

Unless waived pursuant to Section 453.070, RSMo Supp. 1990, upon the filing of a petition for adoption, the Division of Family Services or other agency designated by the court, shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child. The clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.

[Eff. Nov. 22, 1991.]

## **RULE 72. PROBATE**

### **RULE 72.2 ELECTRONIC FILING**

(A) **Electronic Filing of Documents and Attachments.** 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 a part of any filing, shall be filed electronically at the same time. Each document requesting a specific form of relief or action by the court, wills and codicils, and death certificates should be filed as separate or additional documents, and not as attachments to other documents. The following is a non-exhaustive list of documents which should be electronically filed as separate documents:

- (1) Application for Letters
- (2) Application for Probate of Will
- (3) Electronically Filed Copy of Will or Codicil
- (4) Death Certificate
- (5) Renunciation of Right to Administer
- (6) Waivers by Interested Parties of Bond or Other Requirements of the Probate Code
- (7) Electronically Filed Copy of Corporate Surety Bond
- (8) Resident Agent Designation/ Acceptance
- (9) MO HealthNet Disclosure/Release
- (10) Annual Settlements
- (11) Verification of Deposits/Accounts
- (12) Petition for Sale of Property
- (13) Petition for Partial Distribution
- (14) Petition for Compensation

- (15) Final Settlement
- (16) Petition to Approve Final Settlement and for Judgment and Order of Distribution
- (17) Receipts of Distributees

If medical interrogatories in connection with a guardianship/conservatorship petition, or other documents containing personal medical or psychiatric information from a treatment provider, are filed electronically, such documents shall be filed as separate documents and not as attachments, in order that the clerk may assign the appropriate security level to such documents.

Vouchers and bank statements shall be electronically filed as an attachment to the settlement. Vouchers other than cancelled checks shall be numbered and submitted in consecutive order consistent with the listing of disbursements on the settlement.

**(B) Original Documents to be Filed Within 48 Business Hours.** The original of the following documents shall be filed physically with the probate division within 48 business hours after it is electronically submitted.

(1) Original Wills and Original Codicils. The probate division will file, but will not take any further action upon, applications for probate of will and applications for letters testamentary or letters of administration with will annexed, until the original wills and/or codicils have been physically filed with the probate division.

(2) Original corporate surety bonds.

(3) Original agreements of depository and verification letters for limited access or restricted account.

(4) Original commissions.

**(C) Self-represented Parties.** Self-represented parties, except those who are attorneys licensed to practice in the State of Missouri and subject to Supreme Court Rule 103 and Supreme Court Operating Rule 27 regarding electronic filing, shall physically file all original pleadings and documents with the clerk of the probate division.

**(D) Mental Health Cases.** Applications for temporary emergency detention of persons alleged to be mentally ill and persons alleged to be abusing substances, pursuant to Chapters 631 and 632, RSMo, may be physically filed or filed via facsimile transmission by the applicant.

**(E) Production of Original Documents.** Upon request of the court, an attorney or party shall produce the original of any physical document which has been electronically filed, and deliver the same to the court for inspection or review within five business days or within such other time as the court shall direct.

**(F) Parties.** Attorneys shall be responsible for entering all parties into the electronic filing system, and self-represented parties shall file a paper confidential case filing information sheet, providing all information required pursuant to Supreme Court Operating Rule 4.07. Parties in probate division matters may include, without limitation, all of the following: applicants, petitioners, respondents, decedents, spouses, minors, heirs, legatees, administrators ad litem, guardians ad litem and defendants ad litem, devisees, creditors, interested parties, plaintiffs, and defendants.

(G) **Verified Documents and Affidavits.** Pursuant to Section 472.080, RSMo and Supreme Court Rule 103.07, unless otherwise specifically provided by law or Supreme Court Rule, each document filed in the probate division shall contain a statement signed by the declarant that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the same, subject to the penalties of making a false affidavit or declaration. A document required by law to be verified or signed under penalty of perjury, or to be signed by a notary public, may be filed electronically as provided in Supreme Court Rule 103.04(d), only if the affiant, declarant, or notary public has physically signed a paper document. Any document subject to the requirements of Section 472.0780, RSMo, or requiring acknowledgment before a notary, shall bear an original signature and be converted to PDF format to be electronically filed. If a document is filed bearing a facsimile electronic signature, e.g., */s/(typed name of declarant or notary)*, the document with the original signature must be presented to the probate division for examination within 48 business hours. Until the entire case is finally disposed, the electronic filing registered user shall be the custodian of all original signed paper documents and shall be obligated to produce such documents as provided by law.

