Local Court Rules of the Thirteenth Judicial Circuit State of Missouri

ADOPTED OCTOBER 2001
REVISED December 23, 2016

13th Judicial Circuit Court
705 East Walnut Street
Columbia, Missouri 65201
573-886-4060

The Law

Missouri Revised Statute

§478.245. Circuit courts may adopt local court rules--procedure--restrictions--role of associate circuit judges.

1. Subject to the provisions of article V of the constitution and authority exercised under such provisions, the circuit judges of the circuit may adopt local court rules which provide:

> (1) Cases or classes of cases that may or shall be assigned to particular divisions of the circuit court;
>
> (2) Filing (including the place of filing) and assignment systems for the circuit court of each county which may include: (a) centralized filing procedures for cases which are heard by circuit judges; (b) centralized assignment procedures or individualized docketing procedures for cases or classes of cases which are heard by circuit judges; and (c) filing and assignment procedures for cases which are heard by municipal judges.

2. Notwithstanding the provisions of subsection 1 of this section, no such local circuit court rule:

> (1) Shall provide for assignments which a presiding judge is prohibited from making by subdivisions (1), (2) and (4) of subsection 2 of section 478.240 or which are contrary to provisions of supreme court rules;
>
> (2) Shall provide for the maintenance of the permanent case records and judgments of the circuit court other than with the circuit clerk, except records with respect to probate cases, misdemeanor and municipal ordinance violation cases, records in felony cases before the filing of an information, and records in cases within the categories of cases specified in subdivisions (1), (2) and (3) of subsection 1 of section 517.011; and
>
> (3) Shall provide for the filing of cases or the maintenance of the permanent records in cases which are heard by municipal judges outside of the municipality providing the municipal judge, except in those situations where there is a trial de novo or the municipality consents to such filing or maintenance of records.

3. Local circuit court rules shall be adopted by a majority of the circuit judges of the circuit. A copy of each circuit court rule certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court, and shall not become effective until so filed. Each local circuit court rule adopted prior to January 2, 1979, shall cease to be effective sixty days after that date if a copy thereof certified by the presiding judge of the circuit is not filed with the clerk of the supreme court during that period of time.

4. Subject to the provisions of article V of the constitution and authority exercised under such provisions, a majority of circuit and associate circuit judges of the circuit by order

may provide for: (1) centralized filing or divisional filing of cases or classes of cases which are heard by associate circuit judges; and (2) centralized assignment procedures or individualized docketing procedures of cases or classes of cases which are heard by associate circuit judges. A copy of each such order certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court, and shall not become effective until so filed.

Supreme Court Operating Rule 6

6.02 Duplication of Local Court Rules

Local court rules shall be duplicated on 8 1/2 by 11 paper with three holes punched in the left margin. The holes shall be 1/4" in diameter and shall be spaced 4 4/14" on center in order to allow the local court rules to be filed in a standard 3-ring binder. The left margin shall be 1 1/2". The rules may be printed or typed. If the rules are typewritten, the table of contents shall be double-spaced and the text of the rules shall be single-spaced. The date of the rule also shall be typed four lines up from the bottom of the page, on the right-hand side.

6.03 Distribution

The presiding judge of the circuit is responsible for printing, assembling, distributing, and making the local court rules available, including advising attorneys of their availability. The presiding judge shall see that copies of the rules are distributed to all attorneys within the circuit and are available in the circuit clerk's office in each county for other attorneys who request them.

6.04 Model Local Court Rules

Included in this order are proposed model local court rules. There materials are for informational purposes only and their adoption as local court rules is not mandatory. (**Editor's Note:** the Model Local Court Rules are available on the Missouri Judiciary's website and are published in West's Missouri Court Rules, Volume III, and may serve as discretionary resource authority for the interpretation of the Local Rules.)

6.05 Adoption and Filing of Local Court Rules

All local circuit court rules shall be approved both by the presiding circuit judge and a majority of the circuit court, en banc, consisting of all circuit and associate circuit judges of the circuit. Except as provided in Administrative Rule No. 14, no local circuit court rule shall require a circuit judge to hear cases governed by Supreme Court Rule 37 or chapters 479, 482, 517, 534, 535 or 543, RSMo, other than upon trial de novo, unless the circuit judge consents to hear such cases. The clerk of the Supreme Court shall not file any local circuit court rule failing to comply with the provisions of this Administrative Rule No. 6.05.

Philosophy of the Local Court Rules of the 13th Circuit

In light of the fact that many procedural matters historically left to local court rules have now been addressed by the Supreme Court Rules and, further, as a result of the recognized autonomy of a trial judge to administer their courtroom, this revision is an attempt to avoid repetition of matters contained in the Supreme Court Rules and avoid suggesting how a given judge runs their courtroom, and, in turn, simplify these local rules. All Supreme Court Rules and Operating Rules referenced are from the Supreme Court of Missouri, and all statutes referenced are the current Missouri Revised Statutes, unless otherwise noted.

ORDER

The Local Court Rules of the 13th Judicial Circuit Court shall apply to all proceedings in the 13th Judicial Circuit.

Any Local Court Rule or part thereof that conflicts with any Missouri Supreme Court Rule or any Missouri law is hereby considered amended to conform to said rule or law. In the event these Local Court Rules conflict with a prior Administrative Order, these rules shall govern.

These rules are adopted by Order of the Court en Banc, effective August 9, 2014.

_____
Jodie Capshaw Asel
Presiding Judge

TABLE OF CONTENTS

ADMINISTRATION

RULE 1. DIVISIONS OF COURT 1

RULE 2. HOURS AND TERMS OF COURT 1

2.1 Hours of Court 1
2.2 Terms of Court 1
2.3 Law Days 2
2.4 Particular Matters on Particular Days 2
2.5 On-Call Duties 2
2.6 Meetings of the Court En Banc 2
2.7 Judicial Councils 3

RULE 3. PLEADINGS 3

3.1 Caption (No Local Rule) 3
3.2 Style (No Local Rule) 3

RULE 4. FILING OF CASES 3

4.1 Criminal Cases (No Local Rule) 3
4.2 Civil Cases (No Local Rule) 3
4.3 Probate Cases 3
4.4 Juvenile Cases (No Local Rule) 3
4.5 Small Claims Cases (No Local Rule) 3
4.6 Municipal Cases 4
4.7 Redaction of Identifying Information Of Sexual Assault Victims 4
4.8 Efiling 4

RULE 5. FEES AND COSTS 5

5.1 Filing Fees and Cost Deposits 5
5.2 Costs (No Local Rule) 5
5.3 Witness Fees (No Local Rule) 5
5.4 Waiver of Fees, Proceeding In Forma Pauperis 5
5.5 Motion for Security (No Local Rule) 5
5.6 Time Payment Fee 5

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

6.1 Assignment to Associate Circuit Judges 6
6.1.1 By Local Court Rule Or Order 6
6.1.2 Special Assignment 6

TABLE OF CONTENTS

6.1.3 Transfer of Assignment for Administrative Purposes 6
6.2 Assignment to Circuit Judges (No Local Court Rule) 6
6.3 Certification to Circuit Division (No Local Court Rule) 6
6.4 Trial De Novo (No Local Court Rule) 6
6.5 Disqualification/Recusal of Judge 6
6.6 Absence of Judge 7
6.7 Absence of Presiding Judge 7
6.8 Request for Change Of Judge 7
6.9 Consolidation of Civil Actions 7
6.10 Transfer of Criminal Cases into the Same Division 7
6.11 Assignment to Probate..... 7

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE (FOR CASES NOT SUBJECT TO THE EFILING PROCEDURES) 8

7.1 When Allowed 8
7.2 Duplicating Policy 8

RULE 8. PUBLICATION OF DOCKETS 8

8.1 Trial Docket (No Local Rule) 8
8.2 Dismissal Docket 8

RULE 9. COURTROOMS 8

9.1 Assignment of Courtroom 8
9.2 Place of Hearing (No Local Rule) 8
9.3 Use of Counsel Table 9
9.4 Courtroom Decorum and Dress 9
9.5 Who Is Permitted Within The Bar 9
9.6 Electronic Devices 9
9.7 Courtroom Use and Decorum 10
9.8 Exclusion of Witnesses 10
9.9 Video Docket 11

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME 11

RULE 11. RECORDING OF JUDICIAL PROCEEDINGS 11

RULE 12. MONIES PAID INTO COURT 11

12.1 Bond in Civil Cases 11

RULE 13. ORAL AND WRITTEN COMMUNICATIONS WITH THE COURT 11

TABLE OF CONTENTS

GENERAL RULES

RULE 21. ATTORNEYS 13

21.1 Resolution of Conflicting Trial Settings 13
21.2 Entries of Appearance 13
21.3 Conduct of Attorneys 13
21.4 Withdrawal of Attorneys 13
21.5 Failure of Attorney to Answer Docket Call 13
21.6 Appointment of Attorneys 14
21.7 Agreement of Attorneys 14
21.8 Advice to Clients And Witnesses Of Courtroom Procedures 14

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM 14

RULE 23. TRANSCRIPTS 14

23.1 Transcripts Prepared For Purposes Of Appeal 14
23.2 Transcripts Prepared For Purposes Other Than Appeal 14
23.3 Deposit of Funds For Transcript Of Notes 15
23.4 Homicide Preliminary Hearings 15
23.5 Transcripts Prepared From Electronic Recording 15

RULE 24. EXHIBITS 15

PRETRIAL MATTERS

RULE 31. SERVICE OF PROCESS 17

RULE 32. DISCOVERY 17

32.1 Use of Discovery and Certification To Circuit Divisions (No Local Rule) 17
32.2 Interrogatories 17
32.3 Depositions (No Local Rule) 18
32.4 Motions for Sanctions (No Local Rule) 18
32.5 Criminal Discovery (No Local Rule) 18

RULE 33. PRETRIAL MOTIONS 18

33.1 Hearing Dates 18
33.2 Briefs In Support Of Motions, When Required (No Local Rule) 18
33.3 Oral Arguments – When Desired and How Requested (No Local Rule) 18
33.4 Motions in Limine 18
33.5 Ruling on Motions In Chambers 19

TABLE OF CONTENTS

RULE 34. CONTINUANCES 19

34.1 Civil Cases 19
34.2 Criminal Cases 19

RULE 35. PRETRIAL HEARINGS AND PRETRIAL CONFERENCES 19

35.1 Pretrial Matters In Jury Trials 19
35.2 Criminal Pretrial Jury Cases 19
35.3 Civil Pretrial Jury Cases 20
35.4 Alternative Dispute Resolution 21

RULE 36. SETTING CASES FOR TRIAL 21

36.1 Request For Trial 21
36.2 Date of Calendar Call (No Local Rule) 21
36.3 Preparation of Calendar (No Local Rule) 22
36.4 Calendar Call (No Local Rule) 22
36.5 Inactive Calendar (No Local Rule) 22
36.6 Revision and Removal from Prepared Calendar (No Local Rule) 22
36.7 Special Assignments 22
36.8 Conflict Calendar 22

RULE 37. DISMISSALS (No Local Rule) 22

37.1 Dismissal Docket 22
37.2 Reinstatement of Cause (No Local Rule) 22

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT 24

41.1 Notice of Settlement (No Local Rule) 24

RULE 42. DEFAULT (No Local Rule) 24

TABLE OF CONTENTS

TRIALS

RULE 51. COURT-TRIED CASES 26

51.1 Default and Uncontested Matters (No Local Rule) 26
51.2 Contested Matters (No Local Rule) 26
51.3 Preparation of Finding of Fact and Conclusions of Law (No Local Rule) 26

RULE 52. SELECTION OF JURY 26

52.1 Jury Questionnaires (No Local Rule) 26
52.2 Summoning a Jury 26

RULE 53. JURY TRIALS 26

53.1 Instructions (No Local Rule) 26
53.2 Closing Arguments (No Local Rule) 26

RULE 54. JUDGMENT ENTRY (No Local Rule) 26

54.1 Contested Cases (No Local Rule) 26
54.2 Default or Uncontested Cases (No Local Rule) 26

RULE 55. AMERICANS WITH DISABILITIES ACT 27

55.1 Notification 27

RULE 56. USE OF FOREIGN LANGUAGE INTERPRETERS IN COURT 27

56.1 Notification 27

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION 29

61.1 Filing Requirements 29
61.2 Home Study 29

RULE 62. DRIVERS' CASES; APPLICATION FOR LIMITED DRIVING PRIVILEGES ... 29

RULE 63. ASSOCIATE DIVISION 30

TABLE OF CONTENTS

RULE 64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMo, 1978 31
(Commonly Known As Title IV-D and H.B. 601 Actions) (No Local Rule)

RULE 65. CIVIL COMMITMENT 31

RULE 66. CONDEMNATION (No Local Rule) 32

RULE 67. CRIMINAL CASES 32

67.1 Pretrial Release 32
67.1.1 Bond Amounts, Conditions For Release And Qualifications Of Bonding Agents 32
67.1.2 Deposit Of Operator's License (No Local Rule) 34
67.1.3 Cash Bonds 34
67.2 Preliminary Hearing (No Local Rule) 34
67.3 Grand Jury (No Local Rule) 34
67.4 Attorneys (Appointment of Counsel) 35
67.5 Arraignments 35
67.5.1 In General (No Local Rule) 35
67.5.2 Dates (No Local Rule) 35
67.5.3 Time of Appearance for Felony Arraignments 35
67.5.4 Waiver of Appearance 35
67.6 Discovery (No Local Rule) 36
67.7 Motions (No Local Rule) 36
67.8 Plea Bargaining (No Local Rule) 36
67.9 Guilty Plea (No Local Rule) 36
67.10 Calendar (No Local Rule) 36
67.11 Probation And Parole (No Local Rule) 36
67.12 Fines, Costs, Restitution and Criminal Bonds 36
67.13 Work Release 37

RULE 68. DISSOLUTION OF MARRIAGE (LEGAL SEPARATION, CUSTODY OF CHILDREN, MAINTENANCE AND SUPPORT, MOTIONS TO MODIFY, AND PATERNITY) 37

68.1 Filing Requirements 37
68.2 Separation Agreement 37
68.3 Forms of Decrees (No Local Rule) 37
68.4 Filing of Financial Statements 38
68.5 Modification of Decree 38
68.6 Property, Income and Expense Statement, Form 14 And Parenting Plan .. 38
68.7 Guardian Ad Litem 38
68.8 Answer 39
68.9 Responding Party Shall File Property, Income And Expense Statements, Form 14 And Parenting Plan – When 39

TABLE OF CONTENTS

68.10 Parent Education Program 40
68.11 Pendente Lite Orders - How Set, When Ex Parte 40
68.12 Settlement Conferences 41
68.13 Trial 43
68.14 Judgment - Trial, Affidavit 43
68.15 Child Support 47
68.16 Mediation of Child Custody and Visitation Disputes 48
68.17 Family Access Motions 50
68.18 Modification of Prior Judgment 50
68.19 Qualifications of Family Law Mediator 50

RULE 69. MUNICIPAL DIVISION 51

69.1 Jurisdiction and Administrative Authority 51
69.2 Court Personnel 51
69.3 Ordinance Violations Bureau 51
69.4 Bond Schedule 52
69.5 Financial Recordkeeping Procedures 52
69.6 Accounting Procedures 54
69.7 Case Recordkeeping 55
69.8 Reporting Requirements 57
69.9 General Administration 60

RULE 70. PARTITION (No Local Rule) 60

RULE 71. ADMINISTRATIVE REVIEWS (No Local Rule) 60

RULE 72. PROBATE 61

RULE 73. SMALL CLAIMS (No Local Rule) 63

RULE 74. TRUST ESTATES 63

74.1 Inventory (No Local Rule) 64
74.2 Reports (No Local Rule) 64
74.3 Record (No Local Rule) 64
74.4 Audit (No Local Rule) 64

POST TRIAL

RULE 81. EXECUTION (No Local Rule) 66

TABLE OF CONTENTS

RULE 82. GARNISHMENT (No Local Rule) 66

RULE 83. JUDICIAL SALES (No Local Rule) 66

RULE 84. POST CONVICTION PROCEEDING UNDER RULE 29.15 AND RULE 24.035 66

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION 69

100.1 Presiding Judge 69
100.1.1 Election 69
100.1.2 Duties of Presiding Judge 69
100.1.3 Dispute Resolution – Procedure (No Local Rule) 70
100.2 Local Court Rules 70
100.2.1 Formulation (No Local Rule) 70
100.2.2 Publication (No Local Rule) 70
100.3 Library Fund 70
100.4 Storage of Records 71
100.4.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (And) Their Contents (No Local Rule) 71
100.4.2 Reproduction and Preservation Of Court Records Other Than Files (And Their Contents) (No Local Rule) 71
100.4.3 Responsibility for Indexing And Preserving Court Reporter Notes (No Local Rule) 71
100.4.4 Identification of Reporters' Notes (No Local Rule) 71
100.4.5 Index (No Local Rule) 71
100.4.6 Storage of Notes (No Local Rule) 71
100.4.7 Notes of Substitute Reporters (No Local Rule) 71
100.4.8 Storage of Notes Upon Retirement, Termination or Death of Court Reporter (No Local Rule) 71
100.4.9 Boxing and Storing of Old Notes (No Local Rule) 71
100.4.10 Responsibility for Furnishing Materials And Space For Storage of Court Reporter Notes (No Local Rule) 72
100.4.11 Procedure for Examination of Criminal Records (No Local Rule) 72
100.4.12 Procedure for Expunging and Closing Criminal Records (No Local Rule) 72
100.4.13 Destruction of Evidence 72
100.5 Clerk's Duties 72
100.5.1 Monies Paid Into Court (No Local Rule) 72
100.6 Selection of Veniremen (No Local Rule) 72

TABLE OF CONTENTS

Appendix

1. Security Levels on Case.net 71

2. Statement of Property A1-1

3. Statement of Income and Expenses A2-1

4. Petition for Release From Custody
   a. Boone County A3-1
   b. Callaway County A3-2

5. Mediation
   a. Mediator Registration A4-1
   b. Form 15 ..... A4-2
   c. Notice of Mandatory Mediation Compliance A4-3
   d. Order for Mediation and Appointment of Mediator A4-4

6. Affidavit and Petition for Permission to Prosecute Cause of Action as a Poor Person . A5-1

7. Authorization for Release of Institutional Account Information A6-1

8. Affidavit in Support of Request to Proceed in Forma Pauperis A7-1

9. Bonds
   a. Bond Assignment A8-1
   b. Monthly Affidavit of Qualifications (Attorney-In-Fact) A8-2
   c. Transaction Payment Fee Schedule for Cash Bonds. A8-3
   d. Transaction Payment Fee Schedule for Fines and Other Fees A8-4

10. Administrative Order: Filing Fees and Costs A9-1

11. Pattern Interrogatories
   a. Auto Wreck Case – Defendant A10-1
   b. Auto Wreck Case - Plaintiff A11-1
   c. Medical Negligence Case (Individual) – Defendant A12-1
   d. Medical Negligence Case (Corporation) – Plaintiff A13-1
   e. Medical Negligence Case (Individual) - Plaintiff A14-1
   f. Premises Case – Defendant A15-1
   g. Premises Case - Plaintiff A16-1
   h. Product Liability – Defendant A17-1
   i. Product Liability (Manufacturer) – Plaintiff A18-1

TABLE OF CONTENTS

j. Product Liability (Retail Distributor) – Plaintiff A19-1
k. Medical Negligence Case (Wrongful Death) - Defendant A20-1

11. a. Entry of Appearance by Attorney and Waiver of Personal Appearance by Defendant –FELONIES – ASSOCIATE CIRCUIT A21-1
b. Entry of Appearance, Waiver of Personal Appearance for Arraignment, Waiver of Formal Arraignment, and Plea of Not Guilty FELONIES – CIRCUIT A21-2
c. Entry of Appearance, Waiver of Personal Appearance for Arraignment, Waiver of Formal Arraignment, and Plea of Not Guilty MISDEMEANORS..... A21-3

12. Consent to Ruling A22-1

13. Docket Schedules A23-1
a. Boone County Circuit Court
b. Boone County Associate Circuit Court
c. Callaway County Circuit Court
d. Callaway County Associate Circuit Court

ADMINISTRATION

RULE 1. DIVISIONS OF COURT

A. The Circuit Court of the Thirteenth Judicial Circuit shall consist of a presiding judge and such other judges and commissioners as may be assigned to hear civil, criminal, family law, juvenile, probate, small claims and traffic matters. The assignment of dockets to the various divisions of the court shall be subject to change from time to time, as determined by the presiding judge.

B. Divisions I, II, III and IV shall be presided over by circuit judges; Divisions V, IX, X and XI shall be presided over by the Boone County Associate Circuit Judges; Divisions VI and VII shall be presided over by Callaway County Associate Circuit Judges; and Division VIII shall be presided over by the Family Court Commissioner.

C. There shall be Municipal Divisions of the court in both Boone and Callaway Counties. If any municipality in either Boone or Callaway County elects to retain a municipal judge, the municipal judge shall hear and determine municipal ordinance violations in a municipal division of the circuit court located in the municipality so-electing to retain its municipal judge. Any such retention shall be at the sole cost of the municipality. If a municipality does not elect to retain its municipal judge, municipal ordinance violations shall be heard and determined by an associate circuit judge. The situs of any such municipal court shall be set and modified by the Court en Banc considering the availability of judges, costs and related matters.

D. The Treatment Courts of the 13th Judicial Circuit shall provide enhanced supervision, including substance abuse and mental health treatment, to offenders who meet the eligibility criteria of the various Treatment Courts. Services shall be available to both pre-plea and post-plea offenders as well as probationers. The Treatment Courts shall be continually monitored and evaluated for modification as necessary to provide the most current evidence based programs available. The mission of the Treatment Courts is to provide supervision and treatment which will allow offenders to change their behavior and avoid further involvement in the criminal justice system. The presiding judge shall designate the Treatment Court Administrative Judge. The administrative judge shall administer the Treatment Courts and shall regularly report to the Court en Banc on the state of the Treatment Courts.

RULE 2. HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

The court shall always be open. On weekdays, the court shall be open at 9 a.m. By order of the presiding judge, a judge or court commissioner, court may be held at any other time or day as may be convenient.

2.2 TERMS OF COURT

The 13th Judicial Circuit shall be in continual session as provided by §478.205, RSMo.

2.3 LAW DAYS

Law Day dockets in circuit court, both civil and criminal, are of limited duration and are designed for the court to hear brief matters of any kind. Though there is no limit on the number of matters that may be set on a Law Day docket, the size of a given docket on a given date may serve as a limiting factor on the amount of time that the court has available to hear a matter. The respective judge shall determine whether there is sufficient time on the docket for the matter to be heard or should be scheduled for some other time. In any event, a judge may limit the number of matters heard on a given day. If, however, in a civil case, the parties anticipate that the presentation of any matter shall exceed 15 minutes, the parties shall at the earliest opportunity bring such fact to the court's attention and the court shall endeavor to hear the matter on a regular Law Day docket or schedule a special time to hear the matter. Law Day matters may be set upon five (5) days written notice to adverse parties, or by consent of the parties, provided written notice shall be delivered to the circuit clerk no later than 5 p.m. on the Tuesday preceding the Law Day for civil matters and 5 p.m. on the Thursday preceding the Law Day for criminal matters.

In associate circuit court, all motions shall be scheduled by the judge presiding over the matter.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

(No Local Rule)

2.5 ON-CALL DUTIES

All judges shall serve on-call duties. A duty shall begin and end on Monday morning (unless Monday shall be a holiday and in such event, the duty shall begin or end on the applicable Tuesday). In Callaway County, the Callaway County Judges shall equally share the duty for Callaway County. In Boone County, the Boone County Judges shall equally share the duty for Boone County. From time to time, the presiding judge shall prepare a calendar setting forth the duty schedule endeavoring to take into account the schedules of the judges. Nothing shall prohibit the judges from exchanging duties as they may agree. Any exchanges shall be forthwith provided to the presiding judge's secretary for publication. Pursuant to Supreme Court Rules, all judges shall be authorized to use any and all secure technologies for the execution of their on-call duties. In the event of an emergency, all judges shall be authorized to use such alternative means of communications as may be available to carry out their on-call duties. In any event, judges shall be responsible for the proper filing of all documents they execute.

2.6 MEETINGS OF THE COURT EN BANC

The meetings of the court en banc shall be held on a near-monthly basis but may be specially called by the presiding judge or by any two judges. Written notice shall be given for all meetings and shall include the proposed agenda. All meetings of the Court en Banc shall be on the record. If the court is unable to agree to a procedure, “Robert’s Rules of Order” shall apply. Every judge, including the presiding judge (except as otherwise specifically provided) shall be entitled to one vote. A quorum shall be a majority of all of the voting members of the Court en Banc. Unless otherwise specifically provided, a majority of a quorum present at any meeting shall decide any matter before the Court en Banc.

2.7 JUDICIAL COUNCILS

In accordance with Supreme Court Rule 2, the Code of Judicial Conduct, judges assigned to hear like kinds of cases may periodically meet to discuss common issues related to their areas of assignment. If a quorum of the Court en Banc shall be present at the council, the meeting shall comply with the requirements of the Open Meetings Law, Chapter 610, RSMo.

RULE 3. PLEADINGS

3.1 CAPTION

(No Local Rule)

3.2 STYLE

(No Local Rule)

RULE 4. FILING OF CASES

4.1 CRIMINAL CASES

(No Local Rule)

4.2 CIVIL CASES

(No Local Rule)

4.3 PROBATE CASES

All matters pertaining to probate business shall be filed in the probate division including proceedings for the specific purpose of approval of settlement of cases involving claims by persons less than eighteen (18) years of age. Other civil cases filed on behalf of a minor in which a settlement is reached before, during, or after trial shall be transferred to the probate division for hearing on the proposed settlement and the appointment of conservator, if necessary.

Effective 11/27/2016.

4.4 JUVENILE CASES

(No Local Rule)

4.5 SMALL CLAIMS CASES

(No Local Rule)

4.6 MUNICIPAL CASES

Cases that are heard by municipal judges shall be governed by the provisions of §478.245.2(3), RSMo, and Local Rule 69.

4.7 REDACTION OF IDENTIFYING INFORMATION OF SEXUAL ASSAULT VICTIMS

In accordance with §566.226, RSMo, regarding the redaction of identifying information of victims of certain sexual assault crimes, a party filing any pleading or document which includes information identifying a member of the protected class of victims described in §566.226, RSMo, shall file, in addition to the original document, a redacted copy of said pleading or document, so-marked, eliminating any such identifying information. The original document shall be filed at a JIS Security Level only accessible by the court and the attorneys of record and the redacted copy at a JIS Security Level open to the public.

4.8 EFILING

Except for documents filed by pro se litigants, documents originally filed in the Municipal Division, documents prepared within a courtroom during trials and hearings, and as otherwise provided in these rules or by law, all filings in all types of cases shall comply with Supreme Court Rule 103.09 and Court Operating Rule 27 as further delineated as the Electronic Filing System found on the "Your Missouri Courts" homepage (http://www.courts.mo.gov/page.jsp?id=23) and as described at http://www.courts.mo.gov/page.jsp?id=46542. Any attempted filing that does not meet the requirements of the System or any other rules promulgated by this Court shall be summarily rejected and shall be deemed as **not** filed.

Notwithstanding Rule 4.8, the following shall apply:

A. In Boone County, in the event a person shall be taken into custody and shall post a bond for his release on an "on view" bond, the bond shall be delivered to the clerk and the clerk shall hold the bond in a separate paper file and receive any entries of appearance filed by counsel and upon the filing of the charges, if any, a file shall be opened and the same shall reflect the entry of counsel.

B. Before requesting judgments on undefended actions on bonds, bills, contracts, notes and accounts, counsel shall hand to the court in open court written proof that process has been properly and timely served, an affidavit of the amount claimed, a copy of the Petition and Prayer without attachments, appropriate proof of compliance with applicable state and federal laws regarding lawsuits against members of the military and a proposed judgment.

C. With regard to documents filed by pro se litigants, documents originally filed in the Municipal Division, documents prepared within a courtroom during trials and hearings, and as otherwise provided in these rules, the clerk shall be responsible for determining the procedures for the proper filing of and preservation of the same.

RULE 5. FEES AND COSTS

5.1. FILING FEES AND COST DEPOSITS

EFiling fees and costs shall be paid by approved electronic checks, credit cards, and debit accounts. All other fees and accounts shall be paid by cash, certified check, business check, money order or the equivalent, or by credit card or debit card approved by the circuit clerk. Personal checks shall not be accepted.

The circuit clerk shall be responsible for the collection of all costs after the initial filing fee except fees in a case pending in the Municipal Division having its own staff.

5.2 COSTS

(No Local Rule)

5.3 WITNESS FEES

(No Local Rule)

5.4 WAIVER OF FEES, PROCEEDING IN FORMA PAUPERIS

Persons requesting permission to proceed in forma pauperis shall complete and submit to the clerk the form appended to these rules and entitled "Affidavit and Petition for Permission to Prosecute Cause of Action as a Poor Person." Persons in the custody of the Missouri Department of Corrections requesting permission to proceed in forma pauperis to file a civil lawsuit shall also complete and submit to the clerk the forms appended to these rules and entitled "Authorization for Release of Institutional Account Information" and "Affidavit in Support of Request to Proceed in Forma Pauperis." If a person in custody shall seek to file a lawsuit and shall request authority to proceed as a poor person and such lawsuit shall require the issuance of service of summons on more than two persons, prior to the issuance of service, the judge assigned to the case shall review the pleadings to ascertain whether the pleadings arguably state a cause of action and, in turn, necessitate all of the service requested. If the judge shall find that no arguable cause of action exists, the judge shall enter an order so-advising the Plaintiff and Plaintiff shall be given the opportunity to amend the pleadings.

5.5 MOTION FOR SECURITY

(No Local Rule)

5.6 TIME PAYMENT FEE

Pursuant to §488.5025.1, RSMo, a time payment fee in the sum of twenty-five dollars ($25.00) shall be assessed against any person who does not pay a court ordered judgment, penalty, fine, sanctions, restitution, juvenile monetary assessments or court costs in full within thirty (30) days of the date the court imposed the judgment, penalty, fine, sanctions, restitution, juvenile monetary assessments or court costs. If the public administrator shall advise the court in writing that no funds exist in an estate, the fee shall be waived. With regard to the applicability of this section to criminal cases, see the Formal Administrative Plan For Collection of Court Debt, dated August, 2013.

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

Subject to the authority of the presiding judge, all circuit court cases, both civil and criminal, shall be randomly assigned to circuit court judges on a near equal basis. By administrative order, the presiding judge shall determine the method of such assignments.

