

TABLE OF CONTENTS

ADMINISTRATION

1. Division of Court
2. Hours and Terms of Court
 - 2.1 Hours and Terms of Court
 - 2.2 Terms of Court
 - 2.3 Law Day
 - 2.4 Particular Matters on Particular Days
3. Pleadings
 - 3.1 Caption
 - 3.2 Style
4. Filing of Cases
 - 4.1 Criminal Cases
 - 4.2 Civil Cases
 - 4.3 Probate Cases
 - 4.4 Juvenile Cases
 - 4.5 Small Claims Cases
 - 4.6 Municipal Cases
 - 4.7 Facsimile Filing and Service
5. Fees and Costs
 - 5.1 Filing Fee and Cost Deposit
 - 5.2 Costs
6. Assignment of Judges, Cases, and Transfer of Cases
 - 6.1 Assignment to Associate Circuit Judges
 - 6.1.1 By Local Court Rule or Order
 - 6.1.2 Other Cases Assigned to Associate Circuit Judge
 - 6.1.3 Division II Cases to be Heard on Record
 - 6.2 Absence of Associate Circuit Judges
 - 6.3 Change of Venue Within The Circuit

- 7. Withdrawals of Papers from Clerk's Office
 - 7.1 When Allowed
 - 7.2 Duplicating Policy
- 8. Publication of Docket
 - 8.1 Dismissal Docket
- 9. Courtrooms
 - 9.1 Place of Hearing
 - 9.2 Courtroom Decorum and Dress
 - 9.3 Courtroom Security Measures for High Risk Trials and Proceedings
- 10. Court Reporters and Compensation for Same
- 11. Recording of Judicial Proceedings
 - 11.1 Use of Recording by Circuit Judge
 - 11.2 Unauthorized Recordings
- 13. Communications With Court
 - 13.1 Oral Communications With the Court
 - 13.2 Written Communications With the Court

GENERAL RULES

- 21. Attorneys
 - 21.1 Entries of Appearance
 - 21.2 Withdrawal of Attorneys
 - 21.3 Agreement of Attorneys
 - 21.4 Advice To Clients and Witnesses of Courtroom Procedure
- 24. Exhibits
 - 24.1 Exhibits
 - 24.2 Exhibit List

PRE-TRIAL MATTERS

- 32. Discovery
 - 32.1 Use of Discovery and Certification to Circuit Division
 - 32.2 Interrogatories
 - 32.3 Depositions
 - 32.4 Criminal Discovery

- 33. Pre-Trial Motions
 - 33.1 Hearing Dates
 - 33.2 Briefs in Support of Motions – When Required
 - 33.3 Oral Arguments – When Desired and How Requested

- 34. Continuances
 - 34.1 Civil Cases
 - 34.2 Criminal Cases

- 35. Pre-Trial Conference

- 36. Setting Cases for Trial
 - 36.1 Request for Trial
 - 36.2 Inactive Calendar

- 37. Dismissals
 - 37.1 Dismissal Docket

- 38. Alternative Dispute Resolution
 - 38.1 Establishment of Local Rule
 - 38.2 Client(s) to be Notified of A.D.R.
 - 38.3 Referral to Alternative Dispute Resolution
 - 38.4 Selection of Neutral(s)
 - 38.5 Response to Order of Referral
 - 38.6 Attendance
 - 38.7 Confidentiality
 - 38.8 Compensation
 - 38.9 Disqualification and Withdrawal of Neutral(s)

SETTLEMENT AND DEFAULT

- 41. Settlement
 - 41.1 Notice of Settlement
- 42. Default

TRIALS

- 51. Court-Tried Cases
 - 51.1 Preparation of Findings of Fact and Conclusion of Law
 - 51.2 Subpoenas
- 52. Selection of Jury
 - 52.1 Jury Questionnaire
- 54. Judgment Entry
 - 54.1 Contested Cases
 - 54.2 Default or Uncontested Cases

RULES RELATING TO PARTICULAR ACTIONS

- 55. Americans With Disabilities Act
 - 55.1 Notification
- 58. Production of Documents In Domestic Cases
- 61. Adoption
 - 61.1 Filing Requirements
 - 61.2 Home Study
- 64. Cases Arising Under Chapter 207 and 2088, RSMo., 1978
(Commonly Known as Title IV-D and H.B. 601 Actions)
- 67. Criminal Cases
 - 67.1 Pre-trial Release

- 67.1.1 Motions to Set Bond and For Bond Reduction
 - 67.1.2 Deposit of Operator's License
 - 67.1.3 Refund of Bail Bond Money
- 67.2 Arraignments
 - 67.2.1 In General
 - 67.2.2 Dates
- 67.3 Guilty Plea
 - 67.3.1 Where Entered
- 67.4 Probation and Parole

- 68. Dissolution of Marriage
 - 68.1 Filing Requirements
 - 68.2 Separation Agreement
 - 68.3 Form of Judgment
 - 68.4 Filing of Financial Statement
 - 68.5 Discovery
 - 68.5.1 Applicability of Rule
 - 68.5.2 Mediation – Domestic Cases
 - 68.6 Education Programs
 - 68.7 Entry of Judgment Upon Affidavit-Requirements

- 70. Partition

- 74. Trust Estates
 - 74.1 Inventory
 - 74.2 Reports
 - 74.3 Record
 - 74.4 Audit

POST TRIAL

- 81. Execution

- 83. Judicial Sales

INTERNAL ORGANIZATION

- 100. Internal Organization
 - 100.1 Presiding Judge
 - 100.1.1 Duties of Presiding Judge
 - 100.2 Local Court Rules

100.3 Library Fund

RULES OF THE THIRD JUDICIAL CIRCUIT

ADMINISTRATION

RULE 1. DIVISION OF COURT

1. DIVISION OF COURT

The Circuit Courts of Grundy, Harrison, Mercer, and Putnam Counties shall consist of the following:

Division I, Circuit
Division I, Juvenile, Circuit
Circuit Court, Division II, Probate
Circuit Court, Division II, Small Claims
Circuit Court, Division II, Municipal
Circuit Court, Division II, Civil
Circuit Court, Division II, Criminal

RULE 2. HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

Unless otherwise ordered all sessions of court shall convene at 9:00 A. M.

2.2 TERMS OF COURT

For purposes of jury selection and tenure there shall be three terms of court each year. The January term shall commence on January 1st and continuing until April 30th; The May term shall commence on May 1st and continuing until August 31st; and the September term shall commence on September 1st and continuing until December 31st.