(H) **Notices of Hearings, Entries, and Orders.** Notices to registered users of the electronic filing system shall be made through the electronic filing system pursuant to Supreme Court Rules 103.08 and 103.09. Notice to other parties shall be given pursuant to Section 472.100, RSMo, or Supreme Court Rule 43.01 if applicable pursuant to law or order of the court. The court may require litigants to serve notices of hearings and other notices on self-represented parties and other non-registered users, and to submit proof of service of such notice to the court prior to any scheduled hearing. In the alternative, the court may direct the clerk to issue such notices as may be required and to file proof of service accordingly.

[Eff. Nov. 14, 2014.]

## **RULE 77. CRIMINAL CASES**

### **RULE 77.1. PRE-TRIAL RELEASE**

**77.1.1. Motions to Set Bond and for Bond Reduction.** Motions to set bond and for bond reduction shall be made in writing addressed to the judge of the division in which the case is pending. Such motions shall be filed with the clerk where the case is pending. In the event of the absence or unavailability of the judge before whom the case is pending, such motions shall be submitted to the presiding judge.

**77.1.2. Appointment of Public Defender in Rule 29.15 Post-Conviction Cases.** In all cases where a criminal case has been tried by a public defender and where a motion for post-conviction relief is filed or a public defender will be defendant's lawyer in a Rule 29.15 post-conviction action, the trial judge shall enter the following order:

The Court appoints (appropriate office) of the State Public Defender System to represent movant in this 29.15 action. Counsel is granted sixty days from the date of this order and the issuance of the appellate mandate in which to file the amended motion. [Form of order is attached as Form 79.1.]

**77.1.3. Appointment of Public Defender in Rule 24.035 Post-Conviction Cases.** In all cases where a criminal defendant has entered a guilty plea and been sentenced after January 1, 1006, and filed a Rule 24.035 post-conviction action, the trial judge shall enter the following order:

The Court appoints (appropriate office) for the State Public Defender to represent movant in this Rule 24.035 action, and the amended motion is due sixty days from either the date of this order or the date the guilty plea and sentencing transcript is filed in the circuit court, whichever is later. [Form of order is attached as Form 79.2.)

[Eff. Nov. 22, 1991. Amended eff. Nov 14, 1996.]

## **RULE 78. DISSOLUTION OF MARRIAGE**

### **RULE 78.1 FILING REQUIREMENTS**

At the time of filing the petition, the attorney for the petitioner shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be supplied by the clerk, as required by Section 193.360<sup>1</sup>, RSMo.

[Eff. Nov. 22, 1991.]

<sup>1</sup>Repealed, See now section 193.205 RSMo.

### **RULE 78.2. SEPARATION AGREEMENT**

In all cases where written separation agreements are made under the provisions of Section 452.325, RSMo Supp. 1990, a copy of such executed agreement shall be submitted to the court prior to the hearing.

[Eff. Nov. 22, 1991.]

### **RULE 78.4 FILING OF FINANCIAL STATEMENTS**

On a form obtained from the clerk, a statement of marital and non-marital property under oath of the party making the same shall be furnished to the court prior to the date of the hearing in all cases filed for dissolution of marriage or legal separation. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value less encumbrances and the name of the party having possession or control. Also, on a form obtained from the clerk, a statement of income and expense shall be filed in all dissolution of marriage and legal separation actions, and in all motions to modify child support or maintenance. The statement shall, to the best of the ability of the party, list income of both parties from all sources and the anticipated separate expenses of the party making the statement together with the expenses of dependent children. In all contested dissolution cases a copy of such statements of property, income and expenses shall be supplied to the opposing attorney on or before the day of trial. Also, and income and expense statement shall be filed and supplied to the opposing attorney on or before the day of hearing a contested motion to modify child support or maintenance.

[Eff. Nov. 22, 1991.]

## **RULE 78.5 EDUCATIONAL PROGRAMS**

All parents in any action for dissolution, legal separation, custody or modification of custody and any other domestic relations actions involving minor children, and paternity actions where custody or visitation is an issue, but excluding juvenile court proceedings, shall attend such educational programs as may be designated by the Court within sixty (60) days after service of the summons upon respondent. The Court may, for good cause, grant any party a waiver from this rule.