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1 By Local Court Rule Or Order

Unless otherwise ordered by the presiding judge, misdemeanors and civil cases of limited jurisdiction shall be immediately docketed for hearing before an associate circuit judge.

6.1.2 Special Assignment

The presiding judge shall always retain the authority to specially assign judges as provided by law. Further, the presiding judge shall have the authority to delegate assignment of family court cases to the Administrative Judge of the Family Court. Any case assigned or transferred to a circuit judge may only be reassigned to an associate circuit judge by order of the presiding judge.

6.1.3 Transfer of Assignment for Administrative Purposes

An associate circuit judge may, for purposes of administrative convenience and efficiency, transfer a criminal case to another associate circuit judge.

6.2 ASSIGNMENT TO CIRCUIT JUDGES

(No Local Court Rule)

6.3 CERTIFICATION TO CIRCUIT DIVISION

(No Local Court Rule)

6.4 TRIAL DE NOVO

(No Local Court Rule)

6.5 DISQUALIFICATION/RECUSAL OF JUDGE

Whenever a judge is disqualified or recuses from a cause, the disqualified or recused judge shall forward the case to the presiding judge for reassignment. If the disqualified or recused judge is the presiding judge, the case shall be forwarded for reassignment to the acting presiding judge and then to the most senior judges as the line of authority is described in these rules. When a change of judge has been effected, whether or not current settings are maintained shall be in the discretion of the new judge.

6.6 ABSENCE OF JUDGE

Subject to the objection of counsel, in the absence of any Circuit Judge on account of sickness or otherwise, any other Circuit Judge may temporarily sit as the judge of the division in which the judge is absent and perform all the duties of said absent judge. Likewise, in the absence of any Associate Circuit Judge or Commissioner on account of sickness or otherwise, any other Circuit Judge, Associate Circuit Judge may temporarily sit as the judge of the division in which the judge or Commissioner is absent and perform all the duties of said absent judge or commissioner. Upon the order of the presiding judge, any temporarily sitting judge may be permanently assigned to hear any particular matter or any particular class of cases.

6.7 ABSENCE OF PRESIDING JUDGE

See Local Rule 100.1.

6.8 REQUEST FOR CHANGE OF JUDGE

Any request for a judge disqualification shall specify the division for which the disqualification is being requested. If, at the time of filing, no judge has been assigned and no judge has been specified, the request shall be deemed a nullity. A timely filed request for disqualification may not be withdrawn.

6.9 CONSOLIDATION OF CIVIL ACTIONS

A party desiring to consolidate civil actions into one cause of action shall file a motion to consolidate in each of the cases sought to be consolidated. Motions to consolidate cases pending in the same division shall be heard and decided by the judge in that division. Motions to consolidate cases that are pending in different divisions shall be decided by agreement of the judges involved. Following consolidation, all documents pertaining to the consolidated civil actions shall be filed in the first-filed case.

6.10 TRANSFER OF CRIMINAL CASES INTO THE SAME DIVISION

The state or a defendant desiring to transfer into one division, two or more criminal cases for the same defendant pending in two or more divisions, shall file a motion to transfer in each of the cases. Motions to transfer shall be decided by agreement of the judges involved.

6.11 ASSIGNMENT TO PROBATE

Any matter under Local Court Rule 4.3 may be transferred to the Probate Division by any judge.

RULE 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE (FOR CASES NOT SUBJECT TO THE EFILING PROCEDURES)

7.1 WHEN ALLOWED

A. No official files of the circuit court or any divisions thereof shall leave the Office of the Circuit Clerk or the office of any division clerk except in the custody of employees of the clerks or employees of the circuit court.

B. All files of cases assigned to the various divisions of this court shall remain in the clerk's central filing room.

7.2 DUPLICATING POLICY

No charge shall be made for copies of documents furnished to any city or county office or to any state agency or department. All other duplicating fees shall be as specified in the local administrative order on filing fees and costs, as published in the appendices to these Local Court Rules.

RULE 8. PUBLICATION OF DOCKETS

8.1 TRIAL DOCKET

(No Local Rule)

8.2 DISMISSAL DOCKET

Except for good cause shown, in all circuit civil cases in which no filing has been made for a period of 6 months and in all domestic relations and associate civil cases in which no filing has been made for a period of 2 months, upon 30 days written notice to the parties, a case may be dismissed without prejudice for failure to prosecute. Dismissal dockets shall be scheduled monthly. Those civil cases on the docket shall be forwarded to the assigned judge for appropriate action (e.g. dismissal, removal from the docket for a time certain or until further order of the court, entering of a scheduling order or such other orders as the assigned judge shall deem appropriate). Domestic relations cases shall be forwarded to the Family Law Administrator for like action.

RULE 9. COURTROOMS

9.1 ASSIGNMENT OF COURTROOM

See Local Rule 100.1.2.

9.2 PLACE OF HEARING

(No Local Rule)

9.3 USE OF COUNSEL TABLE

See Local Rule 9.7.

9.4 COURTROOM DECORUM AND DRESS

See Local Rule 9.7.

9.5 WHO IS PERMITTED WITHIN THE BAR

See Local Rule 9.7.

9.6. ELECTRONIC DEVICES

No one shall, in any manner, at any time, broadcast, televise, record, electronically or otherwise, or photograph anything occurring in a courtroom or in the courthouse, except as authorized under Supreme Court Operating Rule 16 and then, only by prior order of the Court.

A. No persons are allowed to bring cellular telephones into the Boone County Courthouse, or the Callaway County Courtrooms with the following exceptions:

1. Attorneys in good standing.
2. State and county employees on court business.
3. Law enforcement personnel and Probation and Parole Officers on official duty.
4. Victims/witnesses who are attending court business in the Prosecuting Attorney's Office and the Juvenile Office.
5. Members of the press.
6. Any other person the court may authorize.

Any person in the categories above may be required to provide identification to confirm their status upon the request of the Court Marshals.

Persons allowed to bring cellular phones into the Boone County Courthouse are not allowed to use them in the courtrooms.

Attorneys are allowed to bring cellular phones into the courtrooms and are requested to restrict use of their cellular phones in the courtrooms to business only.

B. All electronic devices shall be turned off upon entering a courtroom; however, attorneys, probation and parole officers and law enforcement shall be permitted to use electronic devices as long as the use of the same (1) shall not make a sound (spoken word or otherwise) or in any other manner disturb the proceedings; and (2) the same shall not be used to capture a photograph, a video and/or audio recording. Attorneys may record preliminary hearings with permission of the court. An electronic device is any device which is capable of taking a photograph, capturing a video image, recording sound, or transmitting or receiving information or electronic signals.

C. Persons reporting for jury selection or jury duty are prohibited from bringing any electronic device into the courthouse.

D. All persons are prohibited from any broadcasting, televising, recording, or taking photographs in the courtrooms, corridors or stairways adjacent to the courtrooms of the courthouse. Members of the media may request permission to bring electronic devices into the courthouse to cover court proceedings pursuant to Supreme Court Operating Rule 16.

E. Failure to observe these rules shall result in the electronic device being confiscated by the Marshal, the same being returned at the court's discretion. Violators may be held in contempt of court.

9.7. COURTROOM USE AND DECORUM

Subject to a presiding judge's discretion as to the administration of their courtroom, the following rules shall apply:

A. Counsel, parties and witnesses shall dress respectfully.

B. Counsel shall advise their clients and witnesses as to the formalities of the court.

C. Counsel shall use available microphones. If microphones are not available, counsel shall speak in a manner such that all those participating in the matter may hear the proceedings.

D. When more than one attorney represents a party, only one attorney shall examine or cross-examine each witness.

E. Counsel shall not block the viewing of a testifying witness.

F. Unless otherwise specifically permitted by the Court, only counsel, parties and court personnel may appear within the bar.

G. Choice of counsel table for the duration of a matter shall be determined on a first come, first serve basis.

9.8 EXCLUSION OF WITNESSES

When the rule as to the exclusion of witnesses is invoked, each attorney is charged with the duty of seeing that their witnesses comply with the 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.

9.9 VIDEO DOCKET

In accordance with the docket, each circuit court judge shall preside over one or more video dockets for criminal defendants in the custody of the Department of Corrections. In order to effectuate these dockets, the judge presiding over a given video docket shall, subject to the objection of counsel, have the authority, without further order, to hear any matters set on the docket notwithstanding the then-current judge assignment.

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

See Local Rule 23.

RULE 11. RECORDING OF JUDICIAL PROCEEDINGS

See Local Rule 9.6.

RULE 12. MONIES PAID INTO COURT

(No Local Rule)

12.1 BOND IN CIVIL CASES

(No Local Rule)

RULE 13. ORAL AND WRITTEN COMMUNICATIONS WITH THE COURT

Except for ex parte applications permitted by law, *ex parte* communications with the court with regard to any pending matter are not permitted by any means whatsoever. Any attempt to so-communicate with the court shall be summarily terminated by the court (and, if appropriate, shall be reported to the Office of the Chief Disciplinary Counsel).

GENERAL RULES

RULE 21. ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

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

1. criminal trials shall have precedence over civil trials; and

2. jury trials shall have precedence over non-jury trials; and

3. if two cases are of the same type, trials of cases with earliest filing dates shall have precedence over trials of cases with later filing dates (priority shall be considered in cases in which a request for speedy trial has been made).

B. Should trial be delayed because an attorney is engaged, said cause shall be reset for trial at the earliest possible time.

C. The term "engaged" in this rule means the actual and necessary participation of any attorney in the trial or hearing of a case in any court of trial or appellate jurisdiction. No attorney, however, who shall be engaged in any court except the circuit courts of the Thirteenth Judicial Circuit shall be considered as so engaged unless, within 10 days after the case is set for trial or within 5 days after the receipt of notice of conflicting trial setting from a federal or appellate court, the attorney has notified the judge of the division in which the case is set, in writing, of such engagement, stating in such notice the court in which the attorney is attending and the date the attorney was notified of such setting and, as nearly as possible, the time the attorney will necessarily be engaged.

21.2 ENTRIES OF APPEARANCE

The attorney of record is the attorney who signs the initial pleadings or charging document or who files a written entry or makes an oral entry in open court.

21.3 CONDUCT OF ATTORNEYS

See Local Rule 9.7.

21.4 WITHDRAWAL OF ATTORNEYS

The ethical considerations under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4-1.16, Rules of Professional Conduct. Any attorney desiring to withdraw shall do so by motion with notice to all parties and shall be effective upon the order of the court.

21.5 FAILURE OF ATTORNEY TO ANSWER DOCKET CALL

(No Local Rule)

21.6 APPOINTMENT OF ATTORNEYS

See Local Rules 65 and 67.4.

21.7 AGREEMENT OF ATTORNEYS

(No Local Rule)

21.8 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM PROCEDURES

See Local Rule 9.6.

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM

A. A guardian ad litem may be appointed for any minor, if it appears to the court that the best interests of the minor require such appointment.

B. The guardian ad litem so appointed shall be an attorney licensed to practice law in this state in a proceeding governed by the Uniform Child Custody Act or Family Court Division. No person shall be appointed as guardian ad litem in a juvenile division proceeding without first qualifying pursuant to the guardian ad litem standards adopted by this court. Guardian ad litem standards may be obtained from the circuit clerk.

C. A guardian ad litem who has served in a juvenile's case in the Family Court Division within the preceding year shall also be appointed to that minor's guardianship case.

D. The guardian ad litem shall be allowed a reasonable fee for his or her services.

RULE 23. TRANSCRIPTS

23.1 TRANSCRIPTS PREPARED FOR PURPOSES OF APPEAL

The court reporter shall prepare a paper and an electronic version of the transcript. The court reporter shall submit to the circuit clerk an electronic copy of same to be filed at Level 6. (See Appendix)

23.2 TRANSCRIPTS PREPARED FOR PURPOSES OTHER THAN APPEAL

The court reporter shall prepare the transcript as requested by the ordering party. The court reporter shall submit to the circuit clerk an electronic copy of same to be filed at Level 6. (See Appendix)

23.3 DEPOSIT OF FUNDS FOR TRANSCRIPT OF NOTES

Upon receipt of a request for preparation of a transcript when the cost of said transcript is not to be paid from state funds, the court reporter shall provide the requesting party with a

reasonable estimate of the cost of said transcript. Preparation of said transcript shall not begin until a full deposit is made to the court reporter. The balance or refund due shall be settled upon delivery of said transcript.

23.4 HOMICIDE PRELIMINARY HEARINGS

An official court reporter shall report the proceedings of homicide preliminary hearings, if schedules permit. Transcripts and costs thereof shall be pursuant to paragraphs 23.2 and 23.3 above.

23.5 TRANSCRIPTS PREPARED FROM ELECTRONIC RECORDING

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

RULE 24. EXHIBITS

Exhibits shall be marked in advance of trial. If counsel intends to publish exhibits by handing the same to the jury, sufficient copies shall be printed so as to provide one copy for each juror. Exhibits offered shall remain in the custody of the attorney offering the same and shall at all reasonable times be subject to examination by opposing counsel. In the unusual circumstance wherein exhibits are retained by the court, the same shall be scanned for eFiling. Unless otherwise ordered by the court, scanned exhibits shall be eFiled at security level 1. (See Appendix)

See also Local Rule 35.

PRETRIAL MATTERS

RULE 31. SERVICE OF PROCESS

With regard with service of process, all requests for same shall be filed with the clerk and the clerk shall electronically provide the papers to be served, but it shall be the responsibility of the parties to effectuate the service. As to pro se parties, the clerk shall endeavor to assist said parties in the effectuation of the service of process (but shall not be responsible for the service of process). If an alias summons is required, the requesting party shall file a request for the same.

RULE 32. DISCOVERY

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISIONS

(No Local Rule)

32.2 INTERROGATORIES

A. Each party shall be limited to propounding a total of thirty (30) interrogatories, including sub-parts thereof, except as provided in paragraph F**,** herein. With leave of the court, upon good cause shown, additional interrogatories may be propounded.

B. Unless otherwise agreed by the parties, the interrogatories shall be served upon adverse counsel in writing and shall, when possible, be accompanied by an editable electronic version of the interrogatories. The interrogatories are not to be filed with the court, except as provided by paragraph D herein. The interrogating party shall show on the interrogatories the "Certificate of Service" and shall file with the court at the time they are mailed a "Certificate of Service" of the interrogatories, which shall include the following:

1. the party to whom mailed;

2. the date of mailing;

3. designation of pleading as first interrogatories, second interrogatories, etc; and

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

C. The interrogated party shall reproduce the interrogatory before each answer, using the same interrogatory number as in the interrogatories propounded by the opponent, or respond in the space provided on the interrogatories from the interrogating party.

D. If a motion placing the interrogatory in issue is filed, the movant shall contemporaneously file each interrogatory and answer that is the subject of the motion.

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

F. Any party propounding interrogatories in medical negligence, auto accident, premises liability and products liability cases shall use pattern interrogatories approved by the court. No objection to the pattern interrogatories will be entertained by the court, unless the objecting party simultaneously requests leave of court to so object, because of some unusual and/or exceptional reason. After receiving answers to the pattern interrogatories, any party that requires further information may propound up to five additional interrogatories without leave of court. If further information is required after these interrogatories have been answered, additional interrogatories may be propounded only after the party desiring additional information obtains leave of court. Any interrogatories that are propounded in addition to the pattern interrogatories may be objected to as appropriate.

G. Copies of court approved pattern interrogatories are included in the appendix to these local court rules.

32.3 DEPOSITIONS

(No Local Rule)

32.4 MOTIONS FOR SANCTIONS

(No Local Rule)

32.5 CRIMINAL DISCOVERY

(No Local Rule)

RULE 33. PRETRIAL MOTIONS

33.1 HEARING DATES

See Local Rule 2.3.

33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED

(No Local Rule)

33.3 ORAL ARGUMENTS – WHEN DESIRED AND HOW REQUESTED

(No Local Rule)

33.4 MOTIONS IN LIMINE

See Local Rule 35.

33.5 RULING ON MOTIONS IN CHAMBERS

Subject to the prohibition against ex parte communications with the court, with proper notice to all parties, a party may request the court to rule on a pending matter in chambers. The parties shall use the Consent to Ruling form appended to these rules.

RULE 34. CONTINUANCES

34.1 CIVIL CASES

Motions to continue civil trials shall be in writing and shall be filed at the earliest point in time when it is discovered that a continuance is required. If granted, the matter shall be reset in the court's discretion as soon as practicable. See also Local Court Rule 21.1.

34.2 CRIMINAL CASES

Motions to continue criminal trials shall be in writing and shall be filed at the earliest point in time when it is discovered that a continuance is required. No continuance shall be granted unless the court finds that the ends of justice served by taking such action outweigh the benefits of a speedy trial. Unless excused by the court, the defendant shall be present for hearing on the request for continuance. When a criminal case is continued, it shall be forthwith restored to the trial setting docket or continued to a date certain. See also Local Court Rule 21.1.

RULE 35. PRETRIAL HEARINGS AND PRETRIAL CONFERENCES

35.1 PRETRIAL MATTERS IN JURY TRIALS

In order to clarify issues and expedite both criminal and civil trials, the court encourages the filing of timely motions in limine, the scheduling of pretrial conferences and, in all cases involving complicated discovery issues and/or in cases in which the anticipated length of trial shall exceed one day, the entry of scheduling orders. Pretrial conferences and scheduling orders may be suggested by one or more of the parties or ordered by the court, *sua sponte*.

35.2 CRIMINAL PRETRIAL JURY CASES

In all criminal cases set for jury trial, a pretrial conference shall be set. In Callaway County, the pretrial conference shall be set on the trial judge's monthly Law Day immediately preceding the trial setting. In Boone County, the same shall be set on the trial judge's weekly law day the first available week immediately preceding the trial setting. The defendant shall be present at the pretrial conference. If the parties intend to try the case at the then-current setting, all pretrial motions and a “dirty” copy of the proposed instructions shall be filed for the pretrial conference. The court may enter such orders as it deems appropriate to ensure an efficient trial and may order compliance with any or all of the civil pretrial jury rules set in Rule 35.3.

35.3 CIVIL PRETRIAL JURY CASES

A. No civil jury trial shall be commenced without a pretrial conference being held no less than 30 days before trial or as otherwise ordered by the Court. At the pretrial conference, all pretrial motions and a "dirty" copy of the proposed instructions shall be filed. Further, the parties shall show compliance with the requirements of Rule 35.4, infra, regarding alternative dispute resolution.

B. Further, if it is anticipated that the case will take less than 2 days to try, at the call of the case on the day of trial, the parties shall file:

1. a brief agreed upon statement of fact to read by the judge to the jury;

2. an exhibit list including sub-exhibits with columns for "Description of Exhibit," "Identified," "Offered," "Admitted," "Denied" and "Published." (Plaintiff/State shall use numbers and Defendant shall use letters);

3 a witness list;

4. an updated "dirty" copy of the instructions;

5. a list of all depositions or specified parts thereof by page and line numbers proposed to be offered in evidence; and

6. any stipulations of the parties.

C. Further, if it is anticipated that the case will take more than 2 days to try and the Court shall so-order, at the call of the case on the day of trial, the parties shall file:

1. a brief agreed upon statement of fact to read by the judge to the jury;

2. a daily trial schedule setting forth estimated times for voir dire, opening, direct and cross examination of each witness and closing;

3. an exhibit list including sub-exhibits with columns for "Description of Exhibit," "Identified," "Offered," "Admitted," "Denied" and "Published." (Plaintiff/State shall use numbers and Defendant shall use letters);

4. a loose leaf notebook containing in numerical order copies of all exhibits (for civil cases only);

5. a witness list;

6. a list of all depositions or specified parts thereof by page and line numbers proposed to be offered in evidence;

7. a lexicon of technical words and phrases to be used in the trial;

8. an updated daily trial schedule;

9. an updated "dirty" copy of the instructions; and

10. any stipulations of the parties.

D. Notwithstanding the foregoing, the court recognizes that the filings required by this rule may arguably force a party to disclose a party's trial strategy which would otherwise not be disclosed pre-trial. In such case, a party may file such disclosing information for the court's eyes only on a temporary basis.

E. Notwithstanding the foregoing, upon order of the court, the parties shall file a trial brief stating the legal and factual issues and the authorities relied thereon.

35.4 ALTERNATIVE DISPUTE RESOLUTION

The court hereby encourages the use of alternative dispute resolution programs as described in Supreme Court Rule 17.01 to resolve civil litigation issues. Such programs may be initiated at the behest of any of the parties to the litigation or by the court, *sua sponte*. If the court shall order the parties participation in a program, the court shall give the parties the reasonable opportunity to agree upon the program and the neutral. If the parties are unable to agree as to the program and/or the neutral, the court shall enter an appropriate order. The cost of participation in any program shall be borne equally by the parties. At the request of any of the parties to the litigation or by the court *sua sponte*, the court may order the deposit for costs for participation in the program. Unless otherwise ordered by the court, participation in a program shall not serve to delay the discovery process. Unless agreed by the parties in writing, the alternative dispute resolution processes shall not be binding on the parties.

Notwithstanding the foregoing, prior to any request for a trial in excess of 2 days, the parties shall file a statement with the court that an alternative dispute resolution program has been completed and has been unsuccessful or a statement by one or all of the parties that such process has no reasonable chance of being productive (though such statement shall not be binding on the court, nor shall it prohibit the court from ordering the completion of an alternative dispute resolution program or waiving completion of the same).

RULE 36. SETTING CASES FOR TRIAL

36.1 REQUEST FOR TRIAL

In circuit court, unless otherwise ordered by the judge presiding over a matter, no civil case shall be placed on the trial docket until a party certifies that all discovery has been completed and that the case is at issue. A party's request for trial setting shall include whether a jury is requested or waived and the estimated time of trial. An adverse party may seek to remove a case from the trial request docket by filing a good cause objection within ten (10) days of the filing of the request for trial setting, along with a notice of hearing.

In the associate circuit court, civil cases may be placed on the trial docket by a request in writing, a request in open court or by the court, *sua sponte*. Unless otherwise ordered, if a case cannot be reached on the date set, it shall be restored to the trial request docket for resetting.

36.2 DATE OF CALENDAR CALL

(No Local Rule)

36.3 PREPARATION OF CALENDAR

(No Local Rule)

36.4 CALENDAR CALL

(No Local Rule)

36.5 INACTIVE CALENDAR

(No Local Rule)

36.6 REVISION AND REMOVAL FROM PREPARED CALENDAR

(No Local Rule)

36.7 SPECIAL ASSIGNMENTS

Notwithstanding anything contained in these Local Rules, extraordinary legal remedies and other matters entitled to priority setting may be set at the discretion of the court.

36.8 CONFLICT CALENDAR

In accordance with the protocols of the automated calendaring system, counsel shall enter their conflicts. If counsel shall fail to enter their conflicts, counsel shall be deemed to have consented to settings. If more than ten (10) days are shown as conflicts in any calendar month, counsel shall specifically describe all conflicts.

RULE 37. DISMISSALS

(No Local Rule)

37.1 DISMISSAL DOCKET

See Local Rule 8.2.

37.2 REINSTATEMENT OF CAUSE

(No Local Rule)

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

41.1 NOTICE OF SETTLEMENT

(No Local Rule)

RULE 42. DEFAULT

(No Local Rule)

TRIALS

RULE 51. COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS

(No Local Rule)

51.2 CONTESTED MATTERS

(No Local Rule)

51.3 PREPARATION OF FINDING OF FACT AND CONCLUSIONS OF LAW

(No Local Rule)

RULE 52. SELECTION OF JURY

52.1 JURY QUESTIONNAIRES

(No Local Rule)

52.2 SUMMONING A JURY

As ordered by the Court, the Jury Supervisor shall summon a jury to hear a cause. Except upon order of the Court, the calling of a jury shall not be canceled, nor shall a jury summoned be released.

RULE 53. JURY TRIALS

53.1 INSTRUCTIONS

(No Local Rule)

53.2 CLOSING ARGUMENTS

(No Local Rule)

RULE 54. JUDGMENT ENTRY

(No Local Rule)

54.1 CONTESTED CASES

(No Local Rule)

54.2 DEFAULT OR UNCONTESTED CASES

(No Local Rule)

RULE 55. AMERICANS WITH DISABILITIES ACT

55.1 NOTIFICATION

Any party planning to call a witness who will require special accommodation due to disability, as defined in the Americans with Disabilities Act, and any party or attorney or other individual who requires a special accommodation in order to participate in the court proceedings, shall provide written notice of the accommodation needed to the court within five days of receipt of notice of the hearing. Any member of the public requiring such accommodation shall provide notice to the Marshal's Office at the earliest possible time.

RULE 56. USE OF FOREIGN LANGUAGE INTERPRETERS IN COURT

56.1 NOTIFICATION

Written notice of the need for a foreign language interpreter specifying the language and, if applicable, the dialect, for which an interpreter is required shall be sent to the court within five days of receipt of notice of the hearing.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION

Before hearing of a petition for transfer of custody or for adoption, the clerk of the juvenile division shall cause the file to be made available to the judge of the juvenile division to make a determination as to the sufficiency of the jurisdictional requirements. The court shall have at least one business day to review the jurisdictional requirements and to enter a ruling regarding the determination of jurisdiction. Said ruling may be made through a docket entry in chambers.

The court, upon request of either party or upon its own motion, may order a pre-trial conference in order to clarify issues and expedite the hearing. Said request for pre-trial hearing shall be made to the clerk of the court.

Counsel shall request a time certain for a hearing on said petition from the circuit clerk. The clerk of the court shall set the matter for hearing within 3 days of such consents being presented to the court, but said hearing shall not be set prior to the court entering the finding that the jurisdiction requirements are sufficient.

61.1 FILING REQUIREMENTS

No petition for adoption will be accepted by the circuit clerk, unless the information required by §193.125, RSMo, for the Bureau of Vital Statistics accompanies such petition.

61.2 HOME STUDY

Upon the filing of a petition for adoption or for transfer of custody prior thereto, and upon application to the court, the court will appoint a guardian ad litem for the child sought to be adopted. The court will also order the statutory investigation and report when required. The report shall be made available to the court and to all parties 24 hours prior to any hearing on the matter.

RULE 62. DRIVERS' CASES; APPLICATION FOR LIMITED DRIVING PRIVILEGES

A. Applications for Limited Driving Privileges, pursuant to the provisions of §302.309, RSMo, may be made either to the court or the Missouri Department of Revenue.

B. Applications for Limited Driving Privileges may be made on the forms provided by the Missouri Department of Revenue. The application shall be accompanied by the forms required to be included when the application is made to the Missouri Department of Revenue.

C. Parties filing Petitions for Limited Driving Privileges shall complete a proposed order granting limited driving privileges on the form approved by the Supreme Court and distributed by the Office of the State Courts Administrator.

RULE 63. ASSOCIATE DIVISION

A. Pursuant to Supreme Court Operating Rule 5.01, associate circuit judges are authorized to preserve the record by means of any recording devices approved by the Office of State Courts Administrator.

B. The following cases are heard on the record, as there is no right to *trial de novo* and any appeals would be lodged with the Missouri Court of Appeals, Western District:

1. criminal jury trials;

2. civil jury trials;

3. misdemeanor bench trials, including trials for violations of state statutes in traffic court;

4. civil bench trials, except as set out below;

5. ordinance violations from the municipal court of Columbia wherein the defendant has requested a trial de novo;

6. ordinance violations wherein the defendant has requested a jury trial pursuant to Supreme Court Rule 37.61; and

7. administrative review pursuant to Chapter 536, RSMo.

C. The following types of cases are not heard on the record:

1. small claims cases heard pursuant to Chapter 482, RSMo;

2. ordinance violations wherein the associate circuit judge is sitting as the municipal division for any cities in the circuit;

3. preliminary hearings (except as provided by Supreme Court Rule 22.10);

4. applications for limited driving privilege**;** and

5. unlawful detainer actions pursuant to Chapter 534 RSMo, and rent and possession actions pursuant to Chapter 535, RSMo.

(See §512.180, RSMo.)

D. Trial Records:

When a record is made of a proceeding by recording devices pursuant to Supreme Court Administrative Rule 5, any interested party may make a request to the Clerk for a copy of the recorded proceeding. The request shall include the payment of a twenty-five dollar ($25.00) fee. The Clerk shall endeavor to provide the copy within 3 business days.

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

(No Local Rule)

RULE 65. CIVIL COMMITMENT

A. The appearance by the Respondent at a hearing authorized under the provisions of Chapters 630, 631 or 632 RSMo. may be made by means of two-way audio-visual communication, including but not limited to, internet based video conferencing; provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the remote site and that a full record of such proceedings be made of the proceedings in the courtroom.

Video hearings shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding.

Any document filed in a video hearing may be transmitted by facsimile transmission; signatures on a document transmitted by facsimile transmission shall have the same force and effect as original signatures.

The presiding judicial officer shall begin all video hearings by stating on the record the identities of all counsel, parties and witnesses present in the courtroom and at the remote site.

Any system used for conducting video hearings shall:

1. Enable the persons communicating to be able to simultaneously see and speak to one another;

2. Provide a live signal transmission that is secure from unauthorized acquisition; and

3. Record the proceeding in order to produce an accurate transcript upon request.

Video hearings shall not be authorized for jury trials.

The judge presiding in the Probate Division shall establish such procedures from time to time consistent with these rules to implement the provisions of Chapters 630, 631 and 632 RSMo, regarding civil commitment hearings and electroconvulsive therapy hearings.

B. The clerk of the probate division shall maintain a current list of attorneys who have agreed to serve as counsel for proposed patients, which shall be designated as the "Mental Health Register." Any attorney wishing to be placed on the register may contact the clerk. Appointments from the register shall be made on a rotational basis, provided that counsel is available for the date the hearing is set.

RULE 66. CONDEMNATION

(No Local Rule)

RULE 67. CRIMINAL CASES

67.1 PRETRIAL RELEASE

67.1.1 Bond Amounts, Conditions For Release And Qualifications Of Bonding Agents

A. Bond amounts and conditions for release are to be set by the court in accordance with Supreme Court Rule 33.01.

B. The bond schedule as approved by the circuit court en banc may be used for the setting of bond**,** unless a different amount is approved by a judge. If a written recommendation is made for a bond amount other than the amount on the bond schedule, the recommendation shall include a written memorandum setting forth the reasons justifying the different bond amount.

C. **Qualifications of Bonding Agents**.

The court is aware that issues have arisen regarding the ability of bonding agents to write bail bonds as it relates to the financial status of the bonding agent. In particular, a report has been issued by the Missouri Bail Bond Study Committee, through the Missouri Department of Insurance, Financial Institutions & Professional Registration which recommends certain changes in state statute regarding qualifications of sureties. (Final report of the Missouri Bail Bond Study Committee, January 6, 2010). Pending adoption of statewide requirements, the following rule is adopted to clarify the court's requirements regarding the financial qualifications of bonding agents in the 13th Judicial Circuit:

1. The presiding judge, or presiding judge's designee, shall approve the authorized Bonding Agents for persons charged with crimes in the 13th Judicial Circuit.