2.3 LAW DAYS

I. The Law Day for Division I shall be held as follows unless otherwise directed by the Circuit Judge:

1. In Mercer County on the second Wednesday after the first Monday of the month.
2. In Grundy County on the second Thursday after the first Monday of the month.
3. In Putnam County on the third Wednesday after the first Monday of the month.
4. In Harrison County on the third Thursday after the first Monday of the month.

II. The Juvenile Court Day for Division I shall be held as follows:

1. In Mercer County immediately following conclusion of the law day docket.
2. In Grundy County on the second Friday after the first Monday of the month.
3. In Putnam County immediately following conclusion of the law day docket.
4. In Harrison County on the third Friday after the first Monday of the month.

III. All Division I law days and term days shall commence at 9:00 A.M. in all counties. The juvenile court day for Division I shall commence at 9:00 A.M. in Grundy County and Harrison County.

IV. Division II of Circuit Court:

1. In Grundy County Division II of Court shall be held on the second and fourth Tuesday of each month, and Division II of Municipal Court shall be held on the first and third Tuesday of each month.

2. In Harrison County Division II, of Civil Court shall be held on the first and third Monday of each month, at 1:30 P.M. The Division II, Criminal Law Day shall be held on the first and third Wednesday, after the first Monday of each month, at 9:00 A.M. Division II, Municipal Court for Gilman City shall be held on the first Wednesday, after the first Monday of each month. Division II, Municipal Court for the City of Bethany shall be held on the third Monday of each month.

3. In Mercer County Division II of Court shall be held on the first and third Tuesday of each month, and Division II, Municipal Court shall be held on the fourth Thursday of each month.

4. In Putnam County Division II of Court shall be held on the second and fourth Tuesday of each month, and Division II, Municipal Court shall be held on the fourth Tuesday of each month.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

The Circuit Clerk shall prepare and distribute to interested counsel or parties, prior to the time designated below, a written docket of all cases filed and pending in Division I.

a. Criminal Cases

All criminal cases will be called as follows:

In Mercer County on the 2nd Wednesday following the 1st Monday of January, May and September.

In Grundy County on the 2nd Thursday following the last Monday of January, May and September.

In Putnam County on the 3rd Wednesday following the 1st Monday of January, May and September.

In Harrison County on the 3rd Thursday following the 1st Monday of January, May and September.

b. Civil Cases

All civil cases will be called as follows:

In Mercer County on the 2nd Wednesday following the 1st Monday of September.

In Grundy County on the 2nd Thursday following the 1st Monday of September.

In Putnam County on the 3rd Wednesday following the 1st Monday of September.

In Harrison County on the 3rd Thursday following the 1st Monday of September.

The clerk shall be notified by counsel at least three business days preceding any Law Day of all matters to be heard on Law Day. The clerk shall provide to the Court and counsel a written list or docket of cases for disposition in order of notification as follows:

1. All matters requiring docket entries only i.e., trial settings.
2. All motions whether civil or criminal, but limited to 15 minutes.
3. Arraignments.
4. Sentencing.
5. Pleas.
6. Probation violations.
7. All matters not noticed up properly to be placed on the docket.

If any matter is not ready when called, it will be placed at the end of the docket for its particular category and then if not ready, it will be passed to the end of the day or the next Law Day.

All defendants bound over in felony cases, all defendants taking change of venue in criminal cases, and all defendants appealing from Division II, Municipal, shall unless otherwise directed appear on the first Law Day or Term Day following filing of information, indictment, or the original case file in the Office of the Circuit Clerk, provided such information, indictment, or original case file shall be filed at least five business days preceding such Law Day. If filed thereafter, the defendant shall appear on the next succeeding Law Day.

RULE 3. PLEADINGS

3.1 CAPTIONS

a. The following caption is required in Division I:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

(name)
(address)

Plaintiff,

vs.

Case No. _____
Division I ***

(name)**

(address)
(city)

Defendant.

CAUSE*

Signed (Attorney of Record)
(Address)
(Telephone Number)
(Missouri Bar No.)

* The party shall state nature of action.

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

*** If the case is a juvenile proceeding the word "Division I-Juvenile" will be on the petition.

b. The following caption is required in Circuit Court, Division II: "In the Circuit Court of _____ County, Missouri, Division II", thereafter shall appear the names and designation of the parties in the usual manner. To the right side of the designation of parties shall appear "Case No._____" below which shall appear the words "Circuit Court, Division II,". All cases filed in Division II for probate proceedings will be designated "Circuit Court, Division II, Probate"; the words "Circuit Court, Division II, Small Claims" shall designate small claims cases; the words "Circuit Court, Division II, Municipal" shall designate municipal cases; the words "Circuit Court, Division II, Civil" shall designate civil cases; and the words "Circuit Court, Division II, Criminal" shall designate criminal cases.

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 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 and e-mail address of the trial attorney in the case, the character of the pleadings and motions and, if a petition, the nature of the suit and, if consisting of more than one sheet, shall be securely bound at the top and with page numbers at the bottom. Paragraphs of pleadings shall be numbered consecutively. 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. 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.

Accompanying the pleading or motion should be a Party Identification Form. The form will list party type, name, address, social security number and birthdate of initiating

party, responding party and any additional parties. The form will be furnished by the circuit clerk.

The circuit clerk shall not receive for filing any pleadings, motions or papers unless there has been a complete compliance with this rule.

RULE 4. FILING OF CASES

4.1. CRIMINAL CASES

The following matters shall be filed as designated:

a. All cases of misdemeanor or infraction should be filed with the Court clerk of Circuit Court, Division II, criminal or municipal, as applicable.

b. All complaints charging a felony shall be filed with the Court clerk of Circuit Court, Division II, Criminal.

c. All indictments shall be filed in the office of the Circuit Clerk.

4.2. CIVIL CASES

a. All civil cases, unless otherwise indicated in this rule, shall be filed with the circuit clerk.

b. All civil cases where the sum demanded does not exceed twenty-five thousand dollars (\$25,000.00); all cases arising under Chapters 213, 272, 302 (except Section 302.535), 303, 388, 429, 430, 444, 482, 521, 533, 534, 535, 577 and Section 193.115, RSMo., shall be filed with the court clerk of Circuit Court, Division II of the appropriate county.

4.3. PROBATE CASES

All probate cases shall be filed with the court clerk of Circuit Court, Division II, Probate of the appropriate county.

4.4. JUVENILE CASES

All juvenile cases including adoptions shall be filed with the circuit clerk of the appropriate county.

4.5. SMALL CLAIMS CASES

All small claims cases shall be filed with the court clerk of Circuit Court, Division II, Small Claims, of the appropriate county.