The clerk shall give petitioner a notice of this rule and its requirements at the time of filing of the petition. The clerk shall attach a copy of such notice and rule with the summons and petition issued to respondent.

Each parent shall be required to pay the cost for participation in the program to the Circuit Clerk of the county where his or her case is pending.

The agency which presents the program shall file a certificate of attendance with the appropriate Circuit Clerk upon completion of the program by each participant.

Upon failure of any parent to attend the program pursuant to this Rule, the court may, upon its own motion or upon the motion of any other party to the action, take appropriate action to enforce compliance with this Rule.

Counsel for each party in any action to which this Rule applies shall give notice of the requirement under this Rule to his or her client.

No case shall proceed to commencement of a hearing on the merits until certificates verifying completion of the program by each parent are filed with the Court.

This rule shall apply to all parties with cases filed on and after July 31, 2003, whether the case is contested or uncontested.

[Eff. Dec. 15, 1995. Amended eff. July 31, 2003.]

## **78.6 ENTRY OF JUDGMENT UPON AFFIDAVIT – REQUIREMENTS**

**A. Final Orders Entered – When.** A final judgment and decree in any action for dissolution of marriage, legal separation, or declaration of paternity, or in any action in modification thereof, may be entered upon the affidavit of any party when:

1. There are no minor children of the mother and father and the mother is not pregnant, or at least one party is represented by counsel and the parties have entered into a written Parenting Plan determining custody, visitation and child support; and
2. The Respondent has been served in accordance with the Missouri Rules of Civil Procedure or has filed with the Court a verified entry of appearance or responsive pleading.
3. There is no genuine issue as to any material fact; and
4. There is no marital property to be divided or at least one party is represented by counsel and the parties have entered into a written agreement for the division of their marital property.

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

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

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

[Adopted Aug. 9, 2006, eff. Aug. 17, 2006]

## **RULE 103. ELECTRONIC FILING**

### **103.01 ELECTRONIC FILING**

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

### **103.02 REGISTRATION**

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

### **103.03 FILES OF THE COURT**

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

### **103.04 FORMAT OF ELECTRONICALLY FILED DOCUMENTS**

- (a) An electronic document shall be filed in the PDF format as defined in Court Operating Rule 27 and shall be formatted in accordance with the applicable rules governing formatting of paper documents, including page and word limits. Color coding of electronic documents is not required.

- (b) Electronic documents that are part of the official court record shall be self-contained and shall not contain hyperlinks.
- (c) For the convenience of the court, in addition to any electronic document filed as the official court record, a party or amicus curiae may submit to the court a copy of an electronic document on a read-only disc (CD-R or DVD-R).

A copy of any such disc also shall be provided to all other counsel and all self-represented parties.

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

- (1) The caption of the case;
- (2) The party filing the disk;
- (3) The disc number (e.g., "Disc 1 of 2").

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

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

#### **103.05 ELECTRONIC FILING WITH THE COURT**

- (a) Any filing shall be made with the clerk of the court through the electronic filing system. Attachments, including exhibits, that are part of any filing shall be filed electronically at the same time.
- (b) An attachment or exhibit that exceeds the technical standards for the electronic filing system or is unable to be electronically filed must be filed with the court on approved media as defined in Court Operating Rule 27. When an attachment or exhibit is filed on approved media, a notice of exhibit attachment shall be filed through the electronic filing system.

#### **103.06 ELECTRONIC FILING DEADLINES**

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

- (b) If a registered user believes the unavailability of the electronic filing system prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten days of the user's first unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.
- (c) If the court determines that the unavailability of the electronic filing system prevented the court from receiving the filing, the court shall deem the document filed on the day that the user initially attempted to file the document.
- (d) The filing deadline for any document filed electronically is 11:59:59 p.m. central time.
- (e) A document is submitted for filing when the electronic filing system receives the document and sends a confirmation receipt to the filer. The electronic filing system will issue a confirmation receipt that includes the date and time.
- (f) If the clerk accepts a document for filing, the date and time of filing entered in the case management system shall be the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of filing on the document.