2. Any person, firm, corporation or other business entity ("Bonding Agent" or "Bonding Agents") desiring to write bail bonds in the 13th Judicial Circuit shall annually file in completed form a General Affidavit of Qualifications and a General Affidavit of Qualifications – Questionnaire. The information provided in the Questionnaire shall be legible and shall be presented in such a fashion so that qualifying assets (as hereinafter described) may be quickly identified. The qualifying assets as disclosed in said affidavit shall be used to determine the bonding authority of the Bonding Agent, which bonding authority shall not be exceeded. The bonding authority of the Bonding Agent shall be an amount equal to 15 times the qualifying assets of the Bonding Agent.

The bonding authority of the Bonding Agent on any single bond shall be no more than 50% of the qualifying assets of the Bonding Agent.

3. Qualifying assets shall consist of the following:

   a. The reasonable equity value of real estate located in Missouri. The reasonable equity value of real estate shall be based upon current appraisals by certified Missouri appraisers and/or current tax assessments after reduction by all liens and encumbrances, as verified by the appraiser, current title policy or certified bank letter;

   b. Certificates of deposit issued by an FDIC-insured or NCUA-insured financial institution located in the state of Missouri or cash held on deposit by such institutions;

   c. Monies deposited with the state of Missouri Department of Insurance, Financial Institutions & Professional Registration pursuant to Chapter 374 of the Revised Statutes of Missouri; and

   d. Any asset that has been specifically approved by the presiding judge or the presiding judge's designee; however, the Court generally will not accept such assets as jewelry, antiques, etc.

4. Prior to 9 a.m. on the last working day of each month, each Bonding Agent shall certify on the Monthly Affidavit of Qualifications form provided by the court that there have been no changes in the qualifications or qualifying assets of the Bonding Agent, as they appeared on the last filed Annual General Affidavit of Qualifications and General Affidavit of Qualifications – Questionnaire. Further, each agent shall file a list of all outstanding Missouri bonds reflecting the amount of each bond and total of all bonds. If there are changes, a new Annual General Affidavit of Qualifications and General Affidavit of Qualifications – Questionnaire shall be filed. If the clerk determines that the bonding authority of the Bonding Agent has dropped below $10,000, the clerk shall endeavor to notify the Bonding Agent, Sheriff and all other interested parties of such fact and, thereafter, the Bonding Agent shall have no authority to write additional bonds until such time as the clerk shall ascertain that the Bonding Agent has bonding authority greater than $10,000. If the Bonding Agent requests to demonstrate to the clerk that its bonding authority has increased over $10,000, the clerk shall endeavor to recertify the Bonding Authority on a time available basis.

5. Any unsatisfied judgment against a Bonding Agent, entered upon any bail bond in any court of this state or of the United

States, shall forthwith disqualify such bonding agent from writing bonds in the 13th Judicial Circuit. Such disqualification shall continue for so long as a judgment remains unsatisfied and until the disqualified agent is re-qualified pursuant to state law and this rule.

6. Notwithstanding the foregoing, all unresolved issues regarding the interpretation and application of this rule shall be resolved by the presiding judge or the presiding judge's designee.

67.1.2 Deposit Of Operator's License

(No Local Rule)

67.1.3 Cash Bonds

Clerks shall accept only cash, certified check, business check, money order or equivalent or approved bank cards or credit cards for cash bonds.

Note: The Boone County Circuit Clerk and Callaway County Circuit Clerk accept debit and credit cards from Visa, MasterCard, Discover or American Express. Credit card charges are subject to a transaction fee charged by the company processing the charge which will be included in the amount charged against the card. (See page A8-3 of the appendix to these Local Court Rules.)

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited shall be considered by the court as belonging to the defendant. 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. Any excess sums of money may be applied against prior unpaid assessments. A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party. (See page A8-1 of the appendix to these Local Court Rules.)

67.2 PRELIMINARY HEARING

(No Local Rule)

67.3 GRAND JURY

(No Local Rule)

67.4 ATTORNEYS (APPOINTMENT OF COUNSEL)

A. If, after appropriate inquiry, the court determines a criminal defendant is indigent, requires counsel and due process mandates the appointment of counsel, counsel shall be appointed to represent the defendant for the matter before the court. If appointed counsel is a public defender, the defendant

shall complete the public defendant's eligibility form and the public defender shall forthwith determine defendant's eligibility for its services. If the public defender determines that the defendant is not eligible for its services, the public defender shall forthwith advice the court and, thereafter, the court shall review and hear the eligibility evidence and decide whether or not the public defender shall continue in its representation of the defendant. Notwithstanding whether or not a comprehensive determination has been made of a defendant's eligibility for the appointment of counsel, the court may proceed with the matter then-currently before the court. If it is determined that the defendant is not eligible for the services of the public defender, the public defender shall be given leave to withdraw forthwith.

B. The division and circuit court clerks shall obtain and maintain a sufficient quantity of the Application and Affidavit for Appointment of Counsel from the Public Defender Commission for distribution to defendants and attorneys.

See also Local Court Rule 21.

67.5 ARRAIGNMENTS

67.5.1 In General

(No Local Rule)

67.5.2 Dates

(No Local Rule)

67.5.3 Time Of Appearance For Felony Arraignments

All "in custody" felony defendants who are "bound over" shall appear for arraignment in circuit court on the first available video docket or on the first available law day, which ever should occur first.

All "not in custody" felony defendants who are "bound over" shall appear for arraignment in circuit court on the first available law day.

67.5.4 Waiver Of Appearance

A. Misdemeanors In Associate Circuit Court

Counsel in misdemeanor cases may file a written Entry of Appearance, Waiver of Personal Appearance by Defendant, Waiver of Formal arraignment, and Plea of Not Guilty.

B. Felonies In Associate Circuit Court

In lieu of initial appearances by defendants on complaints filed in felonies in the associate division, counsel may file a written Entry of Appearance and Waiver of Personal Appearance by Defendant on the

form provided by the court. The form shall be signed by both the defendant and the attorney for the defendant.

C. Felonies In Circuit Court

Counsel may file a written Entry of Appearance, Waiver of Personal Appearance by Defendant for Arraignment, Waiver of Formal Arraignment, and Plea of Not Guilty on the form provided by the court for arraignments in felonies in circuit court. The form shall be signed by both the defendant and the attorney for the defendant.

67.6 DISCOVERY

(No Local Rule)

67.7 MOTIONS

(No Local Rule)

67.8 PLEA BARGAINING

(No Local Rule)

67.9 GUILTY PLEA

(No Local Rule)

67.10 CALENDAR

(No Local Rule)

67.11 PROBATION AND PAROLE

(No Local Rule)

67.12 FINES, COSTS, RESTITUTION AND CRIMINAL BONDS

Clerks shall accept only cash, certified check, business check, money order or equivalent or approved bank cards in satisfaction of fines, costs or restitution payments. Prior to charging to a bank card, proper authorization must be received from the bank card company. Credit card charges are subject to a transaction fee charged by the company processing the charge, which fee will be included in the amount charged against the card. (See page A8-4 of the appendix to these Local Court Rules.)

Note: "Bank card" can mean credit or debit card, as approved by the circuit clerk.

67.13 WORK RELEASE

Petitions for release from custody pursuant to §221.170, RSMo

Prior to court approval of a request for release from custody pursuant to §221.170, RSMo, the defendant must file with the court a "Petition for Release from Custody." Said petition shall be on a form approved by the court en banc or in the form of a written motion containing the reason for release; name and address of employer or location upon release; days or dates and time of requested release (including transportation time); verification of employment; and agreement by the defendant to abide by the terms of release.

RULE 68. DISSOLUTION OF MARRIAGE (LEGAL SEPARATION, CUSTODY OF CHILDREN, MAINTENANCE AND SUPPORT, MOTIONS TO MODIFY, AND PATERNITY)

68.1 FILING REQUIREMENTS

A. Information necessary to give notice to the Missouri Department of Public Health and Welfare of the entry of a judgment of dissolution of marriage or legal separation shall be filed on the forms provided for that purpose by the circuit clerk at the time of the filing of the petition for dissolution or legal separation. No petition will be filed by the clerk unless accompanied by such information.

B. Every petition for dissolution of marriage**,** legal separation or paternity, every motion for modification of a judgment respecting maintenance or support, every petition or motion for support of a minor child and every responsive pleading thereto shall contain 1) the name and address of the current employer and social security number of the party filing such pleading; 2) if known, the name and address of the current employer and the social security number of the opposite party; and 3) when children are involved, the social security number of the children.

C. If a next friend for a minor is requested, the person with custody of the child shall be appointed, if qualified, unless a disclaimer, under oath, is filed by that person. The requesting party is responsible for filing proper requests and orders for appointment of a next friend.

68.2 SEPARATION AGREEMENT

See Local Rule 68.9(C).

68.3 FORMS OF DECREES

(No Local Rule)

68.4 FILING OF FINANCIAL STATEMENTS

See Local Rules 68.6, and 68.9.

68.5 MODIFICATION OF DECREE

See Local Rule 68.18

68.6 PROPERTY, INCOME AND EXPENSE STATEMENT, FORM 14 AND PARENTING PLAN

A. A statement under oath of marital and non-marital property and marital debt of the party making the same shall be filed in all cases for dissolution of marriage, legal separation, and motions to modify. Petitioner's or movant's statement shall be filed within 15 days after the original pleading or motion. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value and encumbrances, the name of the party having possession or control, and a brief description of marital debt. A statement of income and expenses under oath shall also be filed with the statement of property in the aforementioned cases. The statement shall list income from all sources and the anticipated separate expenses of the party making the statement, together with the expenses of any dependent children. Each party has a continuing duty to update their property, income and expense statements. Copies of these statements may be found in the appendix to these Local Court Rules and are available in the Circuit Clerk's Office.

B. Where child support is at issue, Civil Procedure Form 14 shall be filed within 15 days after initial and responsive pleadings or not less than five (5) days prior to hearing on a motion for support, whichever is earlier. Each party has a continuing duty to update their Form 14. (See Local Rule 68.11.)

C. A proposed parenting plan shall be filed as required by subsection 7 of section 452.310, RSMo. (1999).

D. If property, income and expense statements, Form 14 and the proposed parenting plan are not filed as required by this rule, the offending party's pleadings shall be dismissed or stricken. Such action may be taken on the motion of the opposing party or on the court's own motion, after notice.

68.7 GUARDIAN AD LITEM

A. Appointment of Guardian ad Litem.

1. Guardian ad litem may be appointed for any minor if it appears to the court that the best interests of the minor require such appointment.

2. The guardian ad litem so appointed shall be an attorney licensed to practice law in this state in a proceeding governed by the Uniform Child Custody Act.

3. The guardian ad litem shall be allowed a reasonable fee for his or her services.

4. The guardian ad litem shall comply with the standards for guardians ad litem approved by the court.

B. Joint application for appointment of a guardian ad litem will be considered by the court.

C. Filings of pleadings which require the appointment of a guardian ad litem by the court shall be accompanied by the deposit required by court administrative rule. Should additional deposits be required after the initial filing, the parties shall pay the additional cost deposit to the circuit clerk as ordered or pleadings may be stricken as provided in section 68.6.D of this rule.

68.8 ANSWER

Responding party shall file an answer within the time allowed by law or rule and cross bills or cross claims and other pleadings shall also be filed within said times.

68.9 RESPONDING PARTY SHALL FILE PROPERTY, INCOME AND EXPENSE STATEMENTS, FORM 14 AND PARENTING PLAN - WHEN

A. A statement under oath of marital and non-marital property and marital debt of the party making the same shall be filed in all cases for dissolution of marriage, legal separation, paternity and motions to modify. Respondent's statement shall be filed within 15 days after respondent's first pleading. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value and encumbrances, the name of the party having possession or control, and a brief description of marital debt. A statement of income and expenses under oath shall also be filed with the statement of property in the aforementioned cases. The statement shall list income from all sources and the anticipated separate expenses of the party making the statement, together with the expenses of any dependent children. Property, income and expense statements of defaulting respondents who are not requesting affirmative relief or contesting any relief sought by petitioner at hearing shall not be required. In the event a responsive pleading is not required prior to hearing or submission to the court on a motion, respondent shall file the property, income and expense statements with the clerk five (5) days prior to hearing or submission and provide copies of same to each opposing counsel and unrepresented party. Each party has a continuing duty to update their property, income and expense statements. Copies of these statements may be found in the appendix to these Local Court Rules and are available in the Circuit Clerk's Office.

B. Where child support is at issue, Civil Procedure Form 14 shall be filed within 15 days after initial responsive pleadings or not less than five (5) days prior to hearing on a motion for support, whichever is earlier. Each party has a continuing duty to update his or her Form 14. (See Local Court Rule 68.15.)

C. A proposed parenting plan shall be filed as required by subsection 7 of §452.310, RSMo (1999).

D. If property, income and expense statements, Form 14 and the proposed parenting plan are not filed as required by this rule, the offending party's pleadings shall be dismissed or stricken. Such action may be taken on the motion of the opposing party or on the court's own motion, after notice.

E. In cases filed by a state agency in which the state is not representing either the mother or alleged father, the state is not required to file property, income and expense statements on behalf of either the mother or alleged father.

68.10 PARENT EDUCATION PROGRAM

In a petition for dissolution of marriage or motion to modify same, or in cases involving paternity or contested custody**,** where there is at least one child under the age of seventeen, both parties to the dissolution**,** motion, paternity or contested custody case shall attend *Focus on Kids*, a court approved educational session to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects. (See also §452.600, RSMo.) In any other case involving custody or visitation, the court may, at the discretion of the judge, order one or both parties to attend *Focus on Kids*.

The petitioner shall attend said program within thirty (30) days of filing the petition or motion. The respondent shall attend said program within thirty (30) days of filing responsive pleadings. If the petitioner fails to attend said program within thirty (30) days of the date of filing, the court may dismiss the pending case. If the respondent fails to attend said program within thirty (30) days from the date respondent filed responsive pleadings, the court may strike the responsive pleadings. The court may impose any other appropriate sanctions provided by law.

This rule may be waived by the court upon application of a party showing good cause.

See also Local Court Rule 68.18 and §452.605, RSMo.

68.11 PENDENTE LITE ORDERS - HOW SET, WHEN EX PARTE

A. Upon the filing of a verified application by any party, after reviewing the pleadings, including each party's property, income and expense statements, Form 14, and each party's proposed parenting plan, the court may enter an order *pendente lite*, without the necessity of a formal hearing, for child support, maintenance, attorney's fees, and visitation. However, before an application is filed, the movant or movant's attorney shall first certify and file proof of service of: (1) written notice of intent to file the application on a certain day, (2) a copy of the application, and (3) movant's verified suggestions and affidavits in support thereof on all other parties at least ten days before the day on which the movant files the application. Suggestions and affidavits in opposition to the application shall be filed on the day specified in the notice as the day on which the application will be filed.

B. Pursuant to subsection 8 of §452.310, RSMo, if the proposed parenting plans of the parties differ and the parties cannot resolve the differences or if any party fails to file a proposed parenting plan, upon motion of either party and an opportunity for the parties to be heard, the court shall enter a temporary order containing a parenting plan setting forth the arrangements specified in subsection 7 of §452.310, RSMo., which will remain in effect until further order of the court. The temporary order entered by the court shall not create a preference by the court in its adjudication of final custody, child support or visitation.

C. An oral hearing shall be granted, if requested, on the order *pendente lite* or other relief requested in the application, but any request will not suspend or delay commencement of the rights and obligations under the order pendente lite. Any modification of the order pendente lite after an oral hearing shall be retroactive to the effective date of the original order.

D. Upon ex parte request of any party, the court may at any time enter an order under which, during the pendency of the proceeding, all parties are prohibited from transferring, concealing, encumbering or in any way disposing of any property, marital or separate, except in the usual course of business or for the necessities of life and, if so enjoined, are required to notify all parties of any proposed extraordinary expenditures and account to the court and the parties for all such expenditures after the date of issuance of the order. Any order entered hereunder shall remain in full force and effect until final judgment without the necessity of further order of the court. A bond is not required unless ordered by the court.

68.12 SETTLEMENT CONFERENCES *(updated Aug. 23, 2016)*

A. Effective January 1, 2007, when a case is filed under Chapter 452, RSMo, it will be scheduled for a mandatory settlement conference before a commissioner or a judge not assigned to try the case. Should the attorneys for the parties certify that the case will require less than three (3) hours hearing time, the case will be removed from the settlement conference schedule and be set for a three (3) hour hearing. If the hearing shall not be completed within the allotted three (3) hours, said matter will be continued and restored to the next available trial setting docket and set for a settlement conference and trial.

B. Either party may request a pre-trial conference with the judge who will be hearing the case prior to the hearing on the case.

C. The following rules shall apply to all settlement conferences:

1. Settlement conferences shall be held in a Courtroom, if available. Conferences shall be 30 minutes in length. A Marshal shall be present. The attorneys intending to try the case shall be present. All parties shall be present. At the commencement of the conference, the attorneys shall meet briefly with the Judge. Thereafter, the attorneys and the parties and the Judge shall meet. The attorneys shall be prepared to make a succinct (2-3 minutes) statement describing the matters at issue. The attorneys and the parties shall be prepared to discuss any issues involved in the case with the Judge. Any statements made by the attorneys or parties at the conference shall not be admissible at trial.

2. The parties shall provide to the Court the following typed documents (the same shall be exchanged by the parties prior to the conference):

a. A detailed list of all disputed matters;

b. If misconduct is alleged, a brief description of the same;

c. If any disputed matter is predicated upon an issue of law, the issue shall be described and the underlying supportive law shall be cited and provided; and

d. If attorney's fees are at issue, a current statement of attorney's fees.

3. The parties shall provide to the Court the following then-current documents (the same shall be exchanged by the parties prior to the conference):

a. If child support is at issue, Property, Income & Expense Statements and Form 14's.

b. If property division or maintenance is at issue, Property, Income & Expense Statements.

c. If custody is at issue, a parenting plan.

4. Prior to the conference, counsel shall endeavor to communicate with one another regarding the requirements of this Rule.

5. Parties appearing pro se (without counsel) shall be bound in all respects by the terms of this rule and all applicable laws and rules.

6. When all parties agree that the length of trial shall not exceed 3 hours and all parties desire to opt out of the settlement conference pursuant to paragraph A, above, the joint certification required by said Rule shall be filed no later than 4PM on the Wednesday before the date of the settlement conference. At noon, on the Thursday before the settlement conference, the Court shall post by email or through the Clerk's office, the specific time of each conference.

Effective settlement conferences can only be achieved through full compliance with this rule. Failure to comply by counsel or party without good cause shall result in the assessment of the reasonable attorneys' fees and costs incurred by the complying party in preparation for and attendance at the conference and shall not preclude the imposition of any other authorized sanction.

68.13 TRIAL

A. DEFAULTS

If no responsive pleading is filed, the petitioning party shall request the case be placed on the next available uncontested docket for hearing. If the respondent has entered an appearance and has not waived notice of hearing, or if there is a custody proceeding pursuant to the UCCJA, counsel for respondent or the respondent, if unrepresented, shall be notified of hearing.

B. CONTESTED CASES

Within l5 days after the filing of an entry of appearance (not consenting to trial and waiving further notice) or other responsive pleading, the case shall be:

1. Assigned to a division;

2. Set for trial; and

3. Scheduled for a settlement conference before a commissioner or a judge not assigned to try the case (see Local Rule 68.12).

C. USE OF SEPARATION AGREEMENTS

In all cases where written separation agreements are made under the provisions of §452.325, RSMo, a copy of such executed agreement shall be submitted to the court for approval not less than five (5) days prior to the date set for hearing. WAIVER OF THE DIVISION OF PROPERTY WILL NOT BE ACCEPTED BY THE COURT.

D. HEARING CONDUCTED OR JUDGMENT ENTERED - WHEN

No hearing shall be conducted nor judgment entered in any dissolution case until 1) thirty (30) days after service of process has been obtained; 2) thirty (30) days after entry of appearance filed in this court; or 3) in the case of a joint petition, thirty (30) days after said petition has been filed.

68.14 JUDGMENT - TRIAL, AFFIDAVIT

A. ALL JUDGMENTS SHALL CONTAIN A FINDING OF THE COURT AND MUST INCLUDE AND RECITE:

1. Full name of attorney or attorneys and party represented. If either party is not represented by counsel, the judgment shall so state.

2. The social security numbers of the parties.

3. The addresses of the parties, and the employers' names, if disclosed in the pleading.

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

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

6. Residence of not less than ninety (90) days.

7. Statement that at least thirty (30) days have elapsed since the filing of the petition.

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

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

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

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

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

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

B. THE JUDGMENT OF THE COURT SHALL CONTAIN THE FOLLOWING PROVISIONS:

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

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

a. the withholding shall be for the current month's maintenance and support; and

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

3. Pursuant to subsection 11 of §452.377, RSMo, every judgment establishing or modifying custody or visitation shall include the following language:

"Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

a. the intended new residence, including the specific address and mailing address, if known, and if not known, the city;

b. the home telephone number of the new residence, if known;

c. the date of the intended move or proposed relocation;

d. a brief statement of the specific reasons for the proposed relocation of the child; and

e. a proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice."

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

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

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

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

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

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

In all cases an original judgment shall be submitted to the court.

C. JUDGMENTS AFFECTING REAL ESTATE

Counsel shall make written request to the circuit clerk that all judgments of dissolution of marriage or legal separation affecting title to real estate shall upon entry thereof be filed in the Office of the Recorder of Deeds in the county where the real estate is located. Said request shall specify the office of the recorder where the filing is to be made, and if other than in Boone or Callaway County, Missouri, the mailing address. Such expense of recording the judgment shall be taxed as costs in the case.

D. ENTRY OF JUDGMENT UPON AFFIDAVIT-REQUIREMENTS

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 born of husband and wife and the wife is not pregnant, or the parties are represented by counsel and have entered into a written agreement as to custody and child support;

2. the parties are represented by counsel and have entered into a written agreement as to custody and child support and the affidavit establishes sufficient evidence that the court can find the custody arrangement is in the best interest of the minor children;

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;

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.

E. 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 judgment of legal separation.

F. 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.

68.15 CHILD SUPPORT

A. FORM 14

The party requesting child support or modification thereof shall complete Civil Procedure Form 14 and shall file said form within 15 days after filing the initial pleadings and shall serve same upon the respondent to the action. The responding party shall likewise file a completed Form 14 within 15 days after filing any responsive pleadings if respondent contests any figures used by the opposing party in his/her Form 14. If no responsive pleadings are filed and the responding party contests the figures used on the opposing party's Form 14, the respondent's Form 14 shall be filed and served upon opposing counsel or party, if unrepresented, no less than five (5) days prior to hearing or submission if there is no hearing. Each party has a continuing duty to update their Form 14.

B. RETROACTIVE PAYMENT OF CHILD SUPPORT

1. In all proceedings to modify any provision for support of a minor child or children in a judgment of dissolution or order of paternity, there shall exist a presumption that any modification (increase or decrease) of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever shall occur later.

2. Any amounts paid by a party in excess of the then existing support obligation under the judgment of dissolution or order of paternity after the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award. When the court reduces the child support retroactively, any amount paid by a party in excess of the support obligation as modified shall be credited toward any arrearage and the balance, if any, applied to future support.

C. ASSIGNMENT OF WAGES

1. Effective January 3, 1994, income withholding shall be initiated on the effective date of every order for child support or maintenance entered or modified except as provided by §452.350.2(1) or (2), RSMo, 1993. The custodial parent shall file one of the following documents with the

judge at the time the support is ordered, or with the Circuit Clerk on the date the support is ordered:

a. The Notice of Income Withholding approved by the Supreme Court and distributed by the Office of the State Courts Administrator; or

b. The parties' written agreement to an alternate form of payment.

2. The party obligated to pay child support or maintenance with respect to orders entered prior to January 3, 1994, may execute a voluntary income assignment at any time, which assignment shall be filed with the court and shall take effect after service on the employer or payor.

D. WAGE WITHHOLDING

Upon application by the obligee or the Missouri Division of Child Support Enforcement of the Department of Social Services, the obligor's wages or other income shall be subject to withholding, without further notice if the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation:

1. The withholding shall be for the current month's maintenance and support; and

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

68.16 MEDIATION OF CHILD CUSTODY AND VISITATION DISPUTES

A. In every case involving contested issues of custody and/or visitation, the parties shall participate in a minimum of two (2) hours of mediation pursuant to Missouri Supreme Court Rule 88.02 through 88.08 and this local court rule unless waived by the court as hereinafter set forth. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties and the mediator.

B. The petitioner shall file circuit court Form 15 in all domestic relations matters in which there are minor children. Form 15 shall be filed no later than 60 days from the date of service. The Court may dismiss the case if Form 15 is not filed in a timely manner, unless good cause is shown.

C. If Form 15 is not filed within 60 days, or the parties have not selected a mutually agreeable mediator, the Court shall appoint a mediator from the court-approved list to conduct mediation pursuant to this rule. The court administrator shall maintain a list of persons qualified under this local court rule and Missouri Supreme Court Rule to act as mediators of child custody or visitation disputes. The training, qualifications and hourly rates of each mediator shall be included on the list. This list shall constitute the "court-approved list" of mediators referred to in Missouri Supreme Court Rule

88.05(a), and shall be updated as deemed appropriate by the court administrator. Annually, mediators who wish to remain on the list shall update the court administrator regarding any continuing education completed during the year. It is expected that mediators will maintain and develop mediation skills by attending a minimum of six hours of mediation related training every two years using The Missouri Bar's reporting period. The court administrator shall accept applications for inclusion on the list and make recommendations to the presiding judge as to which applicants meet the requirements of this rule. Where appropriate the court may order mediation through the MARCH program. In all cases where the parties have agreed upon a mediator, the Court will appoint said mediator for the purposes of this rule.

D. The mediator shall inform the Court of his/her acceptance of appointment within 10 days of said appointment and file a Notice of Mandatory Mediation Compliance form within 20 days of acceptance of appointment.

E. The mediator and the parties will determine the fee. Where the parties cannot agree upon the method or allocation of the mediator's payment, the court retains the authority to determine a final, equitable allocation of the costs of the mediation process. If a party fails to pay for the mediator, the court may, upon motion, issue an order for the payment of such costs and impose appropriate sanctions. If a party is determined indigent by the court and free or low-cost mediation services are not available, the court may waive the mediation requirement and the case shall proceed otherwise. If either party fails to appear for any mediation session without reasonable notice, the court may, on motion, award mediator's fees and/or costs or impose any other appropriate sanction provided by law.

F. Some cases may be inappropriate for mediation. The mediator shall complete a thorough screening for domestic violence. If the case is deemed inappropriate for mediation due to domestic violence, or for any other reason determined by the mediator, the mediator shall immediately file the Notice of Mandatory Mediation Compliance Form with the Court.

G. Any party may petition the Court to disqualify a court appointed mediator for good cause. A mediator who has been appointed shall advise the Court of any fact bearing on their qualifications, including any fact which would be reason for their disqualification. If the Court disqualifies a mediator an order shall be entered naming a qualified replacement. Nothing shall limit the mediator's ability to refuse assignment of any mediation under this rule.

H. No case shall be set for trial until the Notice of Mandatory Mediation Compliance form is filed with the Court, unless waived by the Court upon a showing of good cause.

68.17 FAMILY ACCESS MOTIONS

Pursuant to §452.400, if custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution of legal separation.

If an alternative dispute resolution program is available pursuant to §452.372, RSMo, the circuit clerk shall provide information to all parties on the availability of any such services and, within fourteen (14) days of the date of services, the court may schedule alternative dispute resolution.

68.18 MODIFICATION OF PRIOR JUDGMENT

Where a motion to modify is filed, for purposes of Local Court Rules 68.1, 68.2, 68.4, 68.5 and 68.11, the original case number and file shall be used for the motion to modify. In addition, the petitioner and respondent shall be required to attend the *Focus on Kids* parent education class (see Local Rule 68.10), if he or she has not attended *Focus on Kids* within four years prior to the date of filing of motion to modify.

68.19 QUALIFICATIONS OF FAMILY LAW MEDIATOR

A. A mediator who performs mediation in a contested child custody matter pursuant to Missouri Supreme Court Rule 88 and Local Court Rule 68.12 shall be a person who conforms with the requirements of Missouri Supreme Court Rule 88.05.

B. To be listed on the "court-approved list" of mediators referred to in Missouri Supreme Court Rule 88.05(a) and Local Court Rule 68.12, the person should provide to the court administrator an affidavit that he or she meets the requirements aforesaid. Further, the person must complete the mediator registration form (available in the appendix to these Local Court Rules), as further application and shall indicate his or her hourly rate. The person may also provide a resume´, which may, subject to the court administrator's approval, be attached with the statement of qualifications for viewing with the court's list of mediators.

C. The list of mediators shall be updated from time to time as deemed necessary by the court administrator. All persons included in the list of mediators shall keep the court administrator apprised of any changes to their qualifications, including any change in status with any professional association, and their fees.

D. In appropriate circumstances, the court, upon agreement of the parties, may appoint a mediator who is not on the court-approved list but is qualified by Missouri Supreme Court Rule 88.05.

RULE 69. MUNICIPAL DIVISION

69.1 JURISDICTION AND ADMINISTRATIVE AUTHORITY

Pursuant to Section §479.010, RSMo, all violations of municipal ordinances heard in Boone and Callaway Counties shall be tried before divisions of the Thirteenth Judicial Circuit. Judges selected under the provisions of Chapter 479 shall be municipal judges of the Thirteenth Judicial Circuit. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

69.2 COURT PERSONNEL

A. SELECTION TENURE AND COMPENSATION OF A MUNICIPAL JUDGE

Any municipality choosing to establish a municipal division of the circuit court with a municipal judge presiding shall provide, by ordinance, for the selection, tenure and compensation of a municipal judge. A copy of said ordinance shall be filed with the presiding judge of the circuit court. Any amendments to this ordinance shall be submitted to the presiding judge of the circuit court within fifteen (15) days of passage. (See also §479.020, RSMo.)

B. COURT CLERK/ADMINISTRATOR

Each municipality choosing to provide its own court personnel shall employ an individual to serve as court clerk/administrator under the direction and supervision of the municipal judge. In those instances where the court clerk/ administrator also serves as the city clerk, care shall be taken to separate the functions of the two positions in order to ensure that the requirements of this rule are met. (See also §479.060, RSMo.)

69.3 ORDINANCE VIOLATIONS BUREAU

A. The municipal judge or the associate circuit judge presiding over the municipal division may establish an ordinance violations bureau.