4.6. MUNICIPAL CASES

Municipal ordinance violation cases shall be filed with the clerk of the appropriate municipal division when that municipality has made provisions for a municipal judge as provided by law. If the municipality has not made such provisions, the filing shall be with the court clerk of Circuit Court, Division II, Municipal presided over by the associate circuit judge.

4.7. FACSIMILE FILING AND SERVICE

1. Authority for rule.

This rule is promulgated under the authority conferred in Missouri Supreme Court Rule 43.01 and 43.02.

2. Facsimile filing authorized

a. 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 the receipt of such transmissions, by transmission of the same to such facsimile machine.

b. 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.

c. The pleading or document shall be deemed filed, subject to paragraphs (3) and (4) of this rule, on the date and at the time actually received at the office of the clerk.

d. Risk of loss of transmission, failure of receipt by the clerk, or illegibility of the document is upon the person or party transmitting and filing by facsimile.

e. If the document is lost in transmission, or is otherwise not received by the clerk, the document shall be deemed to not have been filed. If the document is only partially received, or is only partially legible, only that part which is received, or is partially legible shall be deemed filed.

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

3. When filing fee or deposit required and waiver.

a. If the pleading or document is to be filed under the provisions of Supreme Court Rule 77.03 or any other law allowing filing without a deposit, a motion to file the same without fee or deposit, and a proposed order allowing the same, shall be transmitted with the first facsimile transmission. The same shall be presented to the court at the earliest opportunity for ruling.

b. If the provisions of the above paragraph 3 a. are not complied with, the court may strike any pleading or document so filed, or make such other or further orders as it deems appropriate.

c. No summons or process shall be issued by the clerk until receipt of the fee, or granting of the order allowing filing without fee or deposit.

4. Court orders transmitted by facsimile transmission.

Court orders, judgments or decrees, including warrants and search warrants may be transmitted to the clerks of the various divisions or others by facsimile transmission. They shall have the same effect and be acted upon by all persons as if they were the original executed by the court and shall in all instances be considered the original.

5. Service by facsimile transmission.

a. When service by ordinary mail or personal delivery is provided by M0. 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 who maintains a device for receipt of facsimile transmission.

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

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

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

6. Service - how shown.

Proof of service by facsimile machine shall be made by the person causing the paper to be transmitted. Such proof of service shall indicate the telephone number to which the paper was transmitted and the method of confirmation that the transmission was received.

7. Facsimile archive.

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

b. Those clerks required to make a copy of the facsimile transmission may charge the person or entity filing by facsimile up to .50 cents per 8 ½ x 11 inch paper for receiving, processing and copying such document.

8. Costs for receipt of transmission of facsimile.

a. The maintenance of a facsimile device by a clerk's office, and rules allowing filing by facsimile transmission benefit primarily the person desiring to file by this method of transmission.

It causes the clerks or the court system additional expense to acquire and maintain a device and phone line to receive these transmissions and often to transfer the transmission to archival quality paper.

b. The clerk of a division maintaining or designating a device or facsimile machine to receive or send facsimile transmissions may charge the person or entity filing by facsimile up to .50 cents per 8 1/2 x 11 inch page for receiving and processing such document, and up to \$1.00 per 8 ½ x 11 inch page for document transmission.

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

d. Nothing in this rule shall require the clerk of any division to maintain, designate or receive facsimile transmission outside regular office hours on regular business days.

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

(i) be paid upon receipt by the person or entity; or (ii) be subject to additional filing deposit by the clerk as provided in these rules; or (iii) be taxed as costs by the court or clerk to the party for whom the facsimile charge was incurred.

9. Business day defined

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

10. Effect of facsimile signature.

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

RULE 5. FEES AND COSTS

5.1. FILING FEE AND COST DEPOSIT

In all cases filed in this circuit there shall be deposited with the appropriate clerk for which proper receipt shall be given, the following amounts.

DIVISION I

All original civil cases	\$150.00
Modifications	\$150.00
Foreign Judgment Registration (by petition or affidavit)	\$150.00

DIVISION II

All cases under \$5000 & landlord tenant cases	\$70.00
All cases over \$5000	\$73.00
Small claims cases (less than \$100)	\$60.00
Small claims cases (\$100 or more)	\$65.00
Foreign Judgment Registration (by petition or affidavit)	\$70.00

5.2. COSTS

In all criminal cases an additional fee of \$2.00 shall be assessed as costs by the circuit clerk, court clerk, and municipal court clerk as provided by law, order of the county court, or ordinance of the municipalities to be used for training of law enforcement personnel.

In all civil cases the sum of \$3.00 and in all criminal cases a sum of \$3.00 shall be assessed and taxed as costs for the Sheriff's Retirement System, as provided in Section 57.955 RSMo.

The fees provided for in this rule shall be collected by the circuit clerk or Court clerk and paid over to the County Treasurer or the Sheriff's Retirement Board, not less frequently than monthly.

Payments of court costs by credit card or any means other than by cash or negotiable instrument will not be accepted.

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

6.1. ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1. BY LOCAL COURT RULES OR ORDER

The following cases will be heard by an associate circuit judge under the procedure applicable under Chapter 517 RSMo.:

1. All civil actions filed in Circuit Court Division II, Civil;
2. Actions against any railroad company to recover damages for killing or injuring animals;
3. Actions for unlawful detainer authorized by Chapter 534, RSMo.;
4. Action for rent and possession authorized by Chapter 535 RSMo.;
5. Petitions for review of driver's license revocations and hardship driving privileges;
6. Such other cases that could be heard and determined by an associate circuit judge without assignment by the Presiding Judge, as provided by law.

6.1.2. OTHER CASES ASSIGNED TO ASSOCIATE CIRCUIT JUDGE

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

1. Cases of misdemeanor or infraction, except as otherwise provided by law;
2. Felony cases prior to the filing of information;
3. Municipal ordinance violation cases when provision is not made for a municipal judge. When municipal violation cases are heard by an associate circuit judge, on request from municipality, they may be determined individually or by means of a Municipal

Traffic Violation Bureau established on authority of this Rule and by order of the associate circuit judge;

4. "Small claims" cases under Chapter 482 RSMo.;
5. Cases that a circuit judge can hear in chamber when a circuit judge is absent from the county.