### **103.07 VERIFIED DOCUMENTS AND AFFIDAVITS**

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

### **103.08 SERVICE**

Service shall be made to registered users through the electronic filing system and to all others as provided in Rule 43.01(c). Service by the electronic filing system is complete upon transmission except that, for the purposes of calculating the time for filing a response, a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m., shall be considered complete on the next day that is not a Saturday, Sunday, or legal holiday. The registered user shall be responsible for promptly forwarding service documents to the appropriate sheriff or other process server appointed by the court. All costs of service shall be the responsibility of the registered user.

[Eff. Nov. 12, 2014.]

## APPENDIX OF FORMS

## STATEMENT OF MARITAL AND NON-MARITAL PROPERTY

IN RE THE MARRIAGE OF:

Petitioner,

and

Case No. \_\_\_\_\_

Respondent.

## STATEMENT OF PROPERTY OF

\_\_\_\_\_(Petitioner) - Social Security # \_\_\_\_\_

\_\_\_\_\_(Respondent) - Social Security # \_\_\_\_\_

(If additional space is required, add a page indicating section number)

I.	PROPERTY	Present Value	How Acquired	When Acquired	Debt
A.	Real Property – List any and all Interests held in real property (include address, legal description and name of mortgagor)				
B.	Motor Vehicles (include all automobiles, boats, trailers, aircraft, recreational vehicles and campers and give year, make, model & serial number).				

I.	PROPERTY (Continued)	Present Value	How Acquired	When Acquired	Debt
C.	Bank Accounts – List all checking and savings accounts held either in your name alone or in your name and that of another person. Give the name of the institution, the names on the account and the account number. Be sure to include here all time deposits, certificates of deposit, etc.				
D.	Household Goods – Include all appliances, furniture, silver, antiques, televisions, stereos, etc.				
E.	Personal Goods – Include clothing, jewelry, furs, etc., hobby and sport items such as guns, cameras, coin and stamp collections, fishing and camping equipment, etc.				
F.	Cash on Hand – List only that in your possession				
G.	Securities – List all stocks, bonds, promissory notes, mortgages and all other such property in which you have an interest and give the names in which the securities are held and identification numbers, if any.				

I. PROPERTY (continued)	Present Value	How Acquired	When Acquired	Debt
H. Life Insurance— List the kind of policy, name of issuing company, policy number, owner of policy, insured, beneficiaries, face value and cash surrender value of the policy, if any (Include any policies furnished by your employer.)				
I. Retirement and/or Profit Sharing Plans— List name of the company and the person holding the interest, its present total value and the percentage vested.				
J. Any interest in any Trust— Give name of the trust, name of the trustee, name of the settlor, name of beneficiaries, nature of the interest you have in the trust and attach to this list of copy of the trust instrument.				
K. Any Interest in a Contract made but not yet performed— List the parties to the contract and the expected date of performance, if any.				

	Present Value	How Acquired	When Acquired	Debt
I. PROPERTY (cont.)				
L. Any Interest in any Pending Litigation or Suits yet to be filed.				
M. Any Interest in any Livestock or Crops – Give the nature of the property and its location.				
N. Any Debt Owed to You by Others – List the name of the debtor, any security, date of loan and due date, if any, etc.				
O. Future Interests – List the interest you hold, and property involved and the present owner				
P. List any other asset not already listed herein				
TOTAL				

Monthly  
Payment

- [illegible]

- [illegible]

Comes now \_\_\_\_\_, being of lawful age and after being duly sworn, states that affiant has read the foregoing Statement of Property and that the facts therein are true and correct according to the affiant's best knowledge and belief.

\_\_\_\_\_ / \_\_\_\_\_

[Eff. Nov. 22, 1991.]

## STATEMENT OF INCOME AND EXPENSES

IN RE THE MARRIAGE OF:

\_\_\_\_\_

Petitioner,

and

Case No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

### STATEMENT OF INCOME AND EXPENSES OF

\_\_\_\_\_(Petitioner) - Social Security # \_\_\_\_\_

\_\_\_\_\_(Respondent) - Social Security # \_\_\_\_\_

(If additional space is required, add a page indicating section number)

#### I. INCOME

A. Gross Wages or Salary and Commissoon each pay period \$

Paid \_\_\_\_\_ Weekly \_\_\_\_\_ Bi-Weekly \_\_\_\_\_ Semi-Monthly \_\_\_\_\_ Monthly

Payroll Deductions:

F.I.C.A. \$

Federal Withholding Tax

State Withholding Tax

City Earnings Tax

Union Dues

Others

\_\_\_\_\_  
\_\_\_\_\_

Total Deductions each pay period \$

Net take home pay each pay period \$

B. Additional Income from Rentals, Dividends and Business  
Enterprises (give monthly average and list sources on  
income).