B. An ordinance violations bureau shall be established when a request is made by the governing body of the municipality.

C. The ordinance violations bureau shall operate under the supervision of the circuit court and the municipal judge.

D. The municipal judge shall by order designate a violations clerk and shall designate the ordinance offenses under the authority of the violation clerk and the amount of fines to be imposed for each offense. A copy of said order shall be filed with the presiding judge of the circuit court within fifteen (15) days of its issuance. A copy of the violation bureau schedule shall be prominently displayed at the payment window so that defendants wishing to pay tickets out of court may view the schedule.

69.4 BOND SCHEDULE

Each judge presiding over a municipal division shall by order establish a bond schedule for all offenses for which a bond can be posted for the defendant's release. Said bond schedule may be incorporated into the Ordinance Violations Bureau order (Local Court Rule 69.3). The bond schedule shall be submitted to the presiding judge of the circuit court. A copy of the bond schedule shall be prominently displayed so that defendants wishing to post bond may view the schedule.

69.5 FINANCIAL RECORDKEEPING PROCEDURES

A. SURETY BONDS

1. BOND QUALIFICATIONS

The court clerk/administrator shall keep a list of those sureties who have qualified to post surety bonds in the courts within the 13th Circuit. No person shall be accepted as a surety on any bail bond unless he or she is licensed by the Missouri Department of Insurance. (Source: S.Ct. Rule 37.29; §374.710 RSMo.)

No lawyer, elected or appointed official, or municipal or state employee shall be accepted as a surety on any bond unless related to the defendant.

2. RECEIPTS

A receipt shall be written for each bond received. The amount of each bond received shall be entered into a bond ledger capable of tracking receipt and disbursement of bond monies, and bond monies on hand (i.e., date monies were received, receipt number, case number, date disbursed, and how disbursed). When bond monies are accepted at a location other than the office of the court clerk, the monies shall be turned over to staff of the municipal division the next working day. The bond ledger shall be reconciled monthly.

3. UNCLAIMED CASH BONDS

The court clerk/administrator shall follow those procedures set forth in the then current Missouri Municipal Clerk Manual ("OSCA Clerk Manual") published by the Office of State Court Administrator ("OSCA") to pay to the State Treasurer's Office Unclaimed Property Division, all funds unclaimed for three years and cash bonds unclaimed for one year, from the date the bond was due back to a person. The court clerk/administrator shall send a letter of notification and otherwise reasonably attempt to contact the person and return the funds. Said report shall be sent to the State Treasurer's Office by November 1 of each year, and the unclaimed funds remitted with the report. (Source: §§447.532 and 447.595 RSMo.)

4. FORFEITED BONDS

Monies from forfeited bonds which are not applied to fines, costs and surcharges shall be paid to the treasury of the municipality.

B. FINES, COURT COSTS, AND SURCHARGES

Adequate records must be maintained to account for the receipt and disbursement of any fines, costs, penalties, surcharges, and miscellaneous fees.

1. RECEIPTS

Pre-numbered receipts must be written for all funds accepted in the municipal division. A copy of such receipt shall be provided to the payer, if payment is made in person, and a duplicate copy of the receipt retained in the receipt book (or the court's electronic financial program, where applicable). The receipt shall comply with Supreme Court Operating Rule 4.53. If payment is made by mail, the court clerk/ administrator shall file the original copy of the receipt with the case file information, or maintain the original receipt in a pre-numbered receipt book cross-referenced with the docket entry, unless the payer requests the receipt be returned by mail, and provides a self-addressed, stamped envelope. The original of a voided receipt shall be retained in the receipt book with the voided receipt copy.

2. RECORDS OF FINES, COSTS AND SURCHARGES PAID

Records shall be sufficient to establish that on each case, fines assessed and general court costs in the amount as set forth by ordinance and state statute, such as CVC surcharges, POST surcharges, Law Enforcement Training Fund ("LETF") surcharge, recoupment, domestic violence, and other surcharges, are collected and remitted timely to the municipality and to DOR, respectively, in accordance with this rule. In the event that there is an overpayment of $5.00 or less, the municipality may retain such funds on any case, and if there is an underpayment of $5.00 or less, the fine and court costs are not required to be collected. (Source: Court Cost: City Ordinance; CVC §488.5339 RSMo. and §595.045 RSMo.; POST: §488.5336 RSMo.; and LETF. §488.5336 RSMo.)

3. DEPOSIT OF FINES, COSTS, SURCHARGES AND BONDS TO BE PLACED INTO APPLICABLE ACCOUNTS

The court clerk/administrator shall deposit all fines, costs, surcharges and bonds collected in the municipal court's or municipality's bank accounts on a daily basis, or when the amount on hand reaches $100.00, if not on a daily basis. The court clerk/ administrator shall, to the extent possible, work jointly with the municipality to effectuate all deposits by delivery of same for deposit by police officers or other municipal personnel. The court clerk/administrator shall cause specific surcharges, including, but not limited to, CVC, POST, LETF, police recoupment, and, if applicable, domestic violence surcharges, to be placed as separate line items or in separate accounts and to be remitted to the proper entity or account no less than monthly.

C. FIDELITY BONDS

The Ordinance Violations Bureau clerk and other municipal employees with

access to municipal division funds shall be bonded. This bond may be a blanket bond covering all municipal employees. A copy of the certificate of coverage, or declarations page, evidencing such bond shall be provided to the presiding judge of the circuit court annually.

D. ANNUAL AUDIT

Each municipality that chooses to provide staff for the municipal division shall provide for an annual independent audit of the municipal division's funds. Such audit may be in conjunction with the audit of other municipal records. A copy of said audit shall be filed with the presiding judge of the circuit court.

69.6 ACCOUNTING PROCEDURES

The court clerk/administrator shall, to the fullest extent possible, follow those accounting procedures as are mandated by Supreme Court Operating Rule 4.51 and set forth in the then current edition of the OSCA Municipal Clerk Manual. In particular, the court clerk/administrator shall:

A. Reconcile banks collections statements monthly and same shall be reviewed by a person independent of the municipal court. When the court maintains a bank account separate from that of the municipality, the court clerk/administrator shall reconcile each monthly bank statement no later than 10 days after its receipt, and shall have such reconciliation approved by a municipal official or employee independent of the municipal court and authorized by the municipality to approve the account reconciliations of the municipal court. When the municipal court does not maintain a bank account separate from that of the municipality, the municipality shall provide the municipal court with a monthly statement showing cash on hand at the beginning of the month for the municipal court, itemized receipts and disbursements, and cash on hand at the end of the month, and the court clerk/administrator shall check the statement against the court's records and resolve any differences in information.

B. Maintain all funds that are being held in trust by the municipal court and reconcile monthly. All unusual items or exceptions shall be investigated promptly.

C. Ensure all payments on accounts are receipted, recorded to the accounts, and deposited intact.

D. Work jointly with the Police Department to account for all traffic tickets in numerical sequence and ultimate disposition of all tickets assigned and issued by the Police Department.

E. Maintain all municipal court records except for those permitted to be destroyed or transferred in accordance with Missouri Supreme Court Operating Rule 8.

F. Not waive any fine, court costs or surcharge, or agree to collect a different amount of fine, court costs or surcharge than that amount listed in the

Violation Bureau Schedule or what has been assessed by a court order, except as discussed in 69.5 B(2), supra.

G. Develop a system for independent monitoring, receiving and depositing monies as an independent task segregated from the recording and disbursement of collections. In the event that such duties cannot be segregated, at a minimum, the court clerk/administrator shall request the municipality develop a documented independent comparison of receipt slips issued in the amount and composition of deposits, and independent review of the bank statements and month-end reconciliations.

69.7 CASE RECORDKEEPING

A. CASE NUMBERS

All cases filed by the prosecutor shall be assigned a unique number and indexed. Municipalities using case tracking software approved by the Office of the State Court Administrator may use case numbers generated by the approved software. All other municipalities shall use case numbers in the format of the municipal case numbering system provided by the Office of the State Court Administrator.

B. CASE INDEX

Each municipality shall maintain an alphabetic or electronic card index of all cases filed. When the case is disposed the judgment shall be entered on the index card and filed alphabetically or electronically.

C. ELECTRONIC SIGNATURES

Upon approval of the presiding judge of the circuit court and the municipal court judge, a municipal court shall give digital signatures obtained from the defendant (electronic signatures) the same effect as an original signature and shall give a copy of the document with the electronic signature to the defendant.

D. RECORD STORAGE

All records of municipal divisions of the circuit court shall be maintained separate and apart from law enforcement and administrative records of the municipal government. Records of the municipal divisions of the circuit court that are closed to the public pursuant to §610.105, RSMo, shall be available only to the staff of the municipal divisions, except as provided in §610.120, RSMo.

E. COURT DOCKET

The court clerk/administrator shall prepare a docket of cases scheduled for each court session. The disposition of each case shall be noted on the docket sheet, which shall be initialed by the municipal judge presiding over the docket. Upon request of the city clerk, a copy of the docket sheet, with all

closed information redacted, shall be provided to the city clerk for public information.

F. CONFIDENTIAL AND CLOSED RECORDS

1. The court clerk/administrator shall identify all court records that contain information that is closed or confidential pursuant to state or federal law (including docket entries for cases that have been nolle prossed, dismissed, SATOP, or the defendant found not guilty) and shall maintain all such records in accordance with those procedures set forth in the then current OSCA Municipal Clerk Manual. The municipality shall provide adequate and secure file cabinets for the retention of confidential records and closed files. (Source: §610.120 RSMo.)

2. The court clerk/administrator shall permit closed records to be inspected by the defendants, courts, and those agencies as are set forth in §610.120 RSMo.

3. If the municipal court orders the defendant to participate in a SATOP program, the court clerk/administrator shall file all documents received from the program provider in the case file, and all documents relating to the program assessment, assignments and completion shall remain confidential, in accordance with 42 CFR Part 2, (42 U.S.C. 290 dd-3).

G. RECORD RETENTION AND DESTRUCTION

The court clerk/administrator shall retain all court records unless there shall be an order signed by the presiding judge of the circuit court to destroy same. The court clerk/administrator shall follow Supreme Court Operating Rule 8 and the municipality shall cooperate with the court clerk/administrator to follow a regular schedule to destroy and/or transfer cases eligible for transfer or destruction in accordance with Supreme Court Operating Rule 8. The court clerk/administrator shall follow those recommended procedures set forth in the then current OSCA Municipal Clerk Manual. All requests to destroy or transfer records shall be signed by the presiding judge of the circuit court. (Source: COR 8.03.)

H. MARRIAGE RECORD.

If the municipal judge performs marriages, the court clerk/administrator shall communicate with parties desiring to have a marriage solemnized by the municipal judge. The court clerk/administrator shall require that the parties provide a marriage license and a Certificate of Marriage blank form to the municipal court at least 24 hours before a scheduled wedding to ensure adequate review of such license.

The court clerk/administrator shall assist the municipal judge in completing the license and the Certificate of Marriage. The court clerk/administrator shall retain a full record of the solemnization performed by making a copy of the

completed marriage license and a copy of the executed Certificate of Marriage, and keeping both documents in a permanent binder or folder. The court clerk/administrator shall cause the executed marriage license return to be sent to the appropriate licensing official as soon as possible, but not later than 10 days after the marriage is performed. (Source: §451.110 through 451.130 RSMo.)

69.8 REPORTING REQUIREMENTS

A. REPORTING TO THE MUNICIPALITY

On or before the 15th of each month, the municipal division shall submit to the municipality a copy of the monthly case load summary report for the proceeding month required by Supreme Court Operating Rule 4.28.

B. REPORTING TO THE MISSOURI DEPARTMENT OF REVENUE (DOR)

1. CRIME VICTIMS COMPENSATION FUND

The court clerk/administrator shall cause a $7.50 Crime Victims Compensation Fund ("CVC") surcharge to be assessed on all nonmoving and moving traffic violations and all other non-traffic municipal ordinance violations, unless the case has been dismissed. The court clerk/administrator shall forthwith cause the CVC charge to be reported to DOR and disbursed as follows:

a. 95% ($7.13 of each fee) shall be sent to the DOR no less than monthly, and

b. 5% ($.37 of each fee) to the general fund of the municipality. (Source: §488.5339 and §595.045 RSMo.)

2. MOVING TRAFFIC VIOLATIONS

The court clerk/administrator shall report case disposition information on all moving traffic violations, alcohol and drug-related traffic offenses, including suspended imposition of sentence, all convictions while driving a commercial motor vehicle, including commercial driver's license holders driving a personal vehicle, to DOR. The court clerk/administrator shall complete the report by submitting a completed "Abstract of Court Record," portion of the Uniform Citation, or by completing a "Record of Conviction" form. The court clerk/ administrator shall follow the "Traffic Case Processing Procedures" found in the then current OSCA Municipal Clerk Manual. The above disposition reporting shall be sent by the court clerk/administrator to be received by the DOR within seven days of disposition (Source: §302.225.1 RSMo; S.Ct. Rule 37.68.)

3. ABUSE AND LOSE PROCEDURES

In the event that the municipal judge shall enter an order suspending

or revoking the defendant's driving privileges under the Abuse and Lose law, the court clerk/administrator shall send any Missouri license surrendered to the Court, along with the certified copy of the Order of Suspension on the official DOR form, to the DOR. The court clerk/administrator shall follow those procedures regarding Abuse and Lose reporting as set forth in the then current OSCA Municipal Clerk Manual. (Source: §§577.500-577.505 RSMo.)

4. FAILURE TO APPEAR OR PAY -- LICENSE SUSPENSION

The court clerk/administrator shall notify defendants within ten (10) days of that defendant's failure to dispose of a moving traffic violation, that the Court will order the DOR to suspend that defendant's license in thirty (30) days, if the charges are not disposed of or fully paid. Such notification may not be sent until a summons has been sent to the defendant and there shall thereafter be no appearance. The court clerk/administrator shall send the F.A.C.T. form to the DOR when a defendant has failed to appear on a court date after a summons has been issued to the defendant, when the defendant fails to appear on a subsequent court date to which the case has been continued, or, when the defendant, without good cause, fails to pay any fine or costs assessed against him or her.

Upon payment of all fines and costs, or, if earlier ordered by the Municipal judge, a compliance notice on forms approved by the DOR shall be issued to the defendant, and the court clerk/administrator shall forthwith advise the DOR of such compliance. (Source: §302.341 RSMo.)

5. WITHHOLDING RENEWAL OF LICENSE

In the event a driver shall fail to appear when ordered, and without being first granted a continuance, the court clerk/administrator shall notify the DOR within ten (10) days of the failure to appear, by using the "Lieu of Bail" form then supplied by the DOR except such notification shall not be required if the court clerk/ administrator has used the notification procedures set forth in Paragraph 4, supra. When the case is disposed of, the court clerk/administrator shall report the disposition as on any other traffic case. (Source: §544.045.4 RSMo.)

6. NON-RESIDENT VIOLATOR PROGRAM

In the event a defendant who is not a resident of Missouri fails to appear, the defendant shall be notified by regular mail and given a specific amount of time to dispose of the traffic ticket before notification is made to DOR. If defendant fails to comply, the court clerk/administrator shall forward the Non-Resident Violator Compact Form provided by DOR, to DOR. This provision shall be in effect for non-resident defendants from all other states in the United States which are members of the Non-Resident Violator Compact. (Source: §544.046 RSMo.)

7. DRIVER IMPROVEMENT PROGRAM

In the event that the municipal judge has ordered a defendant to complete the Driver Improvement Program, the court clerk/administrator shall send notice of its completion to the DOR within fifteen (15) days of Program completion. The court clerk/ administrator shall not send any notice of the Driver Improvement Program if the moving traffic violation has been amended to a nonmoving violation by the prosecutor. (Source: §302.302 RSMo.)

8. IGNITION INTERLOCK DEVICE

When the municipal judge shall order the use of an ignition interlock device, the court clerk/administrator shall forthwith send the Order to install ignition interlock device to DOR properly executed, containing the requirements for the period of the use of the ignition interlock device. (Source: §577.600 through §577.614 RSMo.)

C. REPORTING TO OSCA AND THE CIRCUIT COURT

The court clerk/administrator shall complete and deliver the "Missouri Municipal Division Summary Reporting" form to OSCA and the circuit court no later than the 15th day of each month, with data completed from the previous month's court activity. This data shall be delivered by e-mail or fax to OSCA and the circuit court on the then current form provided by OSCA. The court clerk/administrator shall complete the form in accordance with the instructions submitted from time-to-time by OSCA, and as contained in the then current OSCA Municipal Clerk Manual. A copy of the OSCA form shall be submitted to the Municipal judge each month, and if requested, to the municipality. (Source. COR 4.28.)

D. REPORTING TO THE HIGHWAY PATROL

The court clerk/administrator shall report to the Missouri Highway Patrol any violations of municipal ordinances involving alcohol or drug related driving offenses by completing and sending to The Highway Patrol the State Criminal Fingerprint Card, which contains an Offense Cycle Number ("OCN"), within 15 days of case disposition. (Source: §43.503 RSMo.)

69.9 GENERAL ADMINISTRATION

A. Where municipal division staff is housed at the municipality, the 13th Circuit Court Administrator's Office shall make an annual on-site review of the policies and procedures and file a written report with the presiding judge of the circuit court. A copy of said report shall also be furnished to the municipal judge of the municipal division, who shall provide a written response to all recommendations within 60 days of receipt of the report.

B. The municipality shall apprise the presiding judge of the circuit court in writing as to changes made in the positions of municipal judge, city prosecutor, municipal division clerk or Ordinance Violations Bureau clerk.

C. Municipalities shall ensure that the municipal court clerk/court administrator is properly trained to perform the functions of his/her position as municipal court clerk/court administrator as set out in this rule, the Municipal Clerk Handbook published by OSCA, and state law. In order to ensure that this requirement is fulfilled on a continuing basis, it is recommended that all municipal court clerks/court administrators become members of the Missouri Association for Court Administration ("MACA") and regularly attend the educational programs offered by that association. Completion of MACA'S certification program is also recommended.

D. The municipal clerk shall maintain a list of associate municipal judges. Whenever the municipal judge for the City of Columbia is absent, disqualified or otherwise unavailable to serve, then the clerk shall assign the next available associate municipal judge to preside over the matter.

RULE 70. PARTITION

(No Local Rule)

RULE 71. ADMINISTRATIVE REVIEWS

(No Local Rule)

RULE 72. PROBATE

A. BOND

Unless waived by the will or the court, a bond shall be filed before letters will be issued by the Clerk. The amount of bond shall be set by the Court. The original bond must be delivered to the Clerk; the bond shall not be electronically filed.

B. CLAIMS

All claims filed with the court and not paid by the personal representative will be set for hearing prior to the filing of final settlement. Either the creditor or the estate may call up the claim for hearing upon five (5) days notice.

C. CLERK OF THE PROBATE DIVISION

The clerk is authorized to hear evidence and to enter orders in uncontested matters, subject to modification by the court within thirty (30) days of judgment according to the provisions of §472.070, RSMo (2000).

D. FILING FEES

See appendix to these Local Court Rules.

E. FORMS

An inventory of forms is maintained by the clerk and any such form may be obtained upon request. Computer generated forms shall comply with the format of approved forms.

F. INVENTORY

1. An inventory shall be filed in all estates within thirty (30) days after letters are issued unless, upon good cause shown by written request, the inventory is continued. An inventory shall not be required, unless otherwise ordered, when a successor fiduciary is appointed.

2. In conservatorship estates where all assets are derived from a decedent's estate, certified copies of the Inventory and Final Order of Distribution from the decedent's estate may be filed in lieu of an original inventory in the conservatorship estate.

G. PARTIAL DISTRIBUTIONS

1. Partial distribution may not be granted until six (6) months after the first publication unless the decedent died intestate, or the testate and intestate heirs and their respective shares are identical, or all heirs and potential heirs consent in writing to the distribution.

2. In no case where a will is being contested, or where the interests of creditors or distributees are prejudiced, may a partial distribution be allowed.

H. PUBLICATION

The clerk shall arrange for publication of all notices required by law or ordered by the court, except final notice for independent administrations.

I. SETTLEMENTS

1. Contents. The settlement shall account for all income received and disbursements made by the fiduciary. Income shall include, but is not limited to, interests, dividends (whether cash or stock), refunds, loans, gifts, rebates, distributions from other estates, government benefits, and pension payments. All sales and transfers of property shall be accounted for on the settlement.

2. Final Settlements

   a. Decedents' Estates: Final settlement shall be filed no later than six (6) months and ten (10) days after the first publication in supervised estates, unless upon written request and the showing of good cause, a continuance is granted. The final settlement shall be accompanied by a Proof of Mailing Notice to heirs or a Waiver of Notice by Heirs, proposed Order of Distribution, and a Federal Estate Tax Closing Letter, when appropriate.

b. Decedents' Estates: Final accountings in independent estates shall be filed within one (1) year after the granting of letters. The estate will remain open for one (1) year unless there is a petition for complete settlement.

c. Conservatorship Estates: Final settlements shall be made within sixty (60) days after a minor ward reaches the age of majority or dies, or after a disabled person is restored or dies, unless continued by order of the court.

3. Form

a. All settlements shall be typed or legibly written and signed by the fiduciary. If the fiduciary is an attorney, the settlement may be signed electronically; if not, the same shall be signed originally.

b. Settlements shall be submitted in double entry form: the left-hand debit column shall account for income and the right-hand credit column shall account for disbursements.

4. Verification

a. All bank accounts and certificates of deposit listed in the ending balance shall be verified by bank statements for the entire settlement period.

b. All disbursements shall be verified by canceled check, substitute check (front & back), voucher or receipt from payee or distributee.

c. Other verification shall be provided as the court may request.

d. All original documents supporting the annual settlement shall be retained by the fiduciary until the fiduciary is discharged.

J. SMALL ESTATES

Application for Refusal of Letters to spouse or to creditor and Affidavits to Establish Title of Distributees shall be accompanied by the following:

1. Death certificate;

2. Verification of decedent's assets;

3. Verification of debt if Creditor's Order is requested;

4. Will and Application for Probate if affidavit is filed and decedent died testate;

5. Schedule of all property and money derived from decedent and passing to surviving spouse and or minor unmarried children for Refusal of Letters to spouse; and

6. Costs for certified copies (ask clerk of Probate Division).

K. FILING OF THE WILL

The application for probate of the will and the original will with any original codicils shall be filed; the same shall not be electronically filed.

RULE 73. SMALL CLAIMS

(No Local Rule)

RULE 74. TRUST ESTATES

All trust estates shall be supervised and heard by the Probate Divisions in the respective counties, unless otherwise ordered by the presiding judge in a particular estate. All trust estates shall be docketed for settlement within thirty (30) days after the first anniversary of their filing and thereafter within thirty (30) days after the anniversary date of the last settlement. Any settlement may be continued by the court for good cause shown. Trustees failing to file their settlement at the time docketed, without showing good cause for such failure, will be liable to citation therefor.

74.1 INVENTORY

(No Local Rule)

74.2 REPORTS

(No Local Rule)

74.3 RECORD

(No Local Rule)

74.4 AUDIT

(No Local Rule)

POST TRIAL

RULE 81. EXECUTION

(No Local Rule)

RULE 82. GARNISHMENT

(No Local Rule)

RULE 83. JUDICIAL SALES

(No Local Rule)

RULE 84. POST CONVICTION PROCEEDING UNDER RULE 29.15 AND RULE 24.035

A. The appearance by the movant at an evidentiary hearing authorized under the provisions of Rule 24.035 and Rule 29.15 shall be made by video unless otherwise ordered by the court. The video shall be made by a two-way audio-visual communication, including but not limited to, internet based video conferencing: provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the remote site and that a full record of such proceedings is made of the proceedings in the courtroom. Any system used for conducting video hearings shall:

1. Enable the persons communicating to be able to simultaneously see and speak to one another.

2. Provide a live signal transmission that is secure from unauthorized acquisition.

B. Video hearings shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding. Any document filed in a video hearing may be transmitted by facsimile transmission or other electronic means; signatures on a document transmitted by facsimile transmission or other electronic means shall have the same force and effect as original signatures.

C. The judge presiding shall begin all video hearings by stating on the record the identities of all counsel, parties and witnesses present in the courtroom and at the remote site, and establish procedures consistent with these rules and the provisions of Rule 24.035 and Rule 29.15.

D. In addition to the duties established by Supreme Court Rules 24.035 (c) and 29.15 (c), the clerk shall send notice of this rule, number 84, to the movant and movant's attorney.

E. Any writ of habeas corpus ad testificandum for the defendant to appear by video must identify the specific location of the movant in the Department of Corrections and the movant's identifying number before being authorized by

the Court. The writ must be received by the Court twenty (20) business days before the hearing is scheduled.

F. The movant's attorney will appear in the courtroom during the video appearance, unless the attorney informs the court in writing that the attorney is going to appear with the movant at the Department of Corrections and files all exhibits with the court at least three days prior to the hearing.

G. After an evidentiary hearing is scheduled by the court, movant may file a motion to appear personally at the courthouse. Such motion shall be filed within ten (10) days of the notice of the hearing. If the court grants the motion the writ of habeas corpus ad testificandum shall issue.

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION

100.1 PRESIDING JUDGE

100.1.1 ELECTION

The circuit shall elect a presiding judge. The presiding judge shall be elected in January of each odd numbered year to serve a two year term beginning January 31. The presiding judge shall be elected from among the circuit judges within the circuit by a majority of the circuit and associate circuit judges. The meeting shall be held in the month of January in the odd numbered years at the regular meeting of the court en banc or at a special meeting called for this purpose. The voting shall be by secret written ballot. A special election shall be held at any time upon resignation or death of the presiding judge, at which time a presiding judge shall be elected to fill the unexpired term. The incumbent presiding judge may succeed him/herself, if he/she so desires, if he/she is confirmed by a majority vote of all the circuit and associate circuit judges under the procedures set forth above. The incumbent presiding judge shall not vote, except in case of a tie. The presiding judge may be removed by a 2/3 vote of all the circuit and associate circuit judges under the same procedures set forth above. Proxies in writing shall be allowed in voting for presiding judge. In case of any temporary inability to serve, the presiding judge shall appoint by administrative order an Acting presiding judge. If the presiding judge is unable to appoint, the circuit and associate circuit judges shall elect an acting presiding judge under the procedure set forth above, to act until the presiding judge is available or until the term expires. In case the presiding and acting presiding judge are unavailable, the other circuit judges are appointed to act in order of seniority on the bench. Where no other circuit judge is available to serve as presiding judge, the chief justice of the Supreme Court will appoint a judge to serve.

100.1.2 Duties Of Presiding Judge

The presiding judge shall be the general administrative authority of the court.
The presiding judge shall have all of the following powers and such other powers as shall be reasonably required to carry out the business of the Court and the presiding judge:

A. Preside at all court en banc meetings and permit such matters to come before the meeting as the presiding judge deems appropriate;

B. Supervise and appoint any needed committees;

C. Coordinate personnel duties;

D. Supervise preparation of the budget;

E. Handle media and governmental contacts;

F. Establish procedures, schedules and make docket assignments among the divisions;

G. Subject to settings ordered by a given judge, schedule for trial all cases;

H. Assign courtrooms;

I. With the advice of the Court en Banc, set, by administrative rule, the filing fees, cost deposits, duplicating fees and such like charges required for actions filed in court. The schedule shall be published by appending to these rules. The schedule may be amended from time to time.

J. Represent the court en banc in the call and supervision of petit and grand jury functions; and

K. Have the authority to appoint a secretary and such other personnel as provided by law to aid in conducting the business of the circuit.

100.1.3 Dispute Resolution – Procedure

(No Local Rule)

100.2 LOCAL COURT RULES

A. All Local Rule changes enacted by the Thirteenth Judicial Circuit shall have an effective date sixty (60) days after passage, unless the rule is enacted with an emergency clause. The rule shall be published to the local bar for comment upon passage.

B. Changes to the Local Court Rules shall be published to the local bar when they become final.

C. Publication pursuant to this rule shall consist of distributing a copy of the proposed or effective rule to the Supreme Court, the Boone County Bar Association for posting on their website, and by including the new rule in the Local Rules on the court's website.

100.2.1 Formulation

(No Local Rule)

100.2.2 Publication

(No Local Rule)

100.3 LIBRARY FUND

In all civil cases filed in circuit court, where a law library fee is applicable, the fee shall be $15.00 in both Boone and Callaway Counties. A law library fund is hereby established in Boone and Callaway Counties, and the law library fees collected shall be payable to the person designated by administrative order as the treasurer of said fund. Said fund shall be applied and expended under the direction and order of the court en banc and may be used for the following purposes:

A. maintenance and upkeep of the law libraries in Boone and Callaway

Counties;

B. courtroom renovation and technology enhancement, and for debt service on county bonds for courtroom renovation or enhancement projects; and

C. the county's family services and justice fund.

100.4 STORAGE OF RECORDS

100.4.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and) Their Contents

(No Local Rule)

100.4.2 Reproduction and Preservation of Court Records Other Than Files (and Their Contents)

(No Local Rule)

100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes

(No Local Rule)

100.4.4 Identification of Reporters' Notes

(No Local Rule)

100.4.5 Index

(No Local Rule)

100.4.6 Storage of Notes

(No Local Rule)

100.4.7 Notes of Substitute Reporters

(No Local Rule)

100.4.8 Storage of Notes Upon Retirement, Termination or Death of Court Reporter

(No Local Rule)

100.4.9 Boxing and Storing of Old Notes

(No Local Rule)

100.4.10 Responsibility for Furnishing Materials and Space for Storage of Court Reporter Notes

(No Local Rule)

100.4.11 Procedure for Examination of Criminal Records

(No Local Rule)

100.4.12 Procedure for Expunging and Closing Criminal Records

(No Local Rule)

100.4.13 Destruction Of Evidence

Pursuant to Supreme Court Operating Rule 8.02(a)(17), all motions, orders and returns filed with any division of the court pursuant to §195.140, RSMo, when no charges were filed against the individual(s) related to the evidence which is proposed for destruction, shall be closed records.

RULE 100.5 CLERK'S DUTIES

100.5.1 Monies Paid Into Court

(No Local Rule)

RULE 100.6 SELECTION OF VENIREMEN

(No Local Rule)

APPENDIX

Security Levels on Case.net

Case Security Level	Who has Access	Examples
1	Public	No Change
2	May be opened to the public under certain circumstances	Disposed Paternity case with Judgment. Only the case header, parties and judgment appear on Case.net. Also, Municipal cases are set to Level 2 and are viewable on Case.net. No change.
3	Confidential; open to court staff and attorneys of record registered for eFiling.	Dismissed Criminal cases. Criminal cases with successful SIS completion. No change.
4	Confidential; open to select court personnel and attorneys of record registered for eFiling.	Juvenile, Mental Health, Treatment court and Confidential Appeals.
5	Select court personnel and attorneys of record registered for eFiling.	Sealed Cases, Civil Expungement case types: XG-CC Expunge/Correct Arrest Rec & YG – AC Expunge/Correct Arrest Rec with OEXRE – Order for Expungement.
6	Select court Staff	Confidential Sealed Cases, Grand Jury Indictments – before the warrant is served.
7	Reserved for Future Use.	Reserved for Future Use.
8	OSCA Staff, Circuit Clerk, designee.	Cases Entered in Error – unable to be deleted.
9	OSCA Staff, Circuit Clerk & designee	Expunged Criminal cases.