6.1.3 DIVISION II CASES TO BE HEARD ON RECORD

The associate circuit judges of this circuit shall hear and determine the following cases on the record under procedures applicable before circuit judges:

1. Approval of settlements in actions involving claims by or on behalf of minors;
2. Change of name proceedings;
3. Appeals from the municipal division;
4. All domestic relations matters, including but not limited to dissolutions of marriage, legal separations or separate maintenance, modification of child custody and child support, establishment of paternity of child, establishment or enforcement of child support including contempt proceedings, except any party may file a written request that the case be heard by the presiding judge within time limits as prescribed by Supreme Court Rule 51.05 (b).
5. Uncontested actions involving the title of real estate;
6. Adversary proceedings in the probate division;
7. Adult abuse cases under Chapter 455 RSMo.;
8. In the absence of the Presiding Judge, Juvenile Detention and Protective Custody Hearings;
9. The issuance of temporary emergency orders in juvenile matters in the absence of the Circuit Judge;
10. Trust estates after trustees are appointed and authorized to begin administration of trust. (See Local Court Rule 74);
11. Cases assigned to associate circuit judges by order of the presiding judge.

6.2. ABSENCE OF ASSOCIATE CIRCUIT JUDGE

In the event of any extended absence of an associate circuit judge or municipal judge, the presiding judge shall designate by order another associate circuit judge, municipal judge or the presiding judge, as may be indicated, to serve during such absence.

6.3. CHANGES OF VENUE WITHIN THE CIRCUIT

When a party has requested a change of venue in a Division II Court case and the case is ordered transferred to a county within the Circuit, the Associate Circuit Judge in the county where the case is transferred shall preside over the case.

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 When Allowed

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

7.2. DUPLICATING POLICY

Requests for copies of court records should be directed to the court clerk. No charge shall be made for copies of documents furnished to any city, county, state agency or state department. Individual parties shall be charged no more than \$25.00 per tape or CD by the court clerk.

RULE 8. PUBLICATION OF DOCKET

8.1. DISMISSAL DOCKET

The circuit clerk shall each four (4) months, on January 1, May 1, and September 1 of each year, prepare a dismissal docket of all civil cases pending in Division I in which no activity has been noted on the docket sheet for four months. The clerk shall notify in writing counsel of record by ordinary mail that such case is subject to dismissal at least twenty (20) days prior to the order of dismissal. Parties not represented by counsel of record, shall be notified by ordinary mail at their last known address. Dismissal shall be without prejudice but shall be re-instated only upon written motion for good cause.

RULE 9. COURTROOMS

9.1. PLACE OF HEARING

Hearing in civil and criminal proceedings shall be held in the Circuit Courtroom of the county where the case is filed, with the following exceptions:

a. Non-jury hearings in civil and criminal proceedings shall be held at a location designated by the court, which is accessible to the physically handicapped, upon written request made to the court.

9.2. COURTROOM DECORUM AND DRESS

a. The sheriff or his deputy and the clerk or deputy clerk shall be in the courtroom at all times when the court is in session, unless excused by court.

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

c. Counsel should not hold conferences with clients or witnesses in the courtroom while the court is hearing other matters and should assist the court in maintaining order and proper decorum.

9.3. COURTROOM SECURITY MEASURES FOR HIGH RISK TRIAL AND PROCEEDINGS

The following measures are adopted by the court, to-wit:

1. High risk trials are defined as follows:

a. One that provokes a strong, emotional response from the general public or interest groups; and/or

b. The Court has reason to believe that a security risk exists; and/or

c. Defendant, in a state case, has a history of escape and/or violence.

2. High risk trials or proceedings, how determined - Determination shall be made by the trial judge in consultation with the Presiding Judge.

3. Security Committee - Members of the security committee for high risk trials and proceedings shall consist of the Trial Judge, the Sheriff, the Court Bailiff and the Presiding Judge ex-officio member. The committee may request other persons to sit with the committee in its duties.

4. Security Personnel. Security personnel shall be assigned to each high risk trial or proceeding. Security personnel shall be under the direction of the sheriff or his designee

5. Security Plan or Prevention. A security plan shall be developed by the sheriff in consultation with the security committee for each high-risk trial or proceeding. The security plan shall consider but not be limited to the following items:

1. All persons shall enter the courtrooms through a designated entrance, which shall be controlled by an uniformed officer.

2. Seats in the courtroom shall be by assignment.

3. A visitor's log shall be maintained of all visitors entering

4. A "person search" may

be made by the use of a hand-held metal detector of visitors entering the courtroom. Visitors may be requested to empty their pockets and purses into containers for inspection. Visitors not agreeing to abide by these regulations shall not be admitted to the courtroom.

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

Preparation of any transcript on appeal by an official court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any

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

Such orders for transcripts on appeal or testimony of witnesses heard by an associate circuit judge, where the record was made by approved electronic process, shall be made direct to the associate circuit judge who heard the case. He shall make such orders with respect thereto as may be reasonable and proper until otherwise directed by rule.

RULE 11. RECORDING OF JUDICIAL PROCEEDING

11.1 USE OF RECORDING BY CIRCUIT JUDGE. The Circuit Judge may, at his discretion, elect to use a recording device to preserve the record in any case where he deems that method appropriate as a substitute for preservation of the record by his official court reporter.

11.2 UNAUTHORIZED RECORDINGS. All persons except those authorized by the court to preserve the record shall refrain and are prohibited from broadcasting, televising, recording, taking photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in session and during recesses.

RULE 13. COMMUNICATIONS WITH COURT

13.1. ORAL COMMUNICATIONS WITH THE COURT

Ex parte communications to a judge about a pending case will not be considered confidential and ex parte records, or memorandums of the conversation may be placed in the court file.

13.2. WRITTEN COMMUNICATIONS WITH THE COURT

Any attorney or party who sends a written communication to the court is responsible for sending a copy to opposing counsel, to all unrepresented parties, and to the clerk of the court.

RULE 21 ATTORNEYS

21.1. ENTRIES OF APPEARANCE

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

21.2. WITHDRAWAL OF ATTORNEYS

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Rule 4, Rules of Professional Conduct.

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.

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 date 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. 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.

c. 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.

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

21.3 AGREEMENT OF ATTORNEYS

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

21.4. ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE

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

Each attorney is to advise his/her client not to discuss any phase of the case with the court.

When the rule as to witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with the rule. If any witness violates the rule, the Court may deny the witness the opportunity to testify especially if the witness violated the rule with the consent, connivance or procurement of the party or attorney calling the person as a witness.

RULE 24. EXHIBITS

24.1 EXHIBITS

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

24.2 EXHIBIT LIST

Each attorney in every case, both jury and court-tried, shall present to the court at the pre-trial conference a list of all exhibits to be offered.

RULE 32. DISCOVERY

32.1. USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

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

32.2. INTERROGATORIES

1. The use and scope of interrogatories is governed by Rules 56.01 and 57.01 of the Missouri Rules of Civil Procedure.

2. Any party propounding interrogatories in civil or domestic relations actions shall leave an appropriate space for the answer to each interrogatory.