\_\_\_\_\_ \$

\_\_\_\_\_

Average Monthly Total \$

\_\_\_\_\_

- C. Any other Income—from Social Security, AFDC, V.A. benefits, pensions, annuities, bonuses, commissions and all other sources; list the source and monthly average).

_____	\$ _____
_____	_____
_____	_____

Average Monthly Total	\$ _____
-----------------------	----------

TOTAL AVERAGE MONTHLY INCOME	\$ _____
------------------------------	----------

II. EXPENSES (Give all expenses on a monthly average)

A. Rent or Mortgage Payments	\$ _____
------------------------------	----------

B. Utilities

1. Gas	_____
2. Water	_____
3. Electricity	_____
4. Telephone	_____
5. Trash Service	_____
	_____

C. Automobiles

1. Gas and Oil	_____
2. Maintenance	_____
3. Taxes and License	_____
4. Payment on Loan	_____
	_____

D. Insurance

1. Life	_____
2. Health/Accident	_____
3. Disability	_____
4. Homeowners	_____
5. Automobile	_____
	_____

E. Total Payments on Regular Monthly Installment Contracts	\$ _____
------------------------------------------------------------	----------

F. Child Support Paid to others for children not in your custody	\$ _____
------------------------------------------------------------------	----------

G. Maintenance of Alimony \$

H. Church Contributions \$

I. Other Living Expenses

	Yours	Children in your custody
--	-------	--------------------------------

1. Food	\$	\$
---------	----	----

2. Clothing		
-------------	--	--

3. Medical Care		
-----------------	--	--

4. Prescription Drugs		
-----------------------	--	--

5. Dental Care		
----------------	--	--

6. Recreation		
---------------	--	--

7. Laundry/Cleaning		
---------------------	--	--

8. Barber Shop		
----------------	--	--

9. Beauty Shop		
----------------	--	--

10. School and Books		
----------------------	--	--

Subtotals	\$	\$
-----------	----	----

TOTAL

J. Day Care Center or Babysitter \$

K. All other expenses not presently  
identified (give as a monthly average) \$

TOTAL AVERAGE MONTHLY EXPENSES \$

\* \* \* \* \*

State of Missouri )  
 )  
County of \_\_\_\_\_ ) ss.

Comes now \_\_\_\_\_, being of lawful age and after being duly sworn, states that affiant has read the foregoing Statement of Property and that the facts therein are true and correct according to the affiant's best knowledge and belief.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me the undersigned Notary Public, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires\_\_\_\_\_

[Eff. Nov. 22, 1991.]

# FORMS FOR RULE 79

## FORM 79.1. ORDER OF APPOINTMENT OF COUNSEL IN RULE 29.15 POSTCONVICTION ACTION

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

_____	)	
	)	
Movant,	)	
	)	
vs.	)	Case No. _____
	)	
STATE OF MISSOURI,	)	
	)	
Respondent.	)	

### ORDER OF APPOINTMENT OF COUNSEL

Now on this \_\_\_\_ day of \_\_\_\_, 2\_\_\_\_, the (appropriate division) of the State Public Defender System is appointed to represent movant in the above entitled Rule 29.15 postconviction action. Counsel is granted sixty day from the date of this order and the issuance of the appellate mandate in which to file the amended motion.

So Ordered:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

[Eff. Nov. 14, 1996.]

**FORM 79.2. ORDER OF APPOINTMENT OF COUNSEL  
IN RULE 24.035 POSTCONVICTION ACTION**

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

_____	)	
	)	
Movant,	)	
	)	
vs.	)	Case No. _____
	)	
STATE OF MISSOURI,	)	
	)	
Respondent.	)	

ORDER OF APPOINTMENT OF COUNSEL

Now on this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, the (appropriate division) of the State Public Defender System is appointed to represent movant in the above entitled Rule 24.035 postconviction action, and the amended motion is due sixty days from either the date of this order or the date of the guilty plea and sentencing transcript is filed in the Circuit Court, whichever is later.

So Ordered:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

[Eff. Nov. 14, 1996.]