IN RE THE MARRIAGE OF:

_____
PETITIONER

AND No._____

_____
RESPONDENT

STATEMENT OF PROPERTY

_____
NAME

_____
SOCIAL SECURITY NUMBER

I.	**PROPERTY**	Present Value	How Acquired*	Date Acquired	Amount Owed
A.	Real Estate—list any and all interests held in real estate (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 and serial number and name of each mortgagor.				

*How Acquired – state whether the property was purchased, inherited, etc. See also, Section 452.330.2, which defines "marital property" and which lists exceptions to the rule that property acquired by either spouse subsequent to the marriage is "marital property." For example, property acquired by gift or inheritance is excluded.

	PROPERTY (continued)	Present Value	How Acquired*	Date Acquired	Amount Owed
C.	Bank Accounts- list all checking and saving 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 and certificates of deposits, etc.	$			$
D.	Household Goods – include all appliances, furniture, silver, antiques, televisions, stereos, etc. Attach a list of each item with a value of at least $100 or more, showing present value, how acquired, date acquired, and amount owed.				
E.	Personal Goods – include jewelry, furs, guns, cameras, coin and stamp collections, fishing and camping equipment, etc. Attach a list of each item with a value of at least $100 or more, showing present value, how acquired, date acquired, and amount owed.				
F.	Cash on Hand – list only that in your possession.				**xxxxxxxx**
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.				

*How Acquired – state whether the property was purchased, inherited, etc. See also, Section 452.330.2, which defines "marital property" and which lists exceptions to the rule that property acquired by either spouse subsequent to the marriage is "marital property." For example, property acquired by gift or inheritance is excluded.

	PROPERTY (continued)	Present Value	How Acquired*	Date Acquired	Amount Owed
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, Pension and/or Profit Sharing Plans**—list name of the company and its present total value and percentage vested.				
J.	**Any interest in any trust** – give name of the trust, name of the trustee, name of settlor, name of beneficiaries, nature of the interest you have in the trust and attach to this list a 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.				
L.	**Any interest in any pending litigation or suits yet to be filed.**				
M.	**Any interest in any farm equipment, animals, or crops** – give the nature of the property and its location.				

*How Acquired – state whether the property was purchased, inherited, etc. See also, Section 452.330.2, which defines "marital property" and which lists exceptions to the rule that property acquired by either spouse subsequent to the marriage is "marital property." For example, property acquired by gift or inheritance is excluded.

	PROPERTY (continued)	Present Value	How Acquired*	Date Acquired	Amount Owed
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, the property involved and the present owner.				
P.	**Partnership Interests** – list the name of partners and percentage interest; attach a copy of the partnership agreement or set forth its terms with assets and liabilities.				
Q.	**List any other assets not already listed herein.**				

*How Acquired – state whether the property was purchased, inherited, etc. See also, Section 452.330.2, which defines "marital property" and which lists exceptions to the rule that property acquired by either spouse subsequent to the marriage is "marital property." For example, property acquired by gift or inheritance is excluded.

II. DEBTS	Current Balance	Monthly Payment
A. List all loans from any bank or lending institution to you. Show who signed the loan, the date of the loan, and give the name and address of the loan and the outstanding balance.	$	$
B. List all credit card balances and store charges – show the name on the credit card.		
C. Other Indebtedness – show to whom.		

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

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, this _____day of _____ , 20____ .

My commission expires:

_____
Notary Public

IN RE THE MARRIAGE OF:

_____
PETITIONER

AND NO. _____

_____
RESPONDENT

STATEMENT OF INCOME AND EXPENSES OF

_____
Name

_____
Social Security Number

1. INCOME

A. Gross wages or salary and commissions each pay period $ _____

PAID: Weekly _____ Bi-Weekly _____ Semi-Monthly _____ Monthly _____

Payroll Deductions:

F.I.C.A. (Social Security Tax)	$ _____
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 of income).

_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____

Average monthly total: $ _____

INCOME (Continued)

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: $ _____

D. TOTAL AVERAGE MONTHLY INCOME: $ _____

E. Your share of the gross income shown on last year's federal income tax return: $ _____

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 (routine) $_____
3. Taxes and Licenses $_____
4. Payment on Auto Loan $_____

$ _____

D. Insurance

1. Life $ _____
2. Health and Accident $ _____
3. Disability $ _____
4. Homeowners (if not included in mortgage payment) $_____
5. Automobile $ _____

$ _____

E. Total payment on installment contracts: $ _____

F. Child support paid to others for children not in your custody: $ _____

G. Maintenance or alimony: $ _____

H. Church and charitable contributions: $ _____

EXPENSES (continued)

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 and Cleaning	$_____	_____
8. Barber Shop	$_____	_____
9. Beauty Shop	$_____	_____
10. School and Books	$_____	_____
	$_____	$_____

J. Day care center or babysitter: $_____

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

_____ $_____
_____ $_____
_____ $_____
_____ $_____

$ _____

L. TOTAL AVERAGE MONTHLY EXPENSES: $_____

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

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

_____
Affiant

C. Subscribed and sworn to before me, the undersigned Notary Public, on this _____day of _____ , 20 _____ .

_____
Notary Public

My commission expires:

Thirteenth Judicial Circuit Court
Boone County
PETITION FOR RELEASE FROM CUSTODY
PURSUANT TO SECTION 221.170 RSMO

DEFENDANT'S NAME _____ CASE NUMBER _____

Reason For Release

____ To visit prospective employers at pre-arranged interviews.
____ To conduct my own occupation or business.
____ To attend to the needs of my family.
____ To work for my employer.
____ To attend an educational institution.
____ To obtain medical treatment.

Released To (e.g. Employer, Business, Hospital or School)	**Days and Times** Required for work or other release	
Name	Sunday	To
	Monday	To
Address	Tuesday	To
	Wednesday	To
	Thursday	To
Telephone	Friday	To
	Saturday	To

The Sheriff shall determine additional time required for defendant to travel to and from place of employment, business, hospital or school.

OTHER INFORMATION REGARDING RELEASE:

1. I verify that the information on this form is accurate.
2. I understand that the sentencing court may withdraw the release privilege at any time with or without notice.
3. I understand that I am liable for the cost of my board, as ordered by the court.
4. I understand that any use of illegal drugs or alcohol while serving my sentence will result in the release privilege being revoked.
5. I understand that the Sheriff may refuse to permit me to leave the facility for not to exceed five consecutive days for any breach of discipline or other violation of program regulations.
6. I understand that if I serve three-fourths of my sentence in the release program in an orderly and peaceable manner that I will be discharged as if I had served full sentence. Shock detention time shall be served in full.
7. I understand that in the case of a violation of the law or rules of my confinement, I shall be returned to the sentencing court, and the court may require that the balance of my full sentence be spent in actual confinement.

Defendant's Signature _____ Date _____

I have verified the defendant's employment and days and hours of employment as stated above.

Defendant's Attorney _____ Date _____ Court Services Officer _____ Date _____

Order For Release

_____ I HEREBY DENY THE DEFENDANT'S PETITION FOR RELEASE.

_____ I HEREBY ORDER THE DEFENDANT RELEASED FROM JAIL PURSUANT TO SECTION 221.170 RSMO AS REQUESTED.

Judge's Comments _____

DEFENDANT ORDERED TO PAY $_____ PER DAY BOARD AS REQUIRED BY THE COURT.

SENTENCE TO BEGIN _____ LENGTH OF SENTENCE TO BE SERVED _____

ORDERED BY _____ DATE _____

CC: JAIL WORK RELEASE FACILITY DEFENDANT ATTORNEY

h:\mm\locrules\appendix\workrel.doc 2/13/2001

Thirteenth Judicial Circuit Court

Callaway County

PETITION FOR RELEASE FROM CUSTODY

PURSUANT TO SECTION 221.170 RSMO

DEFENDANT'S NAME _____ CASE NUMBER _____

Reason For Release

____ To visit prospective employers at pre-arranged interviews.

____ To conduct my own occupation or business.

____ To attend to the needs of my family.

____ To work for my employer.

____ To attend an educational institution.

____ To obtain medical treatment.

Released To (e.g. Employer, Business, Hospital or School)	Days and Times Required for work or other release	
Name	Sunday	To
	Monday	To
Address	Tuesday	To
	Wednesday	To
	Thursday	To
Telephone	Friday	To
	Saturday	To

The Sheriff shall determine additional time required for defendant to travel to and from place of employment, business, hospital or school.

OTHER INFORMATION REGARDING RELEASE:

1. I verify that the information on this form is accurate.
2. I understand that the sentencing court may withdraw the release privilege at any time with or without notice.
3. I understand that I am liable for the cost of my board, as ordered by the court.
4. I understand that any use of illegal drugs or alcohol while serving my sentence will result in the release privilege being revoked.
5. I understand that the Sheriff may refuse to permit me to leave the facility for not to exceed five consecutive days for any breach of discipline or other violation of program regulations.
6. I understand that if I serve three-fourths of my sentence in the release program in an orderly and peaceable manner that I will be discharged as if I had served full sentence. Shock detention time shall be served in full.
7. I understand that in the case of a violation of the law or rules of my confinement, I shall be returned to the sentencing court, and the court may require that the balance of my full sentence be spent in actual confinement.

Defendant's Signature _____ Date _____

I have verified the defendant's employment and days and hours of employment as stated above.

Defendant's Attorney _____ Date _____ Deputy Sheriff _____ Date _____

Order For Release

_____ I HEREBY DENY THE DEFENDANT'S PETITION FOR RELEASE.

_____ I HEREBY ORDER THE DEFENDANT RELEASED FROM JAIL PURSUANT TO SECTION 221.170 RSMO AS REQUESTED.

Judge's Comments _____

DEFENDANT ORDERED TO PAY $_____ PER DAY BOARD AS REQUIRED BY THE COURT.

SENTENCE TO BEGIN _____ LENGTH OF SENTENCE TO BE SERVED _____

ORDERED BY _____ DATE _____

CC: _____ JAIL _____ WORK RELEASE FACILITY _____ DEFENDANT _____ ATTORNEY

h:\mm\\locrules\appendix\workrel.doc 2/13/2001

Mediator Registration

Name	Business Name (if applicable)
Address	Business Address
Phone Number:	Fax Number:
E-mail Address:	Counties willing to conduct mediation within: Boone _____ Callaway _____

Degrees Held:

Degree _____ Year _____ Institution _____
Degree _____ Year _____ Institution _____
Degree _____ Year _____ Institution _____
Degree _____ Year _____ Institution _____

Mediation Training:

# of hours ____ Year _____ Trainer _____ Type of Mediation _____
# of hours ____ Year _____ Trainer _____ Type of Mediation _____
# of hours ____ Year _____ Trainer _____ Type of Mediation _____
# of hours ____ Year _____ Trainer _____ Type of Mediation _____

(Attach certificate of completion to this form.)
Note that Missouri Supreme Court Rules require at least 20 hours of child custody mediation training in a court-approved program. If mediation training exceeds the space provided, an additional page may be attached.

Indicate Current Status:

_____ I am a licensed attorney.
_____ I possess a graduate degree in a field that includes the study of psychiatry, psychology, social work, counseling or other behavioral science substantially related to marriage and family interpersonal relationships.
_____ I am a MARCH Mediator.

Note that Missouri Supreme Court Rules require that the mediator have at least one current status for eligibility.

Hourly rate for mediation:	The undersigned, being duly sworn upon oath, states that he/she is the person completing the above information and that the facts stated herein are true according to his/her best knowledge and belief.
If you have mediator liability insurance, give the name of your insurer.	_____ Signature _____ Date

(MedReg 7/1/99)

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
FAMILY COURT DIVISION

In re the Matter of

_____
Petitioner

and Case No.:

_____
Respondent

FORM 15

Form 15 must be completed by Petitioner and filed no later than 60 days from the date of service, when a dissolution or motion to modify involves children.
Check all that apply:

1. ____ The parties have completed two hours of Rule 68.12 mediation as verified by the Notice of Mandatory Mediation Compliance.
2. ____ The parties have no disputes regarding parenting issues regarding the children.
3. ____ The required mediation under Rule 68.12 has been waived by order of the Court.
   IF YOU HAVE SELECTED 1, 2, OR 3 ABOVE, YOU NEED ONLY SIGN THE AFFIDAVIT BELOW AND FILE FORM 15. IF YOU CANNOT SELECT 1, 2 OR 3 ABOVE, PLEASE CONTINUE.
4. ____ The parties have a dispute regarding parenting issues and have not been to a mediator:
   a._____ Parties request court appointed mediator
   b._____ Parties request _____be appointed mediator
   Mediator's Address _____
   Mediator's Telephone _____
   c._____ Parties request MARCH mediation services (paternity cases, family access motions, and post-dissolution motions qualify for MARCH mediation services)
5. ____ There has been or there is a current Restraining Order or Protection From Abuse Order involving the parties or the child.

The Petitioner's mailing address is:
_____
_____
_____

The Respondent's mailing address is:
_____
_____
_____

Attorney for the Petitioner is:
Name_____
Address_____
Phone_____Fax_____

Attorney for the Respondent is:
Name_____
Address_____
Phone_____Fax_____

AFFIDAVIT

I hereby certify that the above *Response to Rule 68.12 Mediation of Child Custody and Visitation Disputes* is complete, true and accurate to the best of my knowledge and belief.

_____
Affiant- Petitioner/Respondent

Certificate of mailing: I hereby certify that a copy of the above and foregoing was mailed on this _____day of _____, 200__,

Signature:_____

[Effective July 1, 2003]

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
FAMILY COURT DIVISION

In the Matter of

_____
Petitioner

and

Case No: _____

_____
Respondent

NOTICE OF MANDATORY MEDIATION COMPLIANCE

Please check all that apply:

- ❑ The parties complied with the court order to mediate.
- ❑ An agreement ____was _____was not reached _____ parties continue in mediation.
- ❑ The Petitioner did not comply with the court order to mediate.
- ❑ The Respondent did not comply with the court order to mediate.
- ❑ The mediator requests leave to withdraw due to a conflict of interest.
- ❑ The differences of the parties were resolved prior to mediation.
- ❑ Not appropriate under M.A.R.C.H. Guidelines based on director's review.
- ❑ Other: _____

_____ _____
Mediator (print name) Date

_____
Mediator's signature

[Effective July 1, 2003]

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
FAMILY COURT DIVISION

In the Matter of

_____
Petitioner

and

Case No: _____

_____
Respondent

ORDER FOR MEDIATION AND APPOINTMENT OF MEDIATOR

IT IS HEREBY ORDERED that the parties in this cause shall complete mediation set forth in Local Court Rule 68.12 and in compliance with Supreme Court Rule 88 within 30 days of this order. Said mediation costs shall be at the expense of the parties.

IT IS FURTHER ORDERED that the appointed mediator in this cause shall be:

Mediator's Name:
Mediator's Address:

Mediator's Phone #:

IT IS FURTHER ORDERED that the parties shall immediately contact said mediator to schedule a time and place for the mediation to begin.

IT IS FURTHER ORDERED that the clerk forward a copy of this Order and a copy of Form 15 to counsel of record, to any unrepresented parties and to any mediator named above.

Date: _____

_____
JUDGE/COMMISSIONER
13TH JUDICIAL CIRCUIT COURT

Mediator hereby:

- ❑ Accepts Appointment
- ❑ Declines Appointment

[Effective July 1, 2003]

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

)
)
)
) Case Number _____
)
)

AFFIDAVIT AND PETITION FOR PERMISSION TO PROSECUTE CAUSE OF ACTION AS A POOR PERSON

_____, applicant, makes oath and deposes and states that _____ has a just and subsisting cause of action on which he or she brings suit against _____; that _____ is a poor person unable to pay the costs and expenses thereof; that the information set out below is a true and correct statement of _____ financial position.

Name _____ Age _____
Address _____
_____
Education _____
Marital Status _____
If married list name, address, and ages of spouse and children.
Spouse _____ Age _____
Child _____ Age _____
Child _____ Age _____
Child _____ Age _____

How long have you lived in Boone/Callaway County?_____
(circle one)
Where did you live previously?_____
How long?_____

Employment Information

Employer: _____
Address of employer: _____
Salary (before deductions): _____
If unemployed, how long unemployed? _____

Name of last employer: _____
Address of last employer: _____

Is your spouse employed?_____ If so, name and address of spouse's employer: _____
_____
Spouse's salary (before deductions): _____

Sources and Amount of All Other Income

_____ $ _____
_____ $ _____
_____ $ _____
_____ $ _____
_____ $ _____

List Value of the Following Assets

Real Estate	$ _____	Cash	$ _____
Bank Deposits	$ _____	Stocks and Bonds	$ _____
Savings Accounts	$ _____	Notes	$ _____
Inheritance from estate in probate	$ _____	Building and loan or savings and loan accounts	$ _____
Automobile (include make and year)	$ _____	Furniture	$ _____
Pension	$ _____	Other Assets	$ _____

List Amount of the Following Debts

Real estate mortgage	$ _____	Automobile mortgage	$ _____
Furniture mortgage	$ _____	Unsecured notes	$ _____
Other Debts	$ _____		

If you have an interest with another person in any of the above assets, list here:

_____
_____
_____

WHEREFORE, Petitioner prays the court to issue original writ, without fees, and to permit _____ to commence and prosecute _____ action as a poor person and have all necessary process and proceedings as in other cases without fees, tax, or charge.

_____

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me by _____ known to me to be the person who executed the above and foregoing Affidavit and Petition and who stated to me that _____ executed the same as _____ own free act and deed.

Done this _____ day of _____, 20____.

_____
NOTARY PUBLIC/CLERK

MY COMMISSION EXPIRES: _____

[Effective January 1, 1985. Amended September 2001]

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
PERSONS IN CUSTODY

_____	)	
Full Name of Plaintiff	)	
	)	
	)	
_____	)	
Prison Number	)	
	)	
vs.	)	Case Number _____
	)	
_____	)	
Defendant	)	

AUTHORIZATION FOR RELEASE OF INSTITUTIONAL ACCOUNT INFORMATION

I, _____, hereby authorize the presiding judge of the Thirteenth Judicial Circuit Court to obtain information from the institution at which I presently reside about deposits into and withdrawals from my accounts at this institution during the past six-month period. Such information will be used by the court to determine my eligibility to proceed in forma pauperis in my civil lawsuit.

_____ _____
DATE SIGNATURE OF PLAINTIFF

Subscribed and sworn to before me, the undersigned notary public, this _____ day of _____, 20_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES:_____

[EFFECTIVE JANUARY 1, 1985; AMENDED SEPTEMBER 2001]

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
PERSONS IN CUSTODY

_____	)	
Full Name of Plaintiff	)	
	)	
	)	
_____	)	
Prison Number	)	
	)	
vs.	)	Case Number _____
	)	
_____	)	
Defendant	)	

AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS

What is your mailing address? _____

_____

How long have you resided at the above address? _____

Where did you live prior to incarceration? (Give address) _____

_____

With whom did you live prior to incarceration? (State full names and relationship to you.)

Name	Relationship
_____	_____
_____	_____
_____	_____

Are you presently employed? (Include employment in prison and/or jail.) ☐ Yes ☐ No

If yes, answer the following questions: (Include employment in prison.)

What type of work do you do? _____

How long have you held this job? _____

What are your monthly wages? $_____

Have you been employed during the last six months? (Include employment in prison and/or jail.)

☐ Yes ☐ No If yes, answer the following questions: (Include employment in prison.)

What job(s) have you held?	How long did you hold each job?	What were your monthly wages for each job?
_____	_____	$ _____
_____	_____	$ _____
_____	_____	$ _____

How much money do you presently have in your inmate accounts? $ _____

Approximately how much money have you had in your inmate accounts over the past six (6) months? $ _____

Do you have money in a checking or savings account? ☐ Yes ☐ No

If yes, state the bank name(s) and total amount(s):

_____ $ _____

_____ $ _____

_____ $ _____

Have you received, within the past twelve (12) months, any money from the following sources? If so, state the amount received from each during the past twelve (12) months:

Business, profession, self-employment	$_____	Rent payments	$ _____
Interest or dividends	$_____	Pensions or disability payments	$ _____
Annuities or life insurance payments	$_____	Gifts	$ _____
Inheritances	$_____	Money judgments	$ _____
Worker's compensation	$_____	Tax refunds	$ _____

Any other sources (identify each source and amount): _____

_____

Did you file a federal or state income tax return last year? ☐ Yes ☐ No

If so, please attach a copy of it or W-2 forms for that year.

Do you own or have you owned, within the past twelve (12) months, any of the following property?

Real Estate: ☐ Yes ☐ No Stocks or bonds: ☐ Yes ☐ No

Promissory notes: ☐ Yes ☐ No Automobiles: ☐ Yes ☐ No

Any other valuable property? ☐ Yes ☐ No

If the answer to any of the above is yes, describe the property and state its approximate value.

Description of Property	Approximate Value
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____

If you are presently married, answer the following questions:

What is your spouse's name? _____

What is your spouse's address? _____

_____

What are your spouse's sources of income?	Monthly Amount
_____	$ _____
_____	$ _____

What property does your spouse own? _____

_____

_____

Are your parents living? ☐ Yes ☐ No If yes, answer the following questions:

Father's name: _____ Mother's name: _____

Father's address: _____ Mother's address: _____

_____ _____

_____ _____

What are your father's sources of income?

_____

_____

What are your mother's sources of income?

_____

_____

What property does your father own? _____

_____

What property does your mother own? _____

_____

Do you have children or other dependants? ☐ Yes ☐ No
If yes, state their names, ages and relationship to you:

Child / Dependant	Age	Relationship

Do you provide money for the support of any person? ☐ Yes ☐ No
If yes, state the name(s) and the amount of the support you provide:

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

Have you ever filed any civil lawsuits other than this one? ☐ Yes ☐ No
If yes, answer the following:

Defendant's name	Type of lawsuit filed	Court where filed	Date filed

List the names of all attorneys who represented you in the civil cases you described above:

Attorney's name	Case(s) handled	Dates of representation

Who is (are) the defendant(s) in the present lawsuits you wish to file?_____

_____

_____

In what capacity did you know or deal with the defendant(s) in the present lawsuit you wish to file?

_____

_____

_____

What type of lawsuit do you wish to file?_____

_____

_____

On what witnesses do you expect to rely in order to prove your case? State their names, addresses and the subject matter of their expected testimony:

Name _____ Subject _____

Address _____ _____

_____ _____

Name _____ Subject _____

Address _____ _____

_____ _____

Name _____ Subject _____

Address _____ _____

_____ _____

Name _____ Subject _____

Address _____ _____

_____ _____

On what evidence do you expect to rely in order to prove your case? Describe such evidence:

_____

_____

_____

In what court(s) were you convicted of crimes?	State the location of each such court.
_____	_____
_____	_____
_____	_____

Of what crimes have you been convicted?	Sentence received
_____	_____
_____	_____
_____	_____

On what date do you expect to be released from custody? _____

_____
Signature of Plaintiff

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me by _____ known to me to be the person who executed the above and foregoing Affidavit and Petition and who stated to me that _____ executed the same as _____ own free act and deed.

Done this _____ day of _____, 20____.

_____
NOTARY PUBLIC/CLERK

MY COMMISSION EXPIRES: _____

[Effective January 1, 1985; Amended September 2001]

901 /SKT H:\MM\\LOCRULES\APPENDIX\FORMAPAU.DOC

STATE OF MISSOURI)
) ss.
COUNTY OF)

BOND ASSIGNMENT

My name is _____

I reside at _____

I hereby assign to _____
(print name of assignee)

Whose address is _____

all my rights, title and interest in a cash bond posted with the circuit court of

☐ Boone County ☐ Callaway County

on the _____ day of _____, 20____ for release pending trial on the charge(s) of

_____

The cash bond is in the amount of $_____; a copy of the receipt for the cash bond posted is attached hereto. I understand that if I am found guilty of the charge(s) noted above, all assessments against me, including fines, court costs, restitution and any other related fees ordered by the judge including any amounts owed in other cases, may be deducted from the cash bond before any money is delivered to the assignee. It is therefore my request that the custodian of the cash bond deliver same to

_____ and I hereby release the custodian of the cash bond from all
(print name of assignee)

liability.

_____
(Defendant print name)

_____
(Defendant's signature)
Date:_____

IN THE CIRCUIT COURT OF _____COUNTY, MISSOURI

Judge or Division:	**Case Number:**
Affiant: (Name and Address)	Corporation/Surety: (Name and Address)

(Date File Stamp)

Monthly Affidavit of Qualifications
(Attorney-In-Fact)

I, being duly sworn, swear that:

1. I am the attorney-in-fact for the above-noted corporation/surety, which is duly licensed to conduct the business of suretyship in the state of Missouri.

2. This statement is being given for the purpose of establishing my qualifications to sign bonds as attorney-in-fact.

3. My financial condition has not changed materially in any respect since the filing of the general affidavit of qualifications and questionnaire with this court on _____, 20_____, and the facts set out in that general affidavit and questionnaire and material to my qualifications as surety remain as stated therein.

   NOTE: If there has been a change in the information shown on the questionnaire, a new General Affidavit-Questionnaire (Bondsman) must be filed.

4. My total assets as approved by the court are $_____. My total bonding authority is therefore $_____. The highest amount of one bond can be up to and including $_____. The total amount of bonds which I currently have outstanding is $_____.

_____
Affiant

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Notary Public

It is a Class A Misdemeanor for any person, with purpose to mislead any public servant in the performance of his duty, to make a false affidavit by swearing falsely to a fact which is material to the purpose for which said affidavit is made. (Sec. 575.050, RSMo.) A fact is material if it could or did substantially affect the course or outcome of a cause, matter, or proceeding.

TRANSACTION PAYMENT FEE SCHEDULE FOR CASH BONDS

CHARGE AMOUNT			FEE
$ 1.00	--	$ 200.00	$ 20.00
$ 200.01	--	$ 300.00	$ 30.00
$ 300.01	--	$ 400.00	$ 40.00
$ 400.01	--	$ 500.00	$ 50.00
$ 500.01	--	$ 750.00	$ 75.00
$ 750.01	--	$ 1,000.00	$ 95.00
$ 1,000.01	--	$ 1,500.00	$ 110.00
$ 1,500.01	--	$ 1,750.00	$ 125.00
$ 1,750.01	--	$ 2,000.00	$ 145.00
$ 2,000.01	--	$ 2,250.00	$ 180.00
$ 2,250.01	--	$ 2,500.00	$ 200.00
$ 2,500.01	--	$ 2,750.00	$ 220.00
$ 2,750.01	--	$ 3,000.00	$ 240.00
$ 3,000.01	--	$ 4,000.00	$ 320.00
$ 4,000.01	--	$ 5,000.00	$ 400.00
$ 5,000.01	--	$ 6,000.00	$ 480.00
$ 6,000.01	--	$ 7,000.00	$ 560.00
$ 7,000.01	--	$ 8,000.00	$ 640.00
$ 8,000.01	--	$ 9,000.00	$ 720.00
$ 9,000.01	--	$ 10,000.00	$ 800.00

$ 10,000.01 and up, please call CourtMoney.com at 1-877-222-0377

TRANSACTION PAYMENT FEE SCHEDULE FOR FINES AND OTHER FEES

CHARGE AMOUNT	FEE
$ 0.00 -- $ 50.00	$2.00
$50.01 -- and up	4%

IN THE THIRTEENTH JUDICIAL CIRCUIT OF MISSOURI
EN BANC

IN RE: **Filing Fees and Costs**
03-16

ORDER

IT IS HEREBY ORDERED that Administrative Order 11-15 is repealed effective October 1, 2016.

It is further ordered that in all cases, except actions filed by a unit of government, the schedule for filing fees and cost deposits is listed in the document attached to this Administrative Order.

Done this 1st day of October, 2016.