3. The original and two copies of the interrogatories shall be served upon adverse counsel. Interrogatories are not to be filed with the court except as provided by Supreme Court Rule 57.01. The interrogating party shall show on the interrogatories the certificate of mailing and shall file with the court at the time they are mailed a separate certificate of mailing of the interrogatories which shall include the following:

a. The party to whom mailed.

- b. The date of mailing.
 - c. Designation of pleading as first interrogatories, second interrogatories, etc.
 - d. The signature of attorney or party mailing the interrogatories.
4. The answers to interrogatories will be typewritten in the spaces provided. In the event an answer is too lengthy to be placed in the space provided, it shall be attached as an appendix and clearly identified.
5. The answering party shall prepare an affidavit to be signed by the party and attach it as a last page of the interrogatories and then file the completed original affidavit with the clerk of the court, mailing a copy to each party.
6. No party shall serve on any other party more than twenty (20) interrogatories in the aggregate in a domestic relations case without leave of court or consent of opposing counsel. No party shall serve on any other party more than thirty (30) interrogatories in the aggregate in all other civil cases without leave of court or consent of opposing counsel. In all civil cases, including domestic relation cases, subparagraphs of any interrogatories shall relate directly to the subject matter of the interrogatory and shall not exceed four (4) in number. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for the additional interrogatories. Any number of additional interrogatories may be filed and served if attached thereto is the written consent of counsel for the party to which the interrogatories are directed.

32.3. DEPOSITIONS

Following final disposition in civil cases, the clerk of any division may cause depositions in the file of the case to be returned to the custody of the attorney for the party on whose behalf it was taken, who shall thereafter be responsible for them. If the clerk shall deliver depositions as herein provided, notation thereof shall be made on the docket sheet of the case file.

32.4. CRIMINAL DISCOVERY (See Supreme Court Rule 25)

RULE 33. PRE-TRIAL MOTIONS

33.1. HEARING DATES

All pre-trial motions, including Motions in Limine, made by either party shall be filed, noticed and heard no later than seven (7) days prior to the date set for trial unless otherwise set by the court.

Except for good cause shown, no motion shall be filed later than seven (7) days before the trial date. Any motion filed later than seven (7) days before the trial date shall be subject to automatic denial.

33.2 BRIEFS IN SUPPORT OF MOTIONS—WHEN REQUIRED

The original motion and supporting suggestions, if any, and opposing suggestions shall be filed with the circuit clerk. A copy of the motion and any suggestions is to be mailed to or delivered to the judge assigned to hear the cause. A copy of the pleadings to which the motion or suggestions is directed shall be attached.

Motions filed without suggestions may be ruled on summarily in chambers without prior notice to any attorney or party.

When suggestions are filed with a motion, opposing parties or attorneys shall have ten (10) days to file opposing suggestions.

If any party submits an affidavit signed by the party or attorney, stating that it is necessary to support or oppose the motion by testimony and exhibits, and that the request is not being made for vexation or delay, the Court may in its discretion set the motion for evidentiary hearing.

Motions for temporary relief in dissolution of marriage cases or for change of judge need not be accompanied by suggestions.

33.3. ORAL ARGUMENTS – WHEN DESIRED AND HOW REQUESTED

Oral argument on any motion shall be allowed if requested in writing by either party within ten days of service of the motion or if set for oral argument by the Court. If no party requests oral argument, motions may be ruled on in chambers without prior notice to any attorney or party.

RULE 34. CONTINUANCES

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 65.03.

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 granting the continuance outweighs the

benefits of a speedy trial. For good cause shown, the court may continue a criminal proceeding to a fixed day for trial, or to a day for trial to be set thereafter. Every continuance granted on 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.

RULE 35. PRE-TRIAL CONFERENCE

A pre-trial conference, herein designated as a trial management conference is required not less than one week prior to a jury trial, and may, upon order of the court, be conducted in a court tried case.

At that conference counsel for all parties shall be present and be prepared to discuss, for the purpose of an organized trial the following matters:

Exhibits - prepared to be appropriately marked; reviewed by opposing counsel for possible stipulation as to authenticity and admissibility; and discuss their use during trial.

Witnesses -- review the scheduling of witnesses to insure that there will not be a break in the presentation of testimony; address any legal problems or conflicts with the potential witnesses; review the nature of the testimony to avoid duplication or determine what can be presented by stipulation, admissions, etc.

Issues - determine what issues of law or fact are in dispute and those which are not.

Motions - review all pending motions filed and make formal rulings or defer until trial.

Instructions - all parties are to submit proposed jury instructions; review instructions and determine which are agreed to and which are in dispute; clarify the parties position on those instructions in dispute.

Voir Dire - review the procedure to be followed during voir dire; determine questions which will be asked by the court and areas of inquiry that counsel wish to pursue.

Miscellaneous - counsel should be prepared to discuss the status of settlement negotiations to insure that all appropriate methods or approaches to resolution have been pursued and determine whether or not the parties wish to proceed to a jury trial. (See Local Court Rules 38 and 68)

RULE 36. SETTING CASES FOR TRIAL

36.1. REQUEST FOR TRIAL

Trial settings will be by order only upon notice or by agreement.

36.2. INACTIVE CALENDAR

(See Local Court Rule 8.2)

RULE 37. DISMISSALS

37.1. DISMISSAL DOCKET

(See Local Court Rule 8.2)

RULE 38. ALTERNATIVE DISPUTE RESOLUTION

38.1. ESTABLISHMENT OF LOCAL RULE

(1) Pursuant to Supreme Court Rule 17, the Court adopts the following Alternative Dispute Resolution (A.D.R.) local rule. The purpose of this local rule shall be to foster timely, economical, fair and voluntary settlement of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial. This rule shall apply to civil actions to be heard on record.

(2) A.D.R. shall include arbitration, early neutral evaluation, mediation, mini-trial, and summary jury trial, all as defined by Supreme Court Rule 17.01, and any other A.D.R. procedures approved in advance by the Court. A.D.R. shall be non-binding unless the parties enter into a written agreement to the contrary.

38.2. CLIENT(S) TO BE NOTIFIED OF A.D.R.

In all civil actions to which this rule applies, counsel shall discuss the availability of A.D.R. with their client.

38.3. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION

The Court may enter an Order of Referral to A.D.R. in one of the following three ways:

(1) If all parties agree to utilize an A.D.R. procedure. In such an event, the parties shall file a stipulation with the clerk of the court where the cause is pending, and a copy to the office of the judge assigned to hear the case, that includes the type of A.D.R. being utilized and the name, address and telephone number of the person(s) serving as the neutral(s).