_____
Christine Carpenter
Presiding Judge

Updated October 1, 2016

CIVIL

Small Claims - up to $5,000 (service by certified mail)		**$31.05**
CLERK FEE	$10.00	
SHERIFF'S RETIREMENT	3.00	
COURT AUTOMATION	7.00	
CERTIFIED MAIL	11.05	
(each additional deft add $11.05 for certified mail)		
Small Claims - up to $5,000 (service by Boone or Callaway sheriff*)		**$50.00**
CLERK FEE	$10.00	
SHERIFF'S RETIREMENT	3.00	
COURT AUTOMATION	7.00	
SHERIFF	30.00*	
(each additional deft add $30.00 for service)		
Associate Civil (service by Boone or Callaway sheriff*)		**$63.00**
CLERK FEE	$15.00	
SHERIFF'S RETIREMENT	3.00	
COURT AUTOMATION	7.00	
BASIC LEGAL SERVICE FUND	8.00	
SHERIFF	20.00*	
SHERIFF'S SALARY SUPPORT	10.00	
(each additional deft add $30.00 for service)		
Associate Civil (service by out of county sheriff or special process server)		**$33.00**
CLERK FEE	$15.00	
SHERIFF'S RETIREMENT	3.00	
COURT AUTOMATION	7.00	
BASIC LEGAL SERVICE FUND	8.00	
Circuit Civil (service by Boone or Callaway sheriff*)		**$130.00**
CLERK FEE	$45.00	
COURT REPORTER	15.00	
DOMESTIC VIOLENCE SHELTER FUND	2.00	
LAW LIBRARY	15.00	
SHERIFF'S RETIREMENT	3.00	
COURT AUTOMATION	7.00	
DOMESTIC RELATION RESOLUTION FUND	3.00	
BASIC CIVIL LEGAL SERVICE FUND	10.00	
SHERIFF	20.00*	
SHERIFF'S SALARY SUPPORT	10.00	
(each additional deft add $30.00 for service)		
Circuit Civil (service by out of county sheriff or special process server)		**$100.00**
CLERK FEE	$45.00	
COURT REPORTER	15.00	
DOMESTIC VIOLENCE SHELTER FUND	2.00	
LAW LIBRARY	15.00	
SHERIFF'S RETIREMENT	3.00	
COURT AUTOMATION	7.00	
DOMESTIC RELATION RESOLUTION FUND	3.00	
BASIC CIVIL LEGAL SERVICE FUND	10.00	

Updated October 1, 2016

FAMILY COURT

Dissolution /Legal Separation (service by Boone or Callaway sheriff*)	**$162.00**
CLERK FEE $45.00 **COURT REPORTER** 15.00 **DOMESTIC VIOLENCE SHELTER FUND** 2.00 **LAW LIBRARY** 15.00 **SHERIFF'S RETIREMENT** 3.00 **FAMILY COURT** 30.00 **COURT AUTOMATION** 7.00 **DOMESTIC RELATION RESOLUTION FUND** 3.00 **CASA SURCHARGE** 2.00 **BASIC CIVIL LEGAL SERVICE FUND** 10.00 **SHERIFF** 20.00* **SHERIFF'S SALARY SUPPORT** 10.00 (involving children add $60.00 for Focus on Kids fee; if publication is needed add $100.00 in Boone, contact Callaway Family Court Clerk for costs**)	
Dissolution/Legal Separation (service by out of county sheriff or special process server)	**$132.00**
CLERK FEE $45.00 **COURT REPORTER** 15.00 **DOMESTIC VIOLENCE SHELTER FUND** 2.00 **LAW LIBRARY** 15.00 **SHERIFF'S RETIREMENT** 3.00 **FAMILY COURT** 30.00 **COURT AUTOMATION** 7.00 **DOMESTIC RELATION RESOLUTION FUND** 3.00 **CASA SURCHARGE** 2.00 **BASIC CIVIL LEGAL SERVICE FUND** 10.00 (involving children add $60.00 for Focus on Kids fee; if publication is needed add $100.00 in Boone, contact Callaway Family Court Clerk for costs**)	
Motions to Modify (service by Boone or Callaway sheriff*)	**$162.00**
CLERK FEE $45.00 **COURT REPORTER** 15.00 **DOMESTIC VIOLENCE SHELTER FUND** 2.00 **LAW LIBRARY** 15.00 **SHERIFF'S RETIREMENT** 3.00 **FAMILY COURT** 30.00 **COURT AUTOMATION** 7.00 **DOMESTIC RELATION RESOLUTION FUND** 3.00 **CASA SURCHARGE** 2.00 **BASIC CIVIL LEGAL SERVICE FUND** 10.00 **SHERIFF** 20.00* **SHERIFF'S SALARY SUPPORT** 10.00 (involving children add $60.00 for Focus on Kids fee; if publication is needed add $100.00 in Boone, contact Callaway Family Court Clerk for costs**)	
Motions to Modify (service by out of county sheriff or special process server)	**$132.00**
CLERK FEE $45.00 **COURT REPORTER** 15.00 **DOMESTIC VIOLENCE SHELTER FUND** 2.00	

LAW LIBRARY	15.00		
SHERIFF'S RETIREMENT	3.00		
FAMILY COURT	30.00		
COURT AUTOMATION	7.00		
DOMESTIC RELATION RESOLUTION FUND	3.00		
CASA SURCHARGE	2.00		
BASIC CIVIL LEGAL SERVICE FUND	10.00		
(involving children add $60.00 for Focus on Kids fee; if publication is needed, add $100.00 in Boone, or contact Callaway Family Court Clerk for costs**)			
Change of Name		**Boone $185.00**	**Callaway $208.00**
CLERK FEE	$45.00		
COURT REPORTER	15.00		
DOMESTIC VIOLENCE SHELTER FUND	2.00		
LAW LIBRARY	15.00		
SHERIFF'S RETIREMENT	3.00		
FAMILY COURT	30.00		
COURT AUTOMATION	7.00		
DOMESTIC RELATION RESOLUTION FUND	3.00		
BASIC CIVIL LEGAL SERVICE FUND	10.00		
PUBLICATION **			
BOONE	55.00		
CALLAWAY – contact Callaway Family Court Clerk for costs			
Family Access Motion (service by Boone or Callaway sheriff *)			**$162.00**
CLERK FEE	$45.00		
COURT REPORTER	15.00		
DOMESTIC VIOLENCE SHELTER FUND	2.00		
LAW LIBRARY	15.00		
SHERIFF'S RETIREMENT	3.00		
FAMILY COURT	30.00		
COURT AUTOMATION	7.00		
DOMESTIC RELATION RESOLUTION FUND	3.00		
CASA SURCHARGE	2.00		
BASIC CIVIL LEGAL SERVICE FUND	10.00		
SHERIFF	20.00*		
SHERIFF'S SALARY SUPPORT	10.00		
Family Access Motion (service by out of county sheriff or special process server)			**$132.00**
CLERK FEE	$45.00		
COURT REPORTER	15.00		
DOMESTIC VIOLENCE SHELTER FUND	2.00		
LAW LIBRARY	15.00		
SHERIFF'S RETIREMENT	3.00		
FAMILY COURT	30.00		
COURT AUTOMATION	7.00		
DOMESTIC RELATION RESOLUTION FUND	3.00		
CASA SURCHARGE	2.00		
BASIC CIVIL LEGAL SERVICE FUND	10.00		

Filing Fees

Updated October 1, 2016

Adoption w/publication		**Boone $450.00**	**Callaway $310.00**
CLERK FEE	**$** 45.00		
COURT REPORTER	15.00		
DOMESTIC VIOLENCE SHELTER FUND	2.00		
GUARDIAN AD LITEM	100.00		
LAW LIBRARY SURCHARGE	15.00		
SHERIFF'S RETIREMENT	3.00		
FAMILY COURT	30.00		
COURT AUTO	7.00		
DOMESTIC RELATION RESOLUTION FUND	3.00		
BASIC CIVIL LEGAL SERVICE FUND	10.00		
PUTATIVE FATHER REG FEE	50.00		
RECORDS CHECK	BOONE: 20.00		
MO DEPT OF HEALTH	30.00		
PUBLICATION**	BOONE: 100.00		
SHERIFF'S SALARY SUPPORT	10.00		
SHERIFF'S SERVICE			
BOONE	20.00*		
(each additional child add $30.00)			
CALLAWAY – contact Callaway Family Court Clerk for costs			
Adoption w/o publication		**$350.00**	**$310.00**
CLERK FEE	**$** 45.00		
COURT REPORTER	15.00		
DOMESTIC VIOLENCE SHELTER FUND	2.00		
GUARDIAN AD LITEM	100.00		
LAW LIBRARY SURCHARGE	15.00		
SHERIFF'S RETIREMENT	3.00		
FAMILY COURT	30.00		
COURT AUTO	7.00		
DOMESTIC RELATION RESOLUTION FUND	3.00		
BASIC CIVIL LEGAL SERVICE FUND	10.00		
PUTATIVE FATHER REG FEE	50.00		
RECORDS CHECK	BOONE: 20.00		
	CALLAWAY: N/A		
MO DEPT OF HEALTH	30.00		
SHERIFF'S SALARY SUPPORT	10.00		
SHERIFF'S SERVICE			
BOONE	20.00*		
(each additional child add $30.00)			
CALLAWAY– contact Callaway Family Court Clerk for costs			

MISC FEES

Trial de Novo for Associate Division	**$45.00**
Trial de Novo and/or Request for Jury Trial from Municipal Division	**$30.00**
Mechanics Lien	**$5.00**
Execution/Eviction by Sheriff	**$30.00**
Execution/Garnishment	**$30.00**
Execution/Garnishment to be served in a county other than the county in which	**-0-**

it is filed, a business check or money order made payable to the county in which it is being served.	
Subpoenas (civil case only) to be served by Boone County Sheriff *	**$20.00**
Subpoenas (civil case only) to be served by Callaway County Sheriff*	**$30.00**
Focus on Kids	**$60.00**
Focus on Kids online	**$70.00**
Alias Summons for Small Claims, Associate & Circuit cases to be served by the Boone or Callaway County Sheriff *	**$30.00**
Notice of Appeal	**$70.00**
Publication** CONTACT THE CIRCUIT CLERK'S OFFICE	
Certified Mail/Return Receipt	**$8.00**
Certified Mail/Return Receipt/Restricted Deliver	**$11.05**
Copy Fees	
--No charge shall be assessed for copies of documents furnished to or facsimile filings by any city or county office or to any state agency or department -- No charge shall be assessed for the first copy of the judgment	
Photocopies and microfilm copies	**1st page $ 1.00**
	Each add page .10
Facsimile filings	**1st page 1.00**
	Each add page .10
Criminal Records check	
Name Search	**$ 10.00**
Fingerprint Search-Missouri	**$ 20.00**
Fingerprint search pursuant to 210.481, 210.487, or 571.101 RSMo-Missouri	**$ 14.00**
Fingerprint search-Federal volunteer--prior to 10-1-07	**$ 18.00**
Fingerprint search-Federal volunteer—after 10-1-07	**$ 15.25**
Department of Health and Senior Services Caregiver Background Check	**$ 10.00**
FTR Recordings to CD	**$25.00**

***There may be additional costs for sheriff's mileage if served out of city limits of the county seat.**

**** Please contact the Boone or Callaway Circuit Clerk's Office for publication rates.**

Additional Cost Deposit

The court, in particular matters, may require, at any time, an additional cost deposit to cover the accrued or estimated future costs.

Updated October 1, 2016

DECEDENT'S ESTATES	Boone	Callaway
Testate – With Will	**$ 185.00 +Publication**	**$ 183.00 +Publication**
CLERK FEE $ 115.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 ADMIT WILL 35.00 PUBLICATION - Contact the Boone or Callaway Clerk's Probate Office for Publication Rate at Time of Filing		
Intestate – No will	**$ 150.00 +Publication**	**$ 148.00 + Publication**
CLERK FEE $ 115.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 PUBLICATION - Contact the Boone or Callaway Clerk's Probate Office for Publication Rate at Time of Filing		
Decedent's Annual Fee		**$ 30.00**
Additional Clerk Fee – Decedent's Final Inventory		
An additional clerk fee should be assessed and collected on each decedent's estate when the final inventory is filed with the court. These costs should not be paid until the inventory is filed. This fee is in addition to the clerk fee assessed and collected when the case is filed. The fee amount is based on the final inventory value (over $50,000), as follows: Value — Fee $ 50,001 - $100,000 — $ 50.00 $100,001 - $150,000 — $100.00 $150,001 - $200,000 — $150.00 $200,001 - $250,000 — $200.00 $250,001 - $300,000 — $250.00 $300,001 - $350,000 — $300.00 $350,001 - $400,000 — $350.00 $400,001 - $450,000 — $400.00 Over $450,000 — $450.00		

GUARDIANSHIP AND CONSERVATORSHIP – Incapacitated and Disabled

	Boone	Callaway
Fingerprint Search- Per Petitioner	**$ 30.75**	**Not available**

Guardianship: Incapacitated	**$ 390.00**	**$ 388.00**
CLERK FEE $ 75.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 GUARDIAN AD LITEM DEPOSIT 250.00 SHERIFF'S SERVICE 20.00 SHERIFF'S SURCHARGE 10.00		
Guardianship and/or Conservatorship: Incapacitated & Disabled	**$ 490.00**	**$ 388.00 +Publication**
CLERK FEE $ 75.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 GUARDIAN AD LITEM DEPOSIT 250.00 SHERIFF'S SERVICE 20.00 SHERIFF'S SURCHARGE 10.00 PUBLICATION BOONE 100.00 CALLAWAY – Contact the Probate Clerk for Publication Rate at Time of Filing		
Successor Guardianship and/or Conservatorship of Adult		**$ 325.00**
CLERK FEE $ 75.00 GUARDIAN AD LITEM DEPOSIT 250.00		
Conservatorship Annual Fee		**$ 30.00**
Dispense with Administration of an Estate of an Incapacitated or Disabled person, Now Deceased/Close under the Conservatorship Estate	**$ 70.00**	**$ 68.00**
GUARDIANSHIP AND CONSERVATORSHIPS – Minor		
Fingerprint Search- Per Petitioner	**$ 30.75**	**Not available**
Guardianship and/or Conservatorship	**$ 345.00**	**$ 343.00**
CLERK FEE $ 60.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 GUARDIAN AD LITEM DEPOSIT 250.00 **Additional Costs required if:** Publication if one or both parents' whereabouts are unknown PUBLICATION FEE BOONE 100.00		

PUBLICATION FEE CALLAWAY - Contact Probate Clerk for Publication Rate at Time of Filing SHERIFF'S SERVICE 20.00 SHERIFF'S SURCHARGE 10.00		
Successor Guardianship and/or Conservatorship of Minor		**$ 310.00**
CLERK FEE $ 60.00 GUARDIAN AD LITEM DEPOSIT 250.00		
Conservatorship Annual Fee		**$ 25.00**
ALL OTHER PROBATE		
Affidavit to Establish Title/Small Estate *If admitting a **Will, add $35.00** to the fee. **Assets **greater than $15,000, add Publication** fee.	**$ 70.00 +Publication**	**$ 68.00 +Publication**
CLERK FEE $ 35.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 *ADMIT WILL 35.00 ** PUBLICATION - Contact the Boone or Callaway Clerk's Probate Office for Publication Rate at Time of Filing		
Determination of Heirship	**$ 70.00 +Publication**	**$ 68.00 +Publication**
CLERK FEE $ 35.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 CERTIFIED MAIL-PER PERSON 10.00 PUBLICATION - Contact the Boone or Callaway Clerk's Probate Office for Publication Rate at Time of Filing		
Dispense with Conservatorship of a Minor	**$ 70.00**	**$ 68.00**
Refusal of Letters (Creditor, Spousal & Minor)	**$ 70.00**	**$ 68.00**
Safe Deposit Box /Will Search	**$ 70.00**	**$ 68.00**
Admit Will to Probate (No other proceedings)	**$ 70.00**	**$ 68.00**
CLERK FEE $ 35.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00		
Trust – Action	**$ 80.00**	**$ 78.00**
CLERK FEE $ 45.00 SHERIFF RETIREMENT FUND 3.00		

COURT AUTOMATION FUND 7.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00			
Notice of Appeal			**$ 70.00**
NOTICE OF APPEAL $ 50.00 BASIC CIVIL LEGAL SERVICES FUND SURCHARGE 20.00			
Trust – Registration only		**No Fee**	**No Fee**
Mental Health 96 Hour Involuntary Hospitalization		**$ 100.00**	**$ 135.50**
CLERK FEE $ 35.00 COURT AUTOMATION FUND 7.00 SHERIFF'S RETIREMENT FUND 3.00 BASIC CIVIL LEGAL SERVICES FUND BOONE: 10.00 CALLAWAY: 8.00 LAW LIBRARY SURCHARGE 15.00 SHERIFF SERVICE 20.00 SHERIFF SURCHARGE 10.00 * For Callaway Sheriff, Mileage is Included			
Deposit of Will for Safekeeping			**$ 3.00**
Deposit of Will of Deceased Person for Safekeeping			**$ 0.00**
Discovery of Assets-Per Person			**$ 30.00**
SHERIFF SERVICE - SUMMON/SUBPOENA $ 20.00 SHERIFF SURCHARGE 10.00			
COPY FEES			
Certified and Authenticated Copies	PER PAGE PER SEAL		**$ 1.00** **$ 1.50**
Photocopies	FIRST PAGE EACH ADDITIONAL PAGE		**$ 1.00** **$ .10**
Photocopies before 1900's	PER PAGE		**$ 1.00**
Clerical Time	PER/MINUTE		**$ .20**

Please contact the Probate Division for publication rates.

Dismissal of application for letters of any kind of case, or dismissal of application before hearing will not result in a refund.

<u>Additional Cost Deposit</u>

The court, in particular matters, may require, at any time, an additional cost deposit to cover the accrued or estimated future costs.

Auto Wreck Case - Defendant

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
Defendant(s).	)	

DEFENDANT'S INTERROGATORIES DIRECTED TO PLAINTIFF

Comes now defendant and in accordance with the Missouri Rules of Civil Procedure, exhibits the following interrogatories to be answered by plaintiff under oath within thirty (30) days.

1. Please state:

   (a) The name and address of the person or persons answering these interrogatories;
   (b) His/her relationship to plaintiff; and,
   (c) His/her position of employment.

ANSWER:

2. Background Information:

   Please state:
   (a) Plaintiff's full name;
   (b) Name of plaintiff's spouse and date of marriage;
   (c) Plaintiff's maiden name, if applicable;
   (d) Plaintiff's age and date of birth;
   (e) Plaintiff's Social Security number;
   (f) Plaintiff's present address;
   (g) Any other address at which plaintiff has lived during the past five years;
   (h) Plaintiff's present employer's name and position of employment; and,
   (i) Previous employers' names for the past five years and the dates of employment there.
   (j) Whether or not at the time of the collision referred to in plaintiff's petition, this plaintiff was performing any business task or job at the request of or on behalf of plaintiff's employer, and if so, please state the nature of the task or job being performed and the name of the employer.

ANSWER:

3. Statements:

Are you aware of any statement made by defendant (or its employees) regarding the occurrence mentioned in the petition, whether oral, written, or recorded in any way, including but not limited to, a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:

(a) Date, place, and time taken;
(b) Name and address of the person or persons connected with taking it;
(c) Names and addresses of all persons present at the time it was taken;
(d) Whether the statement was oral, written, shorthand, recorded, taped, etc.;
(e) Was it signed?
(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
(g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. Photographs:

State whether there exists photographs, videotapes, or movies with respect to the automobiles or scene of the occurrence mentioned in the petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this plaintiff expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
    (i) Name;
    (ii) Address;
    (iii) Occupation;
    (iv) Place of employment;
    (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by plaintiff, plaintiff's representatives or plaintiff's attorney, to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. Criminal Record:

State whether plaintiff has ever pleaded guilty to or has ever been convicted of a felony or misdemeanor, (State or Federal) and if your answer is in the affirmative, please state:

(a) The date of any such plea or conviction;
(b) The state and county where said plea or conviction occurred; and,
(c) The offense for which plaintiff pled guilty or were convicted.

ANSWER:

8. Destination, etc.:

State where plaintiff was coming from and the place of plaintiff's destination at the time of the collision in question.

ANSWER:

9. Auto Ownership and Property Damage:

(a) State the name and address of any and all registered or equitable owners of the vehicle being operated by plaintiff at the time of the occurrence in question.
(b) State whether repair estimates were obtained or the vehicle was repaired, and if so, please state the amounts of any estimates and/or repair costs and the names and addresses of each person or company who prepared an estimate or repaired the vehicle.

ANSWER:

10. Violations:

State whether plaintiff or plaintiff's representatives was/were convicted of or pleaded guilty to any violation arising out of the collision in question, and if so, state the charges to which such person was convicted or pled guilty, the name and address of the court where same occurred, the date of final disposition, and the cause number for each such plea or conviction.

ANSWER:

11. Alcohol, etc.:

State whether the plaintiff consumed alcoholic beverages, medication, or prescription or non-prescription drugs within a ten (10) hour period prior to the collision in question, and if so, state the names and addresses of the places where said alcoholic beverages, medication or drugs were consumed and described the quantity and type of drinks, medication or drugs which were consumed in said period of time.

ANSWER:

12. Injuries:

State the parts of plaintiff's body, if any, injured in the occurrence mentioned in the petition, and for *each part* of his/her body so injured state the following:

(a) The date of onset of any symptoms claimed to be related to each such alleged injury;

(b) Whether plaintiff continues to have complaints with respect to that part of his/her body.

ANSWER:

13. Other Illnesses or Injuries:

Has plaintiff had any illnesses, impairment or injuries to the parts of the body injured in the occurrence mentioned in the petition, either before or after the collision that is the subject of this lawsuit?

ANSWER:

If you answered "YES" to this question, please state the following for *each injury*:

(a) The date sustained or suffered;
(b) The parts of the body involved;
(c) The nature or type;
(d) The name and address of each health care provider who treated or examined plaintiff.

ANSWER:

14. Claims and Lawsuits:

Has plaintiff ever filed another lawsuit, made a claim for bodily injury, or filed a workers' compensation claim?

ANSWER:

If you answered "YES" to this question, please state the following for each claim or lawsuit:

(a) The date filed or lodged;
(b) The nature or type of lawsuit or claim
(c) The name of the court, commission or other body in which the claim or lawsuit was brought;
(d) The illnesses, injuries or physical condition alleged;
(e) State whether any money was received, whether by settlement or trial, and if so, the amount; and,
(f) The names and addresses of all health care providers who treated plaintiff or examined plaintiff for the claim or lawsuit.

ANSWER:

15. Settlements:

Has plaintiff received any settlement monies or other thing of value from any person, company, firm, corporation or association involved in this occurrence as a settlement, in whole or in part, of your claim?

ANSWER:

If you answered "YES" to this question, please state the following:

(a) The name and address of the person, firm, association, company or corporation from whom any such settlement was made;
(b) The name and address of the person, firm, association, company or corporation on whose behalf any such settlement was made;
(c) The amount or value of any such settlement;
(d) Whether any forms or papers (settlement documents) were executed, excluding statements of the facts, and describe and identify the nature of any such papers or documents;
(e) If you do not possess or have access to the papers or forms (settlement documents) mentioned in Number (d) above, then state the name and address of the person, firm, association, company or corporation that has possession of said papers or forms (settlement documents).

ANSWER:

16. Amount Claimed:

Pursuant to R.S.Mo. 509.050, what dollar amount of damages is plaintiff seeking as compensation for your injuries? Please specify the personal injury damages and property damages claimed.

ANSWER:

17. Medical Care:

State the names and addresses of all doctors, hospitals or health care providers who have treated examined or attended plaintiff since the occurrence in question and because of it, and for *each* listed, please state:

(a) The amount of the bill from each such health care provider for services rendered because of the occurrence in question;

(b) The number of visits and the specific dates of each visit plaintiff has made to each of these health care providers because of the occurrence;
(c) The conditions for which plaintiff was examined or treated; and,
(d) If you claim that plaintiff received a medical examination, care or treatment because of the occurrence mentioned in the petition, please sign and return the attached medical authorization, after inserting the names and address of the doctors, hospitals or health care providers.

ANSWER:

18. Medicare

Please state whether any medical expenses or other financial losses incurred by you as a result of the occurrence alleged in your pleadings have been paid by Medicare, Medicaid, Social Services, or any other governmental agency or insurance policy. If so, please state the following:

(a) The name, address and telephone numbers of the healthcare provider, agency or person which or who was paid;
(b) The date and amount of payment;
(c) The name of the agency or person making payment;
(d) Provide your date of birth;
(e) Provide your social security number;
(f) Provide your HIGH (Health Insurance Claim Number); and
(g) Provide a copy of your insurance card.

[NOTE: This information is requested in order to comply with the new Medicare rules. The information is required of any reporting entity to report such information to Medicare or large monetary penalties can result from noncompliance; in this case, the reporting entity is the insurance carrier which provides coverage in this case. 42 U.S.C. §1395y(b)(8); 42 U.S.C. §1862(b)(2)(B)(iii); *see* June 2008 Memo from the Centers for Medicare and Medicaid, attached hereto as exhibit "A."]

ANSWER:

19. Lost Wages:

Does plaintiff claim a loss of earnings, wages or income as a result of the occurrence? If so, please state:

(a) The name and address of plaintiff's employer at the time of the occurrence.
(b) The rate of pay with that employer;
(c) The amount of plaintiff's claim and show exactly how that amount was calculated;
(d) List each day, by specific date, that plaintiff claims he/she has been unable to work because of the occurrence;
(e) If plaintiff had a loss of income other than missing time from work, state the amount of the loss, the nature of the loss, and how the amount of the loss was calculated; and,

(f) Please sign the attached employer authorization and insert the name and address of the employer.

ANSWER:

20. Property Damage:

Is plaintiff making any claim for property damages? If so, please state:

(a) The name and address of any and all registered or equitable owners of the vehicle being operated by plaintiff at the time of the occurrence in question; and,

(b) Whether repair estimates were obtained or the vehicle was repaired, and if so, please state the amounts of any estimates and/or repair costs and the names and addresses of person or company who prepared an estimate or repaired the vehicle.

ANSWER:

21. Disability Benefits

State whether Plaintiff has ever applied for any type of disability benefit from any entity (governmental, insurance, employer). If so, please state the following:

(a) The date of each application;
(b) The name and address of the entity;
(c) The nature of the injury causing disability;
(d) Whether any disability benefits were ever received;
(e) Whether Plaintiff has (or anticipates) refiling or appealing a denial of benefits; and
(f) When any payment of benefits began.

ANSWER:

22. Mechanical Defects:

State whether a claim is made that there was a mechanically defective condition or mechanical failure of the vehicle being operated by plaintiff at the time of the collision in question which contributed to cause the collision in question and if so, state the nature of said mechanically defective condition of the vehicle and what actually occurred to contribute to the cause of the accident in question.

ANSWER:

23. Application Statements:

State whether plaintiff has made any written statements or given information regarding plaintiff's physical condition in connection with any application for employment or insurance since the date of the collision and if so, please state:

(a) The name and address of the party to whom the statement was given; and,
(b) The date of the statement.

ANSWER:

Auto Wreck Case - Plaintiff

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____	)	
Plaintiff,	)	
	)	
vs.	)	Case No. _____
	)	
_____	)	
Defendants.	)	

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff and in accordance with the Missouri Rules of Civil Procedure, exhibits the following interrogatories to be answered by defendant under oath within thirty (30) days.

1. Please state:

   (a) The name and address of the person or persons answering these interrogatories;
   (b) His/her relationship to defendant; and,
   (c) His/her position of employment.

ANSWER:

2. Background Information:

   Please state:
   (a) Defendant's full name;
   (b) Name of defendant's spouse;
   (c) Defendant's maiden name, if applicable;
   (d) Defendant's age and date of birth;
   (e) Defendant's Social Security number;
   (f) Defendant's present address;
   (g) Any other address at which defendant has lived during the past five years;
   (h) Defendant's present employer's name and position of employment; and,
   (i) Previous employers' names for the past five years and the dates of employment there.

ANSWER:

3. Statements:

Are you aware of any statement made by plaintiff (or its employees) regarding the occurrence mentioned in the petition, whether oral, written, or recorded in any way, including but not limited to,

a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:

(a) Date, place, and time taken;
(b) Name and address of the person or persons connected with taking it;
(c) Names and addresses of all persons present at the time it was taken;
(d) Whether the statement was oral, written, shorthand, recorded, taped, etc.;
(e) Was it signed?
(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
(g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. Photographs:

State whether there exists photographs, videotapes, or movies with respect to the automobiles or scene of the occurrence mentioned in the petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this defendant expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
    (i) Name;
    (ii) Address;
    (iii) Occupation;
    (iv) Place of employment;
    (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,
(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by defendant, defendant's representatives or defendant's attorney, to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. Criminal Record:

State whether defendant has ever pleaded guilty to or has ever been convicted of a felony or misdemeanor, (State or Federal) and if your answer is in the affirmative, please state:

(a) The date of any such plea or conviction;
(b) The state and county where said plea or conviction occurred; and,
(c) The offense for which defendant pled guilty or was convicted.

ANSWER:

8. Destination, Etc.:

State where defendant was coming from and the place of defendant's destination at the time of the collision in question.

ANSWER:

9. Auto Ownership and Property Damage:

(a) State the name and address of any and all registered or equitable owners of the vehicle being operated by defendant at the time of the occurrence in question.

(b) State whether repair estimates were obtained or the vehicle was repaired, and if so, please state the amounts of any estimates and/or repair costs and the names and addresses of each person or company who prepared an estimate or repaired the vehicle.

ANSWER:

10. Violations:

State whether defendant or defendant's representatives was/were convicted of or pleaded guilty to any violation arising out of the collision in question, and if so, state the charges to which

such person was convicted or pled guilty, the name and address of the court where same occurred, the date of final disposition, and the cause number for each such plea or conviction.

ANSWER:

11. Insurance:

State whether or not any insurance company (including any company with excess or umbrella coverage) has an interest in the outcome of this litigation against defendant. If so, state the following:

(a) The name of the insurance company;
(b) Whether the insurance company is a stock company or a mutual company;
(c) Name of the insured;
(d) Type(s) of insurance;
(e) Effective policy period;
(f) Policy number;
(g) Limits of the policy applicable to the occurrence mentioned in these pleadings; and,
(h) Whether the policy provides for medical payments coverage, and if so, the amount of coverage.

ANSWER:

12. Alcohol, etc.:

State whether the defendant consumed alcoholic beverages, medication, or prescription or non-prescription drugs within a ten (10) hour period prior to the collision in question, and if so, state the names and addresses of the places where said alcoholic beverages, medication or drugs were consumed and describe the quantity and type of drinks, medication or drugs which were consumed in said period of time.

ANSWER:

13. Mechanical Defects:

State whether a claim is made that there was a mechanically defective condition or mechanical failure of the vehicle being operated by defendant at the time of the collision in question which contributed to cause the collision in question and if so, state the nature of said mechanically defective condition of the vehicle and what actually occurred to contribute to the cause of the accident in question.

ANSWER:

Medical Negligence Case (Individual) - Defendant

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

DEFENDANT'S INTERROGATORIES DIRECTED TO PLAINTIFF

Comes now defendant and submits the following interrogatories to plaintiff, to be answered in writing and signed under oath in accordance with the Missouri Rules of Civil Procedure:

Definitions

1. "Health care provider" shall refer to any medical doctor, osteopath, chiropractor, therapist, psychiatrist, psychologist, social worker, counselor, hospital, medical clinic, or any other provider of diagnostic or therapeutic services.

2. "Injury" or "injured" shall refer to any harm or damage to the plaintiff's physical or emotional well being.

Interrogatories

1. Please provide the following information:

   (a) Your full name, social security number, place and date of birth, present address, and any other names you have used;

   (b) If you have ever been married, state the full name of each spouse, the date of your marriage to each spouse, the date on which your marriage to each spouse ended, the present address of each spouse and the names, birth dates, and present addresses of each child you had with each spouse;

   (c) Each and every address at which you have resided in the past twenty years including the dates of your residence at each address and the names of all persons residing with you at each address;

   (d) The highest grade of formal schooling completed by you, the institution at which it was completed, and any certificates or degrees you have received including any vocational or specialized education or training in a trade, business or the military;

   (e) Whether you have been convicted of or pled guilty to a crime consisting of a misdemeanor or felony and, if so, the offense for which you were convicted, or to which you pled guilty, the date of conviction or plea, and the name and address of the court where you were convicted or pled guilty;

(f) Whether you have ever been a plaintiff in a personal injury suit, proceeding for workers' compensation benefits, or a proceeding for social security benefits and, if so, when, where and in what court the action was commenced; and,

(g) Whether you have ever served in the Armed Forces of the United States or of a foreign country.

ANSWER:

2. List any job or position of employment, including self-employment, held by you during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present date, stating as to each the following:

(a) The name and address of the employer;
(b) The date of commencement and termination of employment;
(c) The place of employment;
(d) The nature of employment and the duties performed;
(e) The name and address of your immediate supervisor;
(f) If you are alleging a loss of income as a result of the acts of negligence alleged in your petition, the rate of pay or compensation received; and,
(g) The reason for termination.

ANSWER:

3. Do you claim to have lost time from gainful employment and/or the opportunity for advancement or promotion as a result of the act(s) of negligence alleged in your petition? If so, state:

(a) The dates on which and the employment from which said time was lost;
(b) Your rate of pay at the time of said loss, the total amount of your loss and your method of computation;
(c) The specific condition that you claim caused the loss of time;
(d) The name and address of the custodian of wage records at each employer from whom you claim to have suffered a loss of wages;
(e) The opportunities which you claim would have been available had the alleged act(s) of negligence not taken place; and,
(f) The name and address of your immediate supervisor or other official at your place of employment who would be responsible for recommending a promotion or advancement.

ANSWER:

4. State the name and address of each health care provider who has examined or treated you during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present date. For each health care provider identified state:

(a) The date of each examination or treatment;
(b) The injury, illness, condition, complaint or other reason for which each examination or treatment was conducted; and,

(c) Whether the injury, illness, condition or complaint for which examination or treatment was performed has been relieved, and if so, the approximate date of relief.

ANSWER:

5. State the name and address of each hospital at which you have been examined or treated during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present date. For each hospital identified state:

(a) If admitted, the date of your admission and the date of your discharge;
(b) If not admitted, the date of your visit; and,
(c) The injury, illness, condition, complaint or other reason for your hospitalization or visit.

ANSWER:

6. State whether during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present day, you have suffered any injury or illness for which you were evaluated or treated by a physician or other health care provider. If so, as to each said injury or illness, state:

(a) The date on which the injury took place or illness began;
(b) The parts of your body injured or affected; and,
(c) The name and address of each health care provider who treated you for the injury or illness.

ANSWER:

7. Describe each injury you claim to have suffered as a result of the act(s) of negligence alleged in your petition, and for each such injury state:

(a) Whether the injury is currently causing you any pain or suffering;
(b) Whether you claim the injury will cause you any pain and suffering in the future;
(c) Whether you claim any disability because of the injury, and if so, the nature and extent of the disability;
(d) Whether you claim you will be required to undergo any further treatment and if so, the nature of any such treatment and the name and address of any health care provider who has recommended such treatment; and,
(e) Whether you claim the injury is permanent, and if so, the name and address of any health care provider who has expressed this opinion.

ANSWER:

8. State whether you have been examined or treated by any health care provider for injury(ies) you claim to have suffered as a result of the act(s) of negligence alleged in your petition and for each such injury state:

(a) The name and address of each health care provider who examined or treated you;
(b) The name and address of each hospital, or clinic where you were examined or treated either as an impatient or outpatient; and,
(c) The dates of your first and most recent examination or treatment by each health care provider, the dates of each examination or treatment as an outpatient at any hospital or clinic and the dates of admission and discharge for each admission at any hospital or clinic.

ANSWER:

9. State whether you have incurred any other expenses not listed in answers to interrogatories numbers 3 and 8 that you claim were necessitated by or attributable to the act(s) of negligence alleged in your petition. If your answer is in the affirmative, please state:

(a) The product or service for which the expense was incurred;
(b) The name and address of the person or entity from whom the product or service was purchased;
(c) The date upon which said product or service was purchased; and,
(d) The amount charged for the product or service purchased.

ANSWER:

10. State the full name and last known address of each person who:

(a) Witnessed or claims to have witnessed any act of negligence alleged in your petition;
(b) Was present or claims to have been present at the scene immediately before, at the time of or immediately after any act of negligence alleged in your petition.
(c) Has personal knowledge or claims to have personal knowledge of the nature and extent of the injuries you claim to have suffered as a result of the act(s) of negligence alleged in your petition; and,
(d) Has or claims to have personal knowledge of any act of negligence alleged.

ANSWER:

11. Experts:

List and identify:

(a) Each person this plaintiff expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
    (i) Name;

(ii) Address;
(iii) Occupation;
(iv) Place of employment;
(v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

12. State whether or not, following the act(s) of negligence alleged in your petition, a statement, interview, or report, or a stenographic, mechanical, electrical, audio, video, motion picture, photograph or other recording, or transcription thereof, of the defendant or any of defendant's agents, servants and employees or of a statement made by the defendant or any of defendant's agents, servants and employees and contemporaneously recorded, has been secured or taken from defendant or any of defendant's agents, servants, and employees; if so, state the following:

(a) Name of person from whom secured or taken;
(b) Date, place and time taken;
(c) Name and address of the person or persons connected with taking it;
(d) Name and address of all persons present at the time it was taken;
(e) Whether the statement was oral, written, shorthand, recorded, taped, etc;
(f) Was it signed? and,
(g) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made.

ANSWER:

13. Identify every person, firm or corporation other than your attorney and persons mentioned in answers to other interrogatories, to whom you have made any statement or given information relating to your physical condition or ability to work in connection with any application for employment, disability benefits or pecuniary payments of any nature, since the date of the act(s) of negligence alleged in your petition including, but not limited to, any insurance company.

ANSWER:

14. State whether there exists any photographs, x-rays, motion pictures, videotapes, drawings or other visual reproductions of any type depicting the injury(ies) described in your petition and if so, for each set, state:

(a) The name and address of the person making the visual reproduction(s) and the date thereof;
(b) What each visual reproduction depicts; and,

(c) The name and address of the person having custody of each said visual reproduction.

ANSWER:

15. Medicare

Please state whether any medical expenses or other financial losses incurred by you as a result of the occurrence alleged in your pleadings have been paid by Medicare, Medicaid, Social Services, or any other governmental agency or insurance policy. If so, please state the following:

(a) The name, address and telephone numbers of the healthcare provider, agency or person which or who was paid;
(b) The date and amount of payment;
(c) The name of the agency or person making payment;
(d) Provide your date of birth;
(e) Provide your social security number;
(f) Provide your HIGH (Health Insurance Claim Number); and
(g) Provide a copy of your insurance card.

[NOTE: This information is requested in order to comply with the new Medicare rules. The information is required of any reporting entity to report such information to Medicare or large monetary penalties can result from noncompliance; in this case, the reporting entity is the insurance carrier which provides coverage in this case. 42 U.S.C. §1395y(b)(8); 42 U.S.C. §1862(b)(2)(B)(iii); *see* June 2008 Memo from the Centers for Medicare and Medicaid, attached hereto as exhibit "A."]

ANSWER:

16. Disability Benefits

State whether Plaintiff has ever applied for any type of disability benefit from any entity (governmental, insurance, employer). If so, please state the following:

(a) The date of each application;
(b) The name and address of the entity;
(c) The nature of the injury causing disability;
(d) Whether any disability benefits were ever received;
(e) Whether Plaintiff has (or anticipates) refiling or appealing a denial of benefits; and
(f) When any payment of benefits began.

ANSWER:

17. State whether, as a result of the act(s) of negligence or injuries alleged in your petition, you have received settlement monies or other payments made on your behalf not included in your other answers to these interrogatories, or have received anything whatever of value and, if your answer is in the affirmative, please state:

(a) The nature of the payment (i.e. settlement money, or the like);
(b) The name of the person, firm, association, company, corporation or other entity paying the amount and the name of the recipients; and,
(c) The date said amount was paid and/or received.

ANSWER:

18. State whether you have entered into any type of settlement agreement, release, covenant-not-to-sue, covenant-not-to-enforce-judgment, an agreement in the nature of a "Mary Carter Agreement," a covenant-to-sue, or contract to limit recovery to specified assets, with any person, firm, corporation, insurer, or any other entity relating in any way to any of the incidents or injuries mentioned in your petition or any of the damages claimed under this lawsuit. If so, please state as to such settlement, agreement release, covenant, or contract: the date; the amount of consideration involved; and the complete legal name and present address of the person or entity involved.

ANSWER:

19. What dollar amount of damages are you seeking in this lawsuit?

ANSWER:

20. State the names and addresses of all persons residing in Boone County who are related to plaintiff by blood or marriage.

ANSWER:

Medical Negligence Case (Corporation) - Plaintiff

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff by and through his/her attorney, and submits the following interrogatories to be answered by this defendant as provided by law:

Definition

Whenever in these interrogatories you are requested to "identify" some person, corporation or other organizations, please provide name, address, and telephone number.

1. State whether or not this defendant is being sued in its full and correct name. If not, state the full and correct name of this defendant.

ANSWER:

2. Please state the name and present business of each and every individual who supplied information used to answer these interrogatories and identify his, her or their legal capacity within defendant's corporate administration.

ANSWER:

3. Please state whether or not [individual doctor, nurse, etc.] was this defendant's employee, agent, or servant at [the time and place of the occurrence described in plaintiff's petition], and if not, please state the following:

(a) How their services were charged to plaintiff;
(b) How [individual doctor, nurse, etc.] was paid or reimbursed by this defendant for any of [individual doctor, nurse, etc.] services performed on or to plaintiff;
(c) Whether or not this defendant deducted any social security, income tax, or any other deductions of any kind from [individual doctor, nurse, etc.] remuneration;

(d) Whether there are or were any written contracts, agreements of employment, or indemnification agreements for such services in existence. If so, in whose custody are they at the present time; and,

(e) Was a W-2 form made by this defendant for any individual listed herein? If so, which persons?

ANSWER:

4. Please state whether or not [individual doctor, nurse, etc.] maintained any type of staff privileges whereby he/she would be allowed to admit patients and render treatment thereto while inpatients or outpatients at your facilities, and if your answer to this interrogatory is "yes", please state the following:

(a) The exact nature of staff privileges granted;

(b) Whether those privileges were limited to any particular areas of medicine or specialties in medicine;

(c) Whether or not those privileges included [e.g., surgical] privileges, and if so, please state the general nature and subject matter of the areas or specialties in which those [e.g., surgical] privileges were granted; and,

(d) Please describe the manner or method in which staff privileges are granted by defendant to physicians.

ANSWER:

5. State whether or not, following the date of the occurrence mentioned in the petition in this case, a statement, interview, or report, or a stenographic mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, of the plaintiff, or of a statement made by the plaintiff and contemporaneously recorded, has been secured from plaintiff or taken of plaintiff; if so, state the following:

(a) Date, place, and time taken;

(b) Name and address of the person or persons connected with taking it;

(c) Names and addresses of all persons present at the time it was taken;

(d) Whether the statement was oral, written, shorthand, recorded, taped, etc.;

(e) Was it signed?

(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,

(g) Please attach an exact copy of the original of said statement, interview, report, film, or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

6. Experts:

List and identify:

(a) Each person this defendant expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
   (i) Name;
   (ii) Address;
   (iii) Occupation;
   (iv) Place of employment;
   (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

7. Identify any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment, including any excess coverage or umbrella coverage, and with respect to each please state:

(a) The type of insurance which gives rise to the interest, including but not limited to whether excess or primary;
(b) Limits of coverage;
(c) Effective policy period;
(d) Whether there exists medical pay coverage in addition to coverage listed in (a) above, and if so, the amount;
(e) Policy number;
(f) Identity of all insureds;
(g) Insurer's identity;
(h) Is a reservation of rights being made? and,
(i) Attach a complete copy of the declaration page and policy of any insurance agreement identified.

ANSWER:

8. Identify all records the defendant has which pertain to care and treatment of plaintiff (or plaintiff's decedent) including (select appropriate types: Charts, ultrasounds, fetal monitoring strips, x-ray films, C.T. scans, M.R.I. scan, PET scans, nuclear scans, EEGs, EKGs, arteriograms, doppler reports/data, photographs, videotapes, molds, microscopic slides, tissue blocks, or _____). With respect to those records, please state:

(a) Identify who kept the above designated records, where they were kept, and state whether they were kept as part of the standard business practice of the defendant;

(i) Were the entries made by this defendant or the defendant's office personnel, made at or near the time of the facts recorded?

(ii) Describe any alterations in the record, or any record additions, subtractions, or changes in entries wherein, the alterations, additions, subtractions, or changes in entries were not made at or near the time of the original facts recorded;

(iii) Were any records lost, misplaced, destroyed or are any records currently unavailable?

If 8 (a) (iii) is answered affirmatively,

(1) What record or document?
(2) When?
(3) Why?
(4) By whom?
(5) In whose custody was it in at the time? and,
(6) State its contents as nearly as practicable.

ANSWER:

9. State whether you were incorporated at any time that this defendant or any of this defendant's agents, servants, or employees rendered any care and treatment to plaintiff, and if so, state, with respect to each said incorporation, the following:

(a) The inclusive dates of said corporation;
(b) The exact corporate name;
(c) The state of incorporation;
(d) Any other names under which you or the corporation have done business at any time the corporation or any of its agents, servants, or employees rendered any care and treatment to plaintiff and the dates of said use;
(e) The names and addresses of your corporate officers;
(f) The name and address of your registered agent;
(g) The name and address of your registered office;
(h) State your corporate purpose during all periods of your existence; and,
(i) If during any part of the year 20___ [year(s) during which acts of negligence alleged in petition occurred] you were not operating as a corporation, as set forth in answers above, state your exact status during that year and the names and addresses of all partners at the time, if applicable.

ANSWER:

10. During the course of this defendant's health care provider relationship with plaintiff, and while acting through this defendant's agents, servants, and/or employees, state the name and

address of any health care provider(s) this defendant referred plaintiff to at any time and the date(s) and purpose of said referral.

ANSWER:

11. State the date this defendant's health care provider relationship with plaintiff ended, including the date this defendant, by its agents, servants, and employees, last had contact with plaintiff (including telephone or written communication).

ANSWER:

Medical Negligence Case (Individual) - Plaintiff

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff by and through his/her attorney, and submits the following interrogatories to be answered by this defendant as provided by law:

Definition

Whenever in these interrogatories you are requested to "identify" some person, corporation or other organizations, please provide name, address, and telephone number.

1. State whether or not, following the date of the occurrence mentioned in the petition in this case, a statement, interview, or report, or a stenographic mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, of the plaintiff, or of a statement made by the plaintiff and contemporaneously recorded, has been secured from plaintiff or taken of plaintiff; if so, state the following:

(a) Date, place, and time taken;
(b) Name and address of the person or persons connected with taking it;
(c) Names and addresses of all persons present at the time it was taken;
(d) Whether the statement was oral, written, shorthand, recorded, taped, etc;
(e) Was it signed?
(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
(g) Please attach an exact copy of the original of said statement, interview, report, film, or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

2. Experts:

List and identify:

(a) Each person this defendant expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
   (i) Name;
   (ii) Address;
   (iii) Occupation;
   (iv) Place of employment;
   (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

3. Identify any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment, including any excess coverage or umbrella coverage, and with respect to each please state:

(a) The type of insurance which gives rise to the interest, including but not limited to whether excess or primary;
(b) Limits of coverage;
(c) Effective policy period;
(d) Whether there exist medical pay coverage in addition to coverage listed in (a) above, and if so, the amount;
(e) Policy number;
(f) Identity of all insured;
(g) Insurer's identity;
(h) Is a reservation of rights being made? and,
(i) Attach a complete copy of the declaration page and policy of any insurance agreement identified.

ANSWER:

4. Has the defendant ever been convicted of a criminal offense or pleaded guilty or nolo contendere (no contest) to a crime consisting of a misdemeanor or felony? Identify the charge and the court, and state the date of conviction or plea, and the sentence imposed.

ANSWER:

5. Identify all records the defendant has which pertain to care and treatment of plaintiff (or plaintiff's decedent) including (select appropriate types: Charts, ultrasounds, fetal monitoring strips, x-ray films, C.T. scans, M.R.I. scan, PET scans, nuclear scans, electrocardiogram, EEG, EKG, arteriograms, doppler reports/data, photographs, videotapes, molds, microscopic slides, tissue blocks, or _____). With respect to those records, please state:

(a) Identify who kept the above designated records, where they were kept, and state whether they were kept as part of the standard business practice of the defendant;
  (i) Were the entries made by this defendant or the defendant's office personnel, made at or near the time of the facts recorded?
  (ii) Describe any alterations in the record, or any record additions, subtractions, or changes in entries wherein, the alterations, additions, subtractions, or changes in entries were not made at or near the time of the original facts recorded;
  (iii) Were any records lost, misplaced, destroyed or are any records currently unavailable?

If 5 (a) (iii) is answered affirmatively,

(1) What record or document?
(2) When?
(3) Why?
(4) By whom?
(5) In whose custody was it in at the time? and,
(6) State its contents as nearly as practicable.

ANSWER:

6. State whether you were incorporated at any time that this defendant or any of his/her agents, servants, or employees rendered any care and treatment to plaintiff, and if so, state, with respect to each said corporation, the following:

(a) The inclusive dates of said corporation;
(b) The exact corporate name;
(c) The state of incorporation;
(d) Any other names under which you or the corporation have done business at any time the corporation or any of its agents, servants, or employees rendered any care and treatment to plaintiff and the dates of said use;
(e) The names and addresses of your corporate officers;
(f) The name and address of your registered agent;
(g) The name and address of your registered office;
(h) State your corporate purpose during all periods of your existence; and,
(i) If during any part of the year 20___ [year(s) during which acts of negligence alleged in petition occurred] you were not operating as a corporation, as set

forth in answers above, state your exact status during that year and the names and addresses of all partners at the time, if applicable.

ANSWER:

7. Do you specialize now or have you ever specialized or sub-specialized in your practice? If so, identify the specialty or specialties and the inclusive dates of each such specialization.

ANSWER:

8. Answer the following questions regarding your background or, alternatively, please attach a current copy of your Curriculum Vitae and provide any of the following information that is not contained in your Curriculum Vitae:

(a) Name, address, dates, major and degree that you obtained from any school of higher education;

(b) Name and address of each medical school attended, including:
  (i) Dates attended;
  (ii) Whether said school or schools are outside the United States, and if so, are said school or schools accredited, and if so, name and address of accrediting agencies;
  (iii) The degree(s) received and date each degree(s) was received;

(c) Name, address and dates of any medical institutions at which you served your internship, residency, or fellowships;

(d) For each internship, residency, and/or fellowship state:
  (i) The specialty involved;
  (ii) Whether the program if outside the United States was accredited, and if so, the name and address of accrediting agency;

(e) Are you now or have you ever been a diplomate of any specialty board? If so, state the name and address of the board, the date you acquired membership or diplomate status, and the number of attempts it took to pass said specialty boards;

(f) In what states are you, or have you been, licensed to practice medicine and state the date the license(s) was granted;

(g) Have you now or at any time in your career had your license or staff privileges revoked, terminated, suspended, or limited in any way, and if so, state:
  (i) The date or dates of said action;
  (ii) What action was taken;
  (iii) For what reason(s);

(h) Identify the name and current address of defendant's spouse at time of the act of neglect in plaintiff's petition.

ANSWER:

9. List by date and time, each occasion which you saw plaintiff during the course of your professional relationship with plaintiff, and the location of each visit, other than visits listed in this defendant's medical records and visits listed in any hospital records.

ANSWER:

10. During the course of your professional relationship with plaintiff, state the name and address of any health care provider(s) you referred plaintiff to or consulted with at any time and the date(s) and purpose of said referral or consultation.

ANSWER:

11. During the course of your professional relationship with plaintiff, state whether you were supervised by anyone, and if so, the name and residential address of the person(s) exercising said supervision, and the dates of said supervision.

ANSWER:

12. During the course of your professional relationship with plaintiff, state whether any care and treatment of plaintiff was provided as part of employment and/or an association with any entity. If so, state the name and address of said entity and describe the employment and/or association.

ANSWER:

13. State the date your professional relationship with plaintiff ended, including the date you last had contact with plaintiff (including telephone or written communication).

ANSWER:

14. With respect to plaintiff's allegation contained in plaintiff's pleadings, state the full name and last known address of each person who:

(a) Witnessed or claims to have witnessed the event or occurrence wherein plaintiff alleges an act of negligence occurred?

(b) Was present or claims to have been present at the scene of the event or occurrence immediately before, at the time of, or immediately after the time plaintiff alleges an act of negligence occurred.

ANSWER:

Premises Case - Defendant

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

DEFENDANT'S INTERROGATORIES DIRECTED TO PLAINTIFF

Comes now defendant and in accordance with the Missouri Rules of Civil Procedure, exhibits the following interrogatories to be answered by plaintiff under oath within thirty (30) days.

1. Please state:

   (a) The name and address of the person or persons answering these interrogatories;
   (b) His/her relationship to plaintiff; and,
   (c) His/her position of employment.

ANSWER:

2. Background Information:

   Please state:
   (a) Plaintiff's full name;
   (b) Name of plaintiff's spouse and date of marriage;
   (c) Plaintiff's maiden name, if applicable;
   (d) Plaintiff's age and date of birth;
   (e) Plaintiff's Social Security number;
   (f) Plaintiff's present address;
   (g) Any other address at which plaintiff has lived during the past five years;
   (h) Plaintiff's present employer's name and position of employment; and,
   (i) Previous employers' names for the past five years and the dates of employment there.
   (j) Whether or not at the time of the occurrence referred to in plaintiff's petition, this plaintiff was performing any business task or job at the request of or on behalf of plaintiff's employer, and if so, please state the nature of the task or job being performed and the name of the employer.

ANSWER:

3. Statements:

Are you aware of any statement made by defendant (or its employees) regarding the occurrence mentioned in the petition, whether oral, written, or recorded in any way, including but not limited to, a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:

(a) Date, place, and time taken;
(b) Name and address of the person or persons connected with taking it;
(c) Names and addresses of all persons present at the time it was taken;
(d) Whether the statement was oral, written, shorthand, recorded, taped, etc;
(e) Was it signed?
(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
(g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. Photographs:

State whether there exists photographs, videotapes, or movies with respect to the scene of the occurrence mentioned in the petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this plaintiff expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
    (i) Name;
    (ii) Address;
    (iii) Occupation;
    (iv) Place of employment;
    (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by plaintiff, plaintiff's representatives or plaintiff's attorney, to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. Criminal Record:

State whether plaintiff has ever pleaded guilty to or has ever been convicted of a felony or misdemeanor, (State or Federal) and if your answer is in the affirmative, please state:

(a) The date of any such plea or conviction;
(b) The state and county where said plea or conviction occurred; and,
(c) The offense for which plaintiff pled guilty or were convicted.

ANSWER:

8. Destination, etc:

State where plaintiff was coming from and the place of plaintiff's destination at the time of the occurrence in question.

ANSWER:

9. Alcohol, etc:

State whether the plaintiff consumed alcoholic beverages, medication, or prescription or non-prescription drugs within a ten (10) hour period prior to the occurrence in question, and if so, state the names and addresses of the places where said alcoholic beverages, medication or drugs were consumed and described the quantity and type of drinks, medication or drugs which were consumed in said period of time.

ANSWER:

10. Injuries:

State the parts of plaintiff's body, if any, injured in the occurrence mentioned in the petition, and for *each part* of his/her body so injured state the following:

(a) The date of onset of any symptoms claimed to be related to each such alleged injury;
(b) Whether plaintiff continues to have complaints with respect to that part of his/her body.

ANSWER:

11. Other Illnesses or Injuries:

Has plaintiff had any illnesses, impairment or injuries to the parts of the body injured in the occurrence mentioned in the petition, either before or after the occurrence that is the subject of this lawsuit?

ANSWER:

If you answered "YES" to this question, please state the following for *each injury*:

(a) The date sustained or suffered;
(b) The parts of the body involved;
(c) The nature or type;
(d) The name and address of each health care provider who treated or examined plaintiff.

ANSWER:

12. Claims and Lawsuits:

Has plaintiff ever filed another lawsuit, made a claim for bodily injury, or filed a workers' compensation claim?

ANSWER:

If you answered "YES" to this question, please state the following for each claim or lawsuit:

(a) The date filed or lodged;
(b) The nature or type of lawsuit or claim;
(c) The name of the court, commission or other body in which the claim or lawsuit was brought;
(d) The illnesses, injuries or physical condition alleged;
(e) State whether any money was received, whether by settlement or trial, and if so, the amount; and,
(f) The names and addresses of all health care providers who treated plaintiff or examined plaintiff for the claim or lawsuit.

ANSWER:

13. Settlements:

Has plaintiff received any settlement monies or other thing of value from any person, company, firm, corporation or association involved in this occurrence as a settlement, in whole or in part, of your claim?

ANSWER:

If you answered "YES" to this question, please state the following:

(a) The name and address of the person, firm, association, company or corporation from whom any such settlement was made;
(b) The name and address of the person, firm, association, company or corporation on whose behalf any such settlement was made;
(c) The amount or value of any such settlement;
(d) Whether any forms or papers (settlement documents) were executed, excluding statements of the facts, and describe and identify the nature of any such papers or documents;
(e) If you do not possess or have access to the papers or forms (settlement documents) mentioned in Number (d) above, then state the name and address of the person, firm, association, company or corporation that has possession of said papers or forms (settlement documents).

ANSWER:

14. Amount Claimed:

Pursuant to R.S.Mo. 509.050, what dollar amount of damages is plaintiff seeking as compensation for your injuries? Please specify the personal injury damages and property damages claimed.

ANSWER:

15. Medical Care:

State the names and addresses of all doctors, hospitals or health care providers who have treated examined or attended plaintiff since the occurrence in question and because of it, and for *each* listed, please state:

(a) The amount of the bill from each such health care provider for services rendered because of the occurrence in question;
(b) The number of visits and the specific dates of each visit plaintiff has made to each of these health care providers because of the occurrence;
(c) The conditions for which plaintiff was examined or treated; and,
(d) If you claim that plaintiff received a medical examination, care or treatment because of the occurrence mentioned in the petition, please sign and return

the attached medical authorization, after inserting the names and address of the doctors, hospitals or health care providers.

ANSWER:

16. Medicare

Please state whether any medical expenses or other financial losses incurred by you as a result of the occurrence alleged in your pleadings have been paid by Medicare, Medicaid, Social Services, or any other governmental agency or insurance policy. If so, please state the following:

(a) The name, address and telephone numbers of the healthcare provider, agency or person which or who was paid;
(b) The date and amount of payment;
(c) The name of the agency or person making payment;
(d) Provide your date of birth;
(e) Provide your social security number;
(f) Provide your HIGH (Health Insurance Claim Number); and
(g) Provide a copy of your insurance card.

[NOTE: This information is requested in order to comply with the new Medicare rules. The information is required of any reporting entity to report such information to Medicare or large monetary penalties can result from noncompliance; in this case, the reporting entity is the insurance carrier which provides coverage in this case. 42 U.S.C. §1395y(b)(8); 42 U.S.C. §1862(b)(2)(B)(iii); *see* June 2008 Memo from the Centers for Medicare and Medicaid, attached hereto as exhibit "A."]

ANSWER:

17. Lost Wages:

Does plaintiff claim a loss of earnings, wages or income as a result of the occurrence? If so, please state:

(a) The name and address of plaintiff's employer at the time of the occurrence.
(b) The rate of pay with that employer;
(c) The amount of plaintiff's claim and show exactly how that amount was calculated;
(d) List each day, by specific date, that plaintiff claims he/she has been unable to work because of the occurrence;
(e) If plaintiff had a loss of income other than missing time from work, state the amount of the loss, the nature of the loss, and how the amount of the loss was calculated; and,
(f) Please sign the attached employer authorization and insert the name and address of the employer.

ANSWER:

18. Disability Benefits

State whether Plaintiff has ever applied for any type of disability benefit from any entity (governmental, insurance, employer). If so, please state the following:

(a) The date of each application;
(b) The name and address of the entity;
(c) The nature of the injury causing disability;
(d) Whether any disability benefits were ever received;
(e) Whether Plaintiff has (or anticipates) refiling or appealing a denial of benefits; and
(f) When any payment of benefits began.

ANSWER:

19. Application Statements:

State whether plaintiff has made any written statements or given information regarding plaintiff's physical condition in connection with any application for employment or insurance since the date of the occurrence and if so, please state:

(a) The name and address of the party to whom the statement was given; and,
(b) The date of the statement.

ANSWER:

Premises Case - Plaintiff

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff and propounds the following interrogatories to defendant to be answered as provided by law:

1. State:

   (a) The name and address of the person or persons answering these interrogatories;
   (b) His/her relationship to defendant; and,
   (c) His/her position of employment.

ANSWER:

2. Background Information:

   State:
   (a) Defendant's full name;
   (b) Name of defendant's spouse;
   (c) Defendant's maiden name, if applicable;
   (d) Defendant's age and date of birth;
   (e) Defendant's Social Security number;
   (f) Defendant's present address;
   (g) Any other address at which defendant has lived during the past five years;
   (h) Defendant's present employer's name and position of employment; and,
   (i) Previous employers' names for the past five years and the dates of employment there.

ANSWER:

3. Statements:

State whether or not, following the date of the occurrence mentioned in the petition in this case, a statement, interview, or report, or stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, of the plaintiff, or of a statement made by plaintiff and contemporaneously recorded, has been secured from plaintiff or taken of plaintiff, and if so, state the following:

(a) Date, place, and time taken;
(b) Name and address of the person or persons connected with taking it;
(c) Names and addresses of all persons present at the time it was taken;
(d) Whether the statement was oral, written, shorthand, recorded, taped, etc.;
(e) Whether it was signed;
(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
(g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. Photographs:

State whether there exists photographs, videotapes, or movies with respect to the scene of the occurrence mentioned in plaintiff's petition taken within one year prior or subsequent to the incident mentioned in plaintiff's petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this defendant expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
    (i) Name;
    (ii) Address;
    (iii) Occupation;
    (iv) Place of employment;

(v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by defendant, defendant's representatives or defendant's attorney to have witnessed the occurrence mentioned in plaintiff's petition, or who were present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. Criminal Record:

State whether defendant has ever pleaded guilty to or has ever been convicted of a felony or misdemeanor, and if your answer is in the affirmative, please state:

(a) The date of any such plea or conviction;

(b) The state where said plea or conviction occurred; and,

(c) The offense for which defendant pleaded guilty or was convicted.

ANSWER:

8. Violations:

State whether defendant or defendant's representatives was/were convicted of or pleaded guilty to any violation of a law or ordinance arising out of the defective condition of the property alleged in plaintiff's petition within ninety days before and after the occurrence in question, and if so, state the charges to which such person was convicted or pleaded guilty, the name and address of the court where same occurred, the date of final disposition, and the cause number for each such plea or conviction.

ANSWER:

9. Insurance:

State whether or not any insurance company has an interest in the outcome of this litigation against defendant. If so, state the following:

(a) The name of the insurance company;
(b) Whether the insurance company is a stock company or a mutual company;
(c) The name of the insured;
(d) Type(s) of insurance;
(e) Effective policy period;
(f) Policy number;
(g) Policy limits; and,
(h) Attach a copy of the declaration page or certificate of coverage of such policy of insurance to your answers to these interrogatories.