(2) On motion of any party if the court determines that the case is appropriate for A.D.R.

(3) On the Court's own motion.

When the Court orders the parties to participate in A.D.R., the parties shall proceed accordingly and shall report the outcome thereof as provided by Supreme Court Rule 17.05. The results shall be reported within 90 days of the Order of Referral, or within ten days of the conclusion of A.D.R., whichever is sooner, unless another time is set by the Court.

If the Order of Referral is made by reason of a party's motion, or on the Court's own motion, the Court shall determine the type of A.D.R. to be utilized.

Discovery shall not be delayed during the pendency of the A.D.R. process, unless otherwise ordered by the Court upon motion of a party, or on the Court's own motion.

38.4. SELECTION OF NEUTRAL(S)

Within ten days of the Order of Referral, the parties shall jointly select a neutral(s) available and willing to serve. In the event the parties cannot agree upon the neutral(s) to be

selected, the Court shall make the selection. The parties may, at any time, agree upon any other neutral(s).

Each neutral(s) selected by the parties, or by the Court, shall be (1) from the list of Dispute Resolution Neutrals maintained by the Missouri Bar or (2) from qualified persons who have not met the minimum training requirement of Rule 17, but who have had equivalent experience in conducting dispute resolutions.

38.5. RESPONSE TO ORDER OF REFERRAL

When an Order of Referral is made by reason of a motion of any party, or on the Court's own motion, then not later than 30 days after entry of the Order of Referral, counsel for any party may respond as follows:

(1) After conferring with their client(s), all other attorneys, and all unrepresented parties, and after concluding that referral to A.D.R. has no reasonable chance of being productive, counsel for any party may opt out by so advising the Court in writing. The notice to the Court shall state why counsel believes A.D.R. would be unproductive. The matter shall not thereafter be referred by the Court to A.D.R. absent compelling circumstances, which shall be set out by the Court in any additional order requiring the case to continue in A.D.R.

(2) Agreeing to utilize the A.D.R. process, but requesting the Court to select a different neutral person(s).

(3) Agreeing to utilize the A.D.R. process, but requesting the Court to choose a different type of A.D.R. to be utilized by the parties.

38.6. ATTENDANCE

Unless the Court orders otherwise, all parties (or their representatives with authority to resolve the case, including insurance carriers) shall attend the A.D.R. meeting set by the neutral(s). Unless the Court orders otherwise, all parties shall comply with the neutral(s) request for information about the case.

38.7. CONFIDENTIALITY

The proceedings shall be private, confidential, and regarded as settlement negotiations as provided in Supreme Court Rule 17.05 and 17.06. No stenographic, electronic or other record of an A.D.R. process shall be made.

38.8. COMPENSATION

The mediator, arbitrator or other neutral(s) shall receive such compensation as the parties and the person selected agree. The fee, unless otherwise agreed by the parties, shall be borne equally by the parties, and shall be paid directly to the person selected. The Court shall have the right to review the reasonableness of the fee charged by the neutral.

38.9. DISQUALIFICATION AND WITHDRAWAL OF NEUTRAL(S)

No person shall serve as a neutral in a proceeding in which the neutral is interested, prejudiced, related to a party, has been counsel to a party in the cause, or under any other circumstances which reasonably calls into question the neutral's impartiality. A neutral may withdraw for any reason deemed appropriate by the neutral.

RULE 41. SETTLEMENT

41.1. NOTICE OF SETTLEMENT

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

RULE 42. DEFAULT

A. In any action or proceeding, if Defendant is in default, the plaintiff shall file an affidavit setting forth facts showing that defendant is not in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an 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. Section 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.

RULE 51. COURT-TRIED CASES

51.1. 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 the trial or within a reasonable time as directed by the court.

51.2. SUBPOENAS

Request for subpoenas will be issued by the circuit clerk and sent by the clerk to the person making such request. Service of the subpoena, and the expense therefore, shall be the responsibility of the person requesting the subpoena.

RULE 52. SELECTION OF JURY

52.1. JURY QUESTIONNAIRE

The circuit clerk shall submit to all prospective jurors summoned during any term of court jury questionnaires as directed by the court. Completed jury questionnaires shall be available to counsel in the office of the circuit clerk. Information on jury questionnaires is considered confidential and shall not be disseminated by counsel or parties or used for any purpose other than the selection of jury for trial. Counsel will not question prospective jurors on any matter covered by the questionnaire without leave of the court.

RULE 54. JUDGMENT ENTRY

54.1. CONTESTED CASES

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

54.2. DEFAULT OR UNCONTESTED CASES

In default or uncontested cases counsel for the prevailing parties shall on the day of rendition present to the court for its approval the judgment or decree to be entered in the cause.

RULE 55. AMERICANS WITH DISABILITIES ACT

55.1. NOTIFICATION

An attorney representing a party or intending to call a witness, who has a disability as defined in the Americans with Disabilities Act and who will require special accommodations shall, not less than five (5) days prior to the scheduled hearing or trial, provide written notice to the court of the special accommodations required.

A party not represented by an attorney who is disabled or plans to call a witness who has a disability as defined in the Americans with Disabilities Act shall likewise provide written notification to the court not less than five (5) days prior to the scheduled hearing or trial of special accommodations required.

RULE 61. ADOPTION

61.1. FILING REQUIREMENTS

At the time of filing 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 193.135, RSMo.

61.2. HOME STUDY

Upon the filing of a petition for adoption and after order of the court, the Division of Family Services or other agency or person 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 by a copy of order the appropriate agency to conduct such investigation and file a written report thereof.

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

(See Local Court Rule 6.1.1)

RULE 67. CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1 MOTIONS TO SET BOND FOR BOND REDUCTION

Motions to set bond and for bond reductions 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 Court 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, or to an associate circuit judge assigned to hear the bond request.

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

Members of the Missouri State Highway Patrol, and Sheriffs, and Deputy Sheriffs of Grundy, Harrison, Mercer and Putnam County Sheriff's Office are authorized by this Rule of Court, in their discretion, to accept the chauffeur's or operator's license, issued by the State of Missouri, of any person arrested and charged with violation of a traffic law of the State of Missouri or a traffic ordinance of Grundy, Harrison, Mercer and Putnam Counties in lieu of any other security for the person's appearance in court to answer any such charges.

The license shall not be accepted for deposit when the charge is:

- a. driving while intoxicated;
- b. driving under the influence of intoxicating liquor or drugs;
- c. leaving the scene of an accident;
- d. driving while his license is suspended or revoked;
- e. any charge made because of a motor vehicle accident in which death occurred.

The deposit of the license in lieu of other security shall be under, and subject to, the provisions of Section 544.045 RSMo.

67.1.3. REFUND OF POSTED BAIL BOND MONEY.

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited will be considered by the Court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, and any other related court costs ordered by the Judge may be deducted from the cash bond before any money is refunded to the defendant.

67.2. ARRAIGNMENT

67.2.1. IN GENERAL

(See Local Court Rule 2.4)

67.2.2. DATES

All defendants bound over in felony cases, all defendants taking change of venue in criminal cases, and all defendants appealing from Division II, Municipal, shall appear unless otherwise directed on the first Law Day following filing of information, indictment, or the original case file in the Office of the Circuit Clerk, provided such information, indictment, or original case file shall be filed at least five business days preceding such Law Day. If filed thereafter, the defendant shall appear on the next succeeding Law Day.

If the plea is not guilty, the Court may set a date for the filing and hearing of all pre-trial motions. The Court may set the case for trial.

67.3. GUILTY PLEA

67.3.1. WHERE ENTERED

Pleas of guilty may be entered only in the division of the court where the case is originally assigned or in the division where the case is assigned for trial. However, the initial filing of a felony case Division II does not allow the defendant to plead guilty in that division.

67.4. PROBATION AND PAROLE

Sentencing Assessment Reports (SARS) or their equivalent, consisting of an original and two copies, shall be filed with the circuit clerk or Court clerk of the court where the case is pending. The clerk shall deliver one copy of said report to the prosecuting attorney and one copy to Defendant's attorney, or to the Defendant if not represented by an attorney.

RULE 68. DISSOLUTION OF MARRIAGE

68.1. 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 provided by the clerk, as required by Section 193.185 RSMo.

The petition for dissolution of marriage or legal separation, motion for modification of a decree respecting maintenance or support, or petition or motion for support of a minor child shall contain the name and address of the current employer and the last four (4) digits of the social security number of the party filing such pleading and, if known, the name and address of the current employer and the social security number of the opposite party. The responsive pleading to such petition or motion shall contain the name and address of the Respondent's current employer, and the last four (4) digits of Respondent's social security number.

68.2. SEPARATION AGREEMENT

In all cases where written separation agreements are made under the provisions of Section 452.325. RSMo., counsel shall prepare and submit to the court at the date of hearing a proposed judgment of dissolution or legal separation.

68.3. FORM OF JUDGMENT

Where both parties are represented by counsel, the proposed judgment shall, before being submitted, be approved by both attorneys as to form.

68.4. FILING OF FINANCIAL STATEMENT

In all actions for Dissolution of marriage, motion to modify child support or custody, or legal separation, a Statement of Marital and Non-Marital Property and Liabilities and a Statement of Income and Expenses shall be completed by each party, executed under oath and filed with the court and supplied to the opposing counsel at least five (5) days before any contested hearing on the case. The information provided shall be timely supplemented and updated as provided by Supreme Court rule 56.01.

68.5. DISCOVERY

68.5.1 APPLICABILITY OF RULE

This rule shall apply to all petitions for dissolution of marriage or legal separation, motions to modify and petitions for declaration of paternity.

68.5.2 MEDIATION – DOMESTIC CASES

a. In all domestic proceedings involving contested issues of child custody and/or child visitation, either party may file a motion requesting the Court to order two (2) hours of mediation pertaining to issues of child custody and/or child visitation.

b. Said motion may be filed anytime after the expiration of fifteen (15) days from the date responsive pleadings are due on the original petition or motion.

c. Upon the filing of a motion for mediation complying with the above requirements, the Court may for good cause shown, order the parties to attend two (2) hours of mediation.

d. All mediation shall be conducted pursuant to Supreme Court Rule 88.

e. 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 fifteen (15) days from the date of the order, the Court shall appoint a mediator.

f. The costs of mediation shall be born equally by the parties, unless otherwise ordered by the Court.

g. Nothing in this Rule shall prevent the parties from participating in voluntary mediation at any time.

68.6. EDUCATIONAL PROGRAMS

a. When a person files a Petition for Dissolution of Marriage or Legal Separation and the custody or visitation of a minor child is involved, the Court shall order all parties to the action to attend education sessions pursuant to the applicable “good cause” provision of §452.605 RSMo.

b. The education sessions will be provided by an entity or individual approved by the Court.

c. Each Parent shall be required to pay the cost for participation in the program directly to the provider unless otherwise ordered by the Court.

d. The entity or person who offers the program shall file a certificate of attendance with the appropriate circuit clerk upon completion of the program by each participant.

e. 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, and such non-attendance may be considered as evidence in the case.

f. The facts adduced at any education session shall be subject to the confidentiality provision of §452.607 RSMo.

g. The handbook referenced in §452.556 RSMo. shall be made available to the parties as provided by said statute.

68.7. ENTRY OF JUDGMENT UPON AFFIDAVIT-REQUIREMENTS

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

1. There are no minor children of the mother and father and the mother is not pregnant, or the parties are each represented by legal counsel and the parties have entered into a written agreement determining custody and child support; and

2. The affidavit establishes sufficient evidence that the Court can find that the custody arrangement is in the best interest of the minor child(ren).

3. 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

4. There is no genuine issue as to any material fact; and

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

b. Affidavit - Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed 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 affidavit shall not be deemed to shorten any statutory waiting period required for entry of a judgment of dissolution or of legal separation.

c. 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 pleadings.

RULE 70. PARTITION

Judicial sales must be held on a Term or Law Day designated or other date previously set by the court.

RULE 74. TRUST ESTATES

74.1. INVENTORY

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

74.2. REPORTS

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

74.3. RECORD

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

74.4. AUDITS

Prior to approval of a trustee's report to the Court, the Court may order the report to be audited by a qualified person appointed by the Court.

POST TRIAL

RULE 81. EXECUTION

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

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

Twenty-five (25) dollars to apply toward sheriff's fee shall be paid to the clerk at the time of filing the application, except in small claims cases.

RULE 83. JUDICIAL SALES

(See Local Court Rule 70)

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION

100.1. PRESIDING JUDGE

There being only one (1) Circuit Judge in this Circuit, the Circuit Judge shall be the Presiding Judge. When the Presiding Judge is absent from the Circuit, one of the Associate Circuit Judges of the Circuit shall be appointed as Acting Presiding Judge in advance at the discretion of the Presiding Judge. When the Presiding Judge is absent from the Circuit and has not appointed an Associate Circuit Judge as Acting Presiding

Judge, the Chief Justice of the Supreme Court may, in his/her discretion, appoint an Acting Presiding Judge from among the Associate Circuit Judges in the Circuit.

100.1.1. DUTIES OF PRESIDING JUDGE

The presiding judge is the general administrative authority of the court.

The presiding judge has the authority to assign cases to judges and judges to divisions, but he/she is not to assign:

1. a municipal judge to hear any case other than to initially hear municipal ordinance violation cases,
2. a judge to try a felony case when that judge conducted the preliminary hearing,
3. a case to a judge contrary to Supreme Court Rule or Local Court Rules.

The meetings of the court en banc may be called by the presiding judge or by two associate circuit judges giving written notice. If any judge so requests the meeting will be on the record. The presiding judge may call a special term of court. The presiding judge may appoint a secretary and any additional personnel to aid in the judicial business of the circuit.

100.2. LOCAL COURT RULES

Should any part of these local court rules be inconsistent with a Supreme Court Rule or Statute, the Supreme Court Rule or Statute shall control.

100.3. LIBRARY FUND

The Law Library fee of \$15.00 shall be paid into the Law Library Fund. The Circuit Clerk of each County of this Circuit is designated as Treasurer, Law Library Fund, of their respective counties. In such capacity, the Treasurer shall receive and receipt for such monies delivered to the Treasurer pursuant to Section 488.426 RSMo., and shall deposit such monies in an interest bearing account. Expenditures from such Library Fund shall be for the maintenance and upkeep of the respective county law libraries and other purposes provided by Section 488.429 RSMo. Such expenditures shall be under the direction and order of the Presiding Judge and the Associate Circuit Judge for that County. The Treasurer of each Law Library Fund shall account on a calendar year basis, and shall deliver the report of the status of the accounts and expenditures to the Presiding Judge on the Term Day in January in their respective county.

SAMPLE

IN THE CIRCUIT COURT OF DIVISION I

COUNTY, MISSOURI

IN RE THE MARRIAGE OF:

PETITIONER,

AND

CASE NO. _____

RESPONDENT.

INCOME AND EXPENSE STATEMENT OF

(Name of Party) (Social Security No.)

(Statement to be current within 15 days of hearing)

I. MY INCOME

A. Gross Wages or Salary and Commissions Paid To Me each Pay Period: \$ _____
PAID: Weekly _____ Bi-Weekly _____ Semi-Monthly _____ Monthly _____

B. MY MONTHLY GROSS WAGES OR SALARY: \$ _____

C. My Tax Status Claimed: Single _____ Married _____ Head/Household _____
Number of Persons Claimed as Deductions _____

D. PAYROLL DEDUCTIONS EACH PAY PERIOD:

FICA (Social Security Tax)
Federal Withholding Tax
State Withholding Tax
City Earnings Tax
Union Dues
Health Insurance
Others: (specify)

My total deductions each pay period

My net take home pay each pay period

E. MY TAKE HOME OR NET PAY EACH MONTH: \$ _____

F. ADDITIONAL INCOME: List income from second job, rentals, dividends, social security, retirement, V.A., business enterprises, AFDC, annuities, bonuses and all other sources. (Give monthly average of income from each source and identify source).

_____ \$ _____
_____ \$ _____
_____ \$ _____

MY TOTAL AVERAGE GROSS ADDITIONAL INCOME FROM ALL SOURCES.

G. MY TOTAL MONTHLY GROSS INCOME FROM WAGES (Line B) and ADDITIONAL INCOME (Line F) \$ _____

H. TOTAL GROSS INCOME FROM MY TAX RETURNS FOR EACH OF THE LAST 3 CALENDAR YEARS:

Year _____ Income _____
Year _____ Income _____

Year _____ Income _____

- II. MY SPOUSE'S CURRENT ESTIMATED MONTHLY GROSS INCOME \$ _____
- III. MY ANTICIPATED EXPENSES (monthly average - itemize)
- A. Rent or mortgage payments (include home association dues) \$ _____
- B. Maintenance & Repairs of residence \$ _____
- C. Utilities
- | | | |
|----|---------------|----------|
| 1. | Gas | \$ _____ |
| 2. | Water | \$ _____ |
| 3. | Electricity | \$ _____ |
| 4. | Telephone | \$ _____ |
| 5. | Trash Service | \$ _____ |
- TOTAL UTILITY EXPENSE \$ _____
- D. Automobiles
- | | | |
|----|-----------------|----------|
| 1. | Gas and Oil | \$ _____ |
| 2. | Maintenance | \$ _____ |
| 3. | Tax and License | \$ _____ |
| 4. | Payment of Loan | \$ _____ |
- TOTAL AUTOMOBILE EXPENSE \$ _____
- E. Insurance
- | | | |
|----|---------------------------------------|----------|
| 1. | Life | \$ _____ |
| 2. | Health, Accident
and Dental | \$ _____ |
| 3. | Disability | \$ _____ |
| 4. | Homeowners (if not
in mort. pymt.) | \$ _____ |
| 5. | Automobile | \$ _____ |
- TOTAL INSURANCE EXPENSE \$ _____
- F. TAXES
- | | | |
|----|--|----------|
| 1. | Real Estate (if not
in mort. pymt.) | \$ _____ |
| 2. | Personal Prop. | \$ _____ |
| 3. | Automobile | \$ _____ |
- TOTAL TAX EXPENSE \$ _____
- G. Payments I make on debts \$ _____
- H. Child support I pay to others for children not in my custody and not involved in this proceeding \$ _____
- I. Maintenance or Alimony paid by me to persons other than my current spouse \$ _____
- J. Church and Charitable Contributions \$ _____
- K. OTHER LIVING EXPENSES

	<u>MINE</u>	<u>In My Custody</u>	<u>In Spouse's Custody</u>	<u>CHILDREN In Joint Custody</u>
1.	Food	\$ _____	\$ _____	\$ _____
2.	Clothing	\$ _____	\$ _____	\$ _____
3.	Medical Care	\$ _____	\$ _____	\$ _____
4.	Prescription Drugs	\$ _____	\$ _____	\$ _____
5.	Dental Care	\$ _____	\$ _____	\$ _____
6.	Recreation	\$ _____	\$ _____	\$ _____
7.	Laundry & Cleaning	\$ _____	\$ _____	\$ _____
8.	Barber & Beauty Shop	\$ _____	\$ _____	\$ _____
9.	School and Books	\$ _____	\$ _____	\$ _____
10.	School Lunches	\$ _____	\$ _____	\$ _____
11.	Lessons	\$ _____	\$ _____	\$ _____
12.	Home Maintenance	\$ _____	\$ _____	\$ _____
13.	Other (itemize)	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____
	_____	\$ _____	\$ _____	\$ _____