ANSWER:

10. Status of Defendant:

State whether or not defendant is incorporated, and if so, state:

(a) The state of incorporation;
(b) The exact name of the corporation as it appears in its articles of incorporation; and,
(c) If defendant is not incorporated, state whether or not it is a partnership, and if so, give the names of all partners of or if it is a municipal corporation or a political organization, state its exact name and in what state it is organized to do business.

ANSWER:

11. Ownership Interest in Property:

State whether or not this defendant was the owner of the property mentioned in plaintiff's petition, and if so, state:

(a) The date acquired;
(b) The name and address from whom acquired;
(c) If defendant has sold the property subsequent to the occurrence in question, please give the date that it was sold and the name and address to whom it was sold; and,
(d) If defendant denies that it was the owner at the time and place of the occurrence in question, please state to the best of defendant's knowledge, the name and address of the titled owner at the time of said occurrence.

ANSWER:

12. Relationship of Defendant to Owner of Property:

If defendant was not the owner of said property, state whether or not the defendant had any relationship with the owner of said property, including management of said property, securing repairs for said property, or obtaining rents for said property, and state the nature of said relationship.

ANSWER:

13. Maintenance:

State the name and address of the person or entity that was employed to maintain the area wherein the alleged occurrence took place at or near the time of the incident, and further state whether or not this person or entity was an employee of defendant or was a separate person or company hired by defendant to maintain this area.

ANSWER:

14. Personal Information:

If defendant is an individual rather than a corporation or a partnership, state your present residence address, business address, and job title, and if married, state the name of your spouse and whether or not he/she is employed outside the home, and if so, state his/her job title and business address:

ANSWER:

15. Repairs Prior to Alleged Incident:

State if any repairs were made to the area referred to in plaintiff's petition within one year before said alleged occurrence, and is so, state:

(a) The date of said repair;
(b) The name and address of the person or entity that made the repair;
(c) When the repairs were made; and,
(e) State who employed the person or entity that performed said repairs.

ANSWER:

16. Repairs Subsequent to Alleged Incident:

State whether defendant knows of any person or entity that has made any changes within one year after the occurrence in question to the area referred to in plaintiff's petition, and if so, state:

(a) The person/entity making said repairs;
(b) The dates of said repairs;
(c) The purpose of said repairs; and,
(d) What said repairs consisted of.

ANSWER:

17. Witnesses to Condition of Property:

State the names, addresses, and employers of all witnesses to the condition of the premises in the area mentioned in plaintiff's petition within sixty minutes before or after the incident mentioned in plaintiff's petition. State whether or not they are presently employed by this defendant, and if so, state their present job title.

ANSWER:

18. Ownership Interest:

State whether or not this defendant was the sole owner of the property at the time of the occurrence mentioned herein or, if not the sole owner, state:

(a) The type of ownership interest he/she/it had in the property;
(b) If others also had an interest in the property;
(c) What type of interest other persons had in the property; and,
(d) Their name, present residence and business address.

ANSWER:

19. Partnership Status:

State whether or not this defendant was a member of a partnership that was the owner of the property where the occurrence referred to in plaintiff's petition took place, and if so, state:

(a) The name and address of the partnership;
(b) State the names and addresses of each member of the partnership;
(c) State whether or not the partnership was incorporated, and if so, give the name and address of the corporation; and,
(d) If the corporation forfeited its charter, state the exact time that it forfeited its charter and give the names and addresses of the Board of Directors and the names and addresses of the Officers of the corporation.

ANSWER:

20. Leasehold Interest Information:

State whether or not the defendant was either the lessor or lessee of the property wherein the plaintiff alleges his/her accident occurred on the date of the incident set out in plaintiff's petition. Please state:

(a) Whether the defendant was either the lessor or lessee;
(b) Other parties to the lease;
(c) The date of any leaseholder or possessory interest acquired in said property;
(d) If there is a contract regarding any leasehold interest; and,
(e) Produce copies of leases relating to the property.

ANSWER:

21. Police Reports:

State whether or not a police report was made pertaining to the alleged incident, and if so, state:

(a) The name and address of the police department;
(b) The complaint number; and,
(c) The investigating officer, and if you will do so without a request to produce, attach a copy of the police report to your answers to interrogatories.

ANSWER:

Product Liability - Defendant

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

DEFENDANT'S INTERROGATORIES DIRECTED TO PLAINTIFF

Comes now defendant and in accordance with the Missouri Rules of Civil Procedure, propounds the following interrogatories to plaintiff to be answered as provided by law:

1. Please state:

   (a) The name and address of the person or persons answering these interrogatories;
   (b) His/her relationship to plaintiff; and,
   (c) His/her position of employment.

ANSWER:

2. Background Information:

   Please state:
   (a) Plaintiff's full name;
   (b) Name of plaintiff's spouse and date of marriage;
   (c) Plaintiff's maiden name, if applicable;
   (d) Plaintiff's age and date of birth;
   (e) Plaintiff's Social Security number;
   (f) Plaintiff's present address;
   (g) Any other address at which plaintiff has lived during the past five years;
   (h) Plaintiff's present employer's name and position of employment; and,
   (i) Previous employers' names for the past five years and the dates of employment there.
   (j) Whether or not at the time of the collision referred to in plaintiff's petition, this plaintiff was performing any business task or job at the request of or on behalf of plaintiff's employer, and if so, please state the nature of the task or job being performed and the name of the employer.

ANSWER:

3. Statements:

Are you aware of any statement made by defendant (or its employees) regarding the occurrence mentioned in the petition, whether oral, written, or recorded in any way, including but not limited to, a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:

(a) Date, place, and time taken;
(b) Name and address of the person or persons connected with taking it;
(c) Names and addresses of all persons present at the time it was taken;
(d) Whether the statement was oral, written, shorthand, recorded, taped, etc;
(e) Was it signed?
(f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
(g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. Photographs:

State whether there exists photographs, videotapes, or movies with respect to the product, the scene of the occurrence mentioned in the petition, or of any injuries alleged to have been sustained as a result of the occurrence mentioned in the petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this plaintiff expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
    (i) Name;
    (ii) Address;
    (iii) Occupation;
    (iv) Place of employment;

(v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by plaintiff, plaintiff's representatives or plaintiff's attorney, to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. Criminal Record:

State whether plaintiff has ever pleaded guilty to or has ever been convicted of a felony or misdemeanor, (State or Federal) and if your answer is in the affirmative, please state:

(a) The date of any such plea or conviction;
(b) The state and county where said plea or conviction occurred; and,
(c) The offense(s) for which plaintiff pled guilty or was convicted.

ANSWER:

8. Alcohol, etc:

State whether the plaintiff consumed alcoholic beverages, medication, or prescription or non-prescription drugs within a ten (10) hour period prior to the occurrence in question, and if so, state the names and addresses of the places where said alcoholic beverages, medication or drugs were consumed and described the quantity and type of drinks, medication or drugs which were consumed in said period of time.

ANSWER:

9. Injuries:

State the parts of plaintiff's body, if any, injured in the occurrence mentioned in the petition, and for *each part* of his/her body so injured state the following:

(a) The date of onset of any symptoms claimed to be related to each such alleged injury;

(b) Whether plaintiff continues to have complaints with respect to that part of his/her body.

ANSWER:

10. Other Illnesses or Injuries:

Has plaintiff had any illnesses, impairment or injuries to the parts of the body injured in the occurrence mentioned in the petition, either before or after the collision that is the subject of this lawsuit?

ANSWER:

If you answered "YES" to this question, please state the following for *each injury*:

(a) The date sustained or suffered;
(b) The parts of the body involved;
(c) The nature or type;
(d) The name and address of each health care provider who treated or examined plaintiff.

ANSWER:

11. Claims and Lawsuits:

Has plaintiff ever filed another lawsuit, made a claim for bodily injury, or filed a workers' compensation claim?

ANSWER:

If you answered "YES" to this question, please state the following for each claim or lawsuit:

(a) The date filed or lodged;
(b) The nature or type of lawsuit or claim;
(c) The name of the court, commission or other body in which the claim or lawsuit was brought;
(d) The illnesses, injuries or physical condition alleged;
(e) State whether any money was received, whether by settlement or trial, and if so, the amount; and,
(f) The names and addresses of all health care providers who treated plaintiff or examined plaintiff for the claim or lawsuit.

ANSWER:

12. Settlements:

Has plaintiff received any settlement monies or other thing of value from any person, company, firm, corporation or association involved in this occurrence as a settlement, in whole or in part, of your claim?

ANSWER:

If you answered "YES" to this question, please state the following:

(a) The name and address of the person, firm, association, company or corporation from whom any such settlement was made;
(b) The name and address of the person, firm, association, company or corporation on whose behalf any such settlement was made;
(c) The amount or value of any such settlement;
(d) Whether any forms or papers (settlement documents) were executed, excluding statements of the facts, and describe and identify the nature of any such papers or documents;
(e) If you do not possess or have access to the papers or forms (settlement documents) mentioned in Number (d) above, then state the name and address of the person, firm, association, company or corporation that has possession of said papers or forms (settlement documents).

ANSWER:

13. Amount Claimed:

Pursuant to R.S.Mo. 509.050, what dollar amount of damages is plaintiff seeking as compensation for your injuries? Please specify the personal injury damages and property damages claimed.

ANSWER:

14. Medical Care:

State the names and addresses of all doctors, hospitals or health care providers who have treated examined or attended plaintiff since the occurrence in question and because of it, and for *each* listed, please state:

(a) The amount of the bill from each such health care provider for services rendered because of the occurrence in question;
(b) The number of visits and the specific dates of each visit plaintiff has made to each of these health care providers because of the occurrence;
(c) The conditions for which plaintiff was examined or treated; and,
(d) If you claim that plaintiff received a medical examination, care or treatment because of the occurrence mentioned in the petition, please sign and return

the attached medical authorization, after inserting the names and address of the doctors, hospitals or health care providers.

ANSWER:

15. Medicare

Please state whether any medical expenses or other financial losses incurred by you as a result of the occurrence alleged in your pleadings have been paid by Medicare, Medicaid, Social Services, or any other governmental agency or insurance policy. If so, please state the following:

(a) The name, address and telephone numbers of the healthcare provider, agency or person which or who was paid;
(b) The date and amount of payment;
(c) The name of the agency or person making payment;
(d) Provide your date of birth;
(e) Provide your social security number;
(f) Provide your HIGH (Health Insurance Claim Number); and
(g) Provide a copy of your insurance card.

[NOTE: This information is requested in order to comply with the new Medicare rules. The information is required of any reporting entity to report such information to Medicare or large monetary penalties can result from noncompliance; in this case, the reporting entity is the insurance carrier which provides coverage in this case. 42 U.S.C. §1395y(b)(8); 42 U.S.C. §1862(b)(2)(B)(iii); *see* June 2008 Memo from the Centers for Medicare and Medicaid, attached hereto as exhibit "A."]

ANSWER:

16. Lost Wages:

Does plaintiff claim a loss of earnings, wages or income as a result of the occurrence? If so, please state:

(a) The name and address of plaintiff's employer at the time of the occurrence.
(b) The rate of pay with that employer;
(c) The amount of plaintiff's claim and show exactly how that amount was calculated;
(d) List each day, by specific date, that plaintiff claims he/she has been unable to work because of the occurrence;
(e) If plaintiff had a loss of income other than missing time from work, state the amount of the loss, the nature of the loss, and how the amount of the loss was calculated; and,
(f) Please sign the attached employer authorization and insert the name and address of the employer.

ANSWER:

17. Disability Benefits

State whether Plaintiff has ever applied for any type of disability benefit from any entity (governmental, insurance, employer). If so, please state the following:

(a) The date of each application;
(b) The name and address of the entity;
(c) The nature of the injury causing disability;
(d) Whether any disability benefits were ever received;
(e) Whether Plaintiff has (or anticipates) refilling or appealing a denial of benefits; and
(f) When any payment of benefits began.

ANSWER:

18. Application Statements:

State whether plaintiff has made any written statements or given information regarding plaintiff's physical condition in connection with any application for employment or insurance since the date of the collision and if so, please state:

(a) The name and address of the party to whom the statement was given; and,
(b) The date of the statement.

ANSWER:

19. State the following in reference to the product mentioned in your petition:

(a) The kind of product;
(b) The name and address of the manufacturer of the product;
(c) The model, year, style, serial number, and identification number of the product;
(d) The date of manufacture;
(e) The name and address of the owner of the product at the time of the occurrence described in the petition, and the present location and name of the possessor of the product at this time;
(f) When, where and from whom (giving exact address) the owner purchased the product, whether the product was new or used when the owner acquired it, and if used, the name and address of all prior owners;
(g) State verbatim any writing, words, inscriptions, cautions, warnings, and manufacture names contained on the product at the time it was purchased;
(h) State verbatim any writing, words, inscriptions, cautions, warnings, and manufacture names contained on the product at the time of the occurrence;
(i) Whether you have any knowledge or information pertaining to any malfunction, alteration, modification and/or failure of the product before or

after the incident, and if so, state and describe said knowledge or information and the source thereof;

(j) Whether you have knowledge or information that any other person(s) suffered any injury while using the product and, if so, identify said person(s);

(k) Whether the product has been repaired, altered, modified, or changed since the incident and, if so, describe;

(l) Whether the product had been altered, repaired, modified or changed in any manner before the incident which you claim contributed to plaintiff's injuries, or before the incident but after the product left the possession of this defendant, and if so, describe how and in what manner it was altered, repaired, modified, or changed and how said alteration, repair, modification, or change contributed to plaintiff's injuries;

(m) State the length of time or number of occasions before the date of the alleged incident that plaintiff used the alleged defective product;

(n) State whether plaintiff received any instruction manuals, brochures or pamphlets regarding the use and operation of the product in question, and, if so, state the nature of the instructions, brochures, or pamphlets received, the source, and date received;

(o) State whether you have ever used a similar and/or identical product to the one described in your petition, and, if so, the dates used and the names and addresses of any persons witnessing your use of said product;

(p) State whether you will permit defendant to examine and perform non-destructive tests on the product without a court order.

ANSWER:

20. Identify all persons known by you to have performed maintenance, service or repair on the product before or after the incident and state the respective dates of said maintenance, service or repair.

ANSWER:

21. If you contend the product was defective or unreasonably dangerous at the time it left this defendant's possession, please state:

(a) In what respect was the product defective, describing in complete detail each and every said defect or defective condition;

(b) In what respect was the product unreasonably dangerous, describing in complete detail each and every said unreasonable danger;

(c) Whether said defective or unreasonably dangerous condition was the result of the product's design, manufacturing, packaging, warnings, or lack of warnings, or any modification, alteration, or change by this defendant; and,

(d) Each and every evidentiary fact upon which you base this contention, and identify the person having knowledge of said facts.

ANSWER:

22. State whether you were using the product referred to in plaintiff's petition in accordance with its intended use, instructions and/or any training you received, and if so, state:

(a) Whether said product was in its original container at the time it was being used;
(b) State specifically how and in what manner it was being used at the time of the occurrence;
(c) Whether you were wearing safety and/or protective equipment while using the product at the time referred to in plaintiff's petition, and if not, whether said equipment was available and type of said equipment;
(d) The name and address of any person who provided you with instructions or training;
(e) Describe briefly the training you received as to the use and operation of the product;
(f) Identify specifically any verbal, written or visual warnings you received, which were present or which you were aware of with respect to the use and operation of the product;
(g) Whether you inspected the product before attempting to use it.

ANSWER:

23. State whether the product was altered, changed or modified at any time while it was within your possession and, if so, please state:

(a) In what respect was the product altered, changed or modified, describing in complete detail each condition;
(b) Whether the alteration, change, modification or defect referred to in sub-paragraph (a) rendered the product unreasonably dangerous, describing in complete detail each and every said unreasonable danger;
(c) Whether the product can be operated safely and properly given the alteration, change, modification or defect; and,
(d) Each and every evidentiary fact on which you base this contention, and identify the person having knowledge of said facts.

ANSWER:

Product Liability (Manufacturer) - Plaintiff

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff and in accordance with the Missouri Rules of Civil Procedure propounds the following interrogatories to defendant to be answered as provided by law:

1. Please state:

   (a) The name and address of the person or persons answering these interrogatories;
   (b) His/her relationship to defendant; and,
   (c) His/her position of employment.

ANSWER:

2. State whether or not this defendant is being sued in its full and correct name. If not, state the full and correct name of this defendant.

ANSWER:

3. Are you aware of any statement made by plaintiff (or its employees) regarding the occurrence mentioned in the petition, whether oral, written or recorded in any way, including but not limited to, a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:

   (a) Date, place, and time taken;
   (b) Name and address of the person or persons connected with taking it;
   (c) Names and addresses of all persons present at the time it was taken;
   (d) Whether the statement was oral, written, shorthand, recorded, taped, etc;
   (e) Was it signed?
   (f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,
   (g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. State whether there exists photographs, videotapes, or movies with respect to the product referenced in the petition or the scene of the occurrence referenced in the petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this defendant expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
  (i) Name;
  (ii) Address;
  (iii) Occupation;
  (iv) Place of employment;
  (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,
(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by defendant, defendant's representatives or defendant's attorney, to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. State whether or not any insurance company (including any company with excess or umbrella coverage) has an interest in the outcome of this litigation against defendant. If so, state the following:

(a) The name of the insurance company;
(b) Whether the insurance company is a stock company or a mutual company;

(c) Name of the insured;
(d) Type(s) of insurance;
(e) Effective policy period;
(f) Policy number; and,
(g) Limits of the policy applicable to the occurrence mentioned in these pleadings.

ANSWER:

8. Please state whether you were the manufacturer of the product that is the subject matter of plaintiff's petition, and if so, please state:

(a) The date upon which the subject product was manufactured;
(b) The address of the factory and/or such other place at which the subject product was manufactured;
(c) Whether, at the time of the manufacturer of the subject product, you had a quality control department and/or individual, or a department and/or individual denominated by a different name which was primarily responsible for quality control procedures for the subject product; and,
(d) If your answer to the foregoing subpart was in the affirmative, the identity of the supervisor and/or person primarily responsible for implementing the quality control procedures, if any, respecting the manufacturer of the subject product.

ANSWER:

9. Please identify any and all production specifications formulated and/or utilized by you in the manufacturer of the subject product.

ANSWER:

10. Please identify each person who had a responsibility to oversee or supervise the manufacture of the subject product.

ANSWER:

11. As to each such person identified in your answer to the foregoing interrogatory, please set forth a description of their education, work experience, or other qualifications considered by you before investing such person(s) with such responsibility and/or authority.

ANSWER:

12. Please state whether you designed the subject product.

ANSWER:

13. If your answer to the foregoing interrogatory is affirmative, please identify:

(a) The date or dates upon which the subject product was designed;
(b) The location of the facility where the subject product was designed;

(c) The name(s) of the person(s) who participated in the design;
(d) An identification of each and every drawing, plan, or document relating to the design of the subject product;
(e) Whether any such document, plan or drawing identified in your answer to subpart (d) has been submitted to any governmental entity for approval, registration, or patent, and if so, the date of said submission and entity to which such document was submitted.

ANSWER:

14. Do you contend that the retailer who supplied the subject product to the plaintiff was aware of any alleged defect in such product?

ANSWER:

15. If your answer to the foregoing interrogatory is in the affirmative, please identify:

(a) Each and every fact upon which you base such contention;
(b) The name, business and residence address, and telephone number of any person having knowledge of any such facts; and,
(c) An identification of each and every writing relating to any such fact.

ANSWER:

16. Please state whether you provided any written instructions as to the use of the subject product.

ANSWER:

17. If your answer to the foregoing interrogatory is in the affirmative, please identify:

(a) The written instructions;
(b) The name, business and residence address, and telephone number of the person(s) who drafted the wording of said instruction; and,
(c) Each and every writing relating to the composition of all printed matter distributed with or affixed to the product.

ANSWER:

18. Identify any and all complaints, lawsuits, or claims submitted to you relating to the alleged defect(s) of similar makes and models of the subject product referenced in plaintiff's petition.

ANSWER:

19. Please state whether you performed any test, of whatever nature or description, for the purpose of determining whether the subject product met reasonable performance expectations for its intended use.

ANSWER:

20. If your answer to the foregoing interrogatory is affirmative, please identify:

(a) A description of each such test conducted by you;
(b) The date and location where each test was conducted;
(c) Whether any aspect of any such test was recorded or memorialized or any document or writing, including photographs, films, videotapes or other visual representations of whatever nature or description;
(d) An identification of any such document or visual representation;
(e) Whether the results of any such test(s) were submitted, or referred to in any manner whatsoever, and any document filed with or tendered to any public entity or regulatory agency; and,
(f) The name, business and residence address, and telephone number of the person(s) charged with the responsibility to evaluate the performance of the subject product in each such test referred to in your answers to the proceeding subparts of this interrogatory.

ANSWER:

21. Identify any facts known to you indicating that the subject product had been altered or modified between the time of manufacture and the time the product was sold to plaintiff and/or installed for plaintiff's use thereof.

ANSWER:

22. Identify any facts known to you indicating that the subject product had been altered or modified after sale to plaintiff or installation of the subject product.

ANSWER:

23. Identify any facts or circumstances known to you indicating that plaintiff was not using the subject product in a manner reasonably anticipated.

ANSWER:

Product Liability (Retail Distributor) - Plaintiff

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff and in accordance with the Missouri Rules of Civil Procedure propounds the following interrogatories to defendant to be answered as provided by law:

1. Please state:
   - (a) The name and address of the person or persons answering these interrogatories;
   - (b) His/her relationship to defendant; and,
   - (c) His/her position of employment.

ANSWER:

2. State whether or not this defendant is being sued in its full and correct name. If not, state the full and correct name of this defendant.

ANSWER:

3. Are you aware of any statement made by plaintiff (or its employees) regarding the occurrence mentioned in the petition, whether oral, written or recorded in any way, including but not limited to, a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:
   - (a) Date, place, and time taken;
   - (b) Name and address of the person or persons connected with taking it;
   - (c) Names and addresses of all persons present at the time it was taken;
   - (d) Whether the statement was oral, written, shorthand, recorded, taped, etc;
   - (e) Was it signed?
   - (f) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made; and,

(g) Please attach an exact copy of the original of said statement, interview, report, film or tape to your answers to these interrogatories; if oral, please state verbatim the contents thereof.

ANSWER:

4. State whether there exists photographs, videotapes, or movies with respect to the product referenced in the petition or the scene of the occurrence referenced in the petition. If so, state the following:

(a) Describe each photograph, video, or movie;
(b) State the date each was taken;
(c) State the name and address of the person taking each such photo, video, or movie; and,
(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video or movie.

ANSWER:

5. Experts:

List and identify:

(a) Each person this defendant expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:
  (i) Name;
  (ii) Address;
  (iii) Occupation;
  (iv) Place of employment;
  (v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and
  (b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

6. Witnesses:

State the names and addresses of every person known by defendant, defendant's representatives or defendant's attorney, to have witnessed the occurrence mentioned in the petition, or who was present at the scene within sixty minutes of the occurrence. Designate which of such people actually claim to have witnessed the occurrence.

ANSWER:

7. State whether or not any insurance company (including any company with excess or umbrella coverage) has an interest in the outcome of this litigation against defendant. If so, state the following:

(a) The name of the insurance company;
(b) Whether the insurance company is a stock company or a mutual company;
(c) Name of the insured;
(d) Type(s) of insurance;
(e) Effective policy period;
(f) Policy number; and,
(g) Limits of the policy applicable to the occurrence mentioned in these pleadings.

ANSWER:

8. Please identify each person who had a responsibility to oversee or supervise the sale, distribution or installation of the subject product.

ANSWER:

9. As to each such person identified in your answer to the foregoing interrogatory, please set forth a description of their education, work experience, or other qualifications considered by you before investing such person(s) with such responsibility and/or authority.

ANSWER:

10. Do you contend that the manufacturer who supplied the subject product to you was aware of any alleged defect in such product?

ANSWER:

11. If your answer to the foregoing interrogatory is in the affirmative, please identify:

(a) Each and every fact upon which you base such contention;
(b) The name, business and residence address, and telephone number of any person having knowledge of any such facts; and,
(c) An identification of each and every writing relating to any such fact.

ANSWER:

12. Please state whether you provided any written instructions as to the use of the subject product.

ANSWER:

13. If your answer to the foregoing interrogatory is in the affirmative, please identify:

(a) The written instructions;
(b) The name, business and residence address, and telephone number of the person(s) who drafted the wording of said instruction; and,
(c) Each and every writing relating to the composition of all printed matter distributed with or affixed to the product.

ANSWER:

14. Identify any and all complaints, lawsuits, or claims submitted to you relating to the alleged defect(s) of similar makes and models of the subject product referenced in plaintiff's petition.

ANSWER:

15. Please state whether you performed any test, of whatever nature or description, for the purpose of determining whether the subject product met reasonable performance expectations for its intended use.

ANSWER:

16. If your answer to the foregoing interrogatory is affirmative, please identify:

(a) A description of each such test conducted by you;
(b) The date and location where each test was conducted;
(c) Whether any aspect of any such test was recorded or memorialized or any document or writing, including photographs, films, videotapes or other visual representations of whatever nature or description;
(d) An identification of any such document or visual representation;
(e) Whether the results of any such test(s) were submitted, or referred to in any manner whatsoever, and any document filed with or tendered to any public entity or regulatory agency; and,
(f) The name, business and residence address, and telephone number of the person(s) charged with the responsibility to evaluate the performance of the subject product in each such test referred to in your answers to the proceeding subparts of this interrogatory.

ANSWER:

17. Identify any facts known to you indicating that the subject product had been altered or modified between the time of manufacture and the time the product was sold to plaintiff or installed on plaintiff's behalf thereof.

ANSWER:

18. Identify any facts known to you indicating that the subject product had been altered or modified after sale to plaintiff or installation by plaintiff or on plaintiff's behalf thereof.

ANSWER:

19. Identify any facts or circumstances known to you indicating that plaintiff was not using the subject product in a manner reasonably anticipated.

ANSWER:

Medical Negligence Case (Wrongful Death) - Defendant

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
	)	
Plaintiff(s),	)	
vs.	)	Case No.: _____
	)	
_____,	)	
	)	
Defendant(s).	)	

DEFENDANT'S INTERROGATORIES DIRECTED TO PLAINTIFF

Comes now defendant and submits the following interrogatories to plaintiff, to be answered in writing and signed under oath in accordance with the Missouri Rules of Civil Procedure:

Definitions

1. "Health care provider" shall refer to any medical doctor, osteopath, chiropractor, therapist, psychiatrist, psychologist, social worker, counselor, hospital, medical clinic, or any other provider of diagnostic or therapeutic services.

2. "Injury" or "injured" shall refer to any harm or damage to the plaintiff's decedent's physical or emotional well being.

Interrogatories

1. Please state the following information concerning yourself and the plaintiff's decedent:

(a) Full name, social security number, place and date of birth, present address, and any other names used;

(b) If you or plaintiff's decedent have ever been married, state the full name of each spouse, the date of marriage to each spouse, the date on which each marriage ended, the present address of each spouse and the names, birth dates, and present addresses of each child had with each spouse;

(c) Each and every address at which you or plaintiff's decedent have resided in the past twenty years including the dates of your residence at each address and the names of all persons residing at each address;

(d) The highest grade of formal schooling completed, the institution at which it was completed, and any certificates or degrees received including any vocational or specialized education or training in a trade, business or the military;

(e) Whether you or plaintiff's decedent have been convicted of or pled guilty to a crime consisting of a misdemeanor or felony and, if so, the offense for which convicted, or to which a guilty plea was entered, the date of conviction or

plea, and the name and address of the court where the conviction or plea was entered;

(f) Whether plaintiff's decedent was ever a plaintiff in a personal injury suit, proceeding for workers' compensation benefits, or a proceeding for social security benefits and, if so, when, where and in what court the action was commenced; and,

(g) Whether you or plaintiff's decedent have ever served in the Armed Forces of the United States or of a foreign country.

ANSWER:

2. List any job or position of employment, including self-employment, held by plaintiff's decedent during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present date, stating as to each, the following:

(a) The name and address of the employer;
(b) The date of commencement and termination of employment;
(c) The place of employment;
(d) The nature of employment and the duties performed;
(e) The name and address of decedent's immediate supervisor; and,
(f) If a loss of support claim is being made, state the decedent's rate of pay or compensation received.

ANSWER:

3. State the name and address of each health care provider who has examined or treated plaintiff's decedent during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present date. For each health care provider identified state:

(a) The date of each examination or treatment;
(b) The injury, illness, condition, complaint or other reason for which each examination or treatment was conducted; and,
(c) Whether the injury, illness, condition or complaint for which examination or treatment was performed has been relieved, and if so, the approximate date of relief.

ANSWER:

4. State the name and address of each hospital at which plaintiff's decedent had been examined or treated during the period beginning twenty years before the first act of negligence alleged in your petition and continuing through the present date. For each hospital identified state:

(a) If admitted, the date of admission and the date of discharge;
(b) If not admitted, the date of the visit; and,

(c) The injury, illness, condition, complaint or other reason for the hospitalization or visit.

ANSWER:

5. State whether, during the period beginning twenty years before the first act of negligence alleged in the petition and continuing through the present day, plaintiff's decedent had suffered any medical significant injury or illness. If so, as to each said injury or illness, state:

(a) The date on which the injury took place or illness began;
(b) The parts of the decedent's body which were injured or affected; and,
(c) The name and address of each health care provider who treated the plaintiff's decedent for the injury or illness.

ANSWER:

6. State whether plaintiff's decedent had been examined or treated by any health care provider following the occurrence(s) mentioned in your petition and for each, state:

(a) The name and address of each health care provider who examined or treated the decedent;
(b) The name and address of each hospital, or clinic where the decedent was examined or treated either as an inpatient or outpatient;
(c) Describe the treatment or examination rendered; and,
(d) The total amount of charges by each health care provider, hospital or clinic for services rendered.

ANSWER:

7. What expenses, listing them item by item, were incurred in connection with the funeral, burial, cremation or other means of attending to the decedent's remains and what is the name and address of each person incurring liability for such expenditures?

ANSWER:

8. State whether you have incurred any other expenses not listed in answers to the previous interrogatories that you claim were necessitated by or attributable to the act(s) of negligence alleged in your petition. If your answer is in the affirmative, please state:

(a) The product or service for which the expense was incurred;
(b) The name and address of the person or entity from whom the product or service was purchased;
(c) The date upon which said product or service was purchased; and,
(d) The amount charged for the product or service purchased.

ANSWER:

9. State the full name and last known address of each person who:

(a) Witnessed or claims to have witnessed any act of negligence alleged in your petition;

(b) Was present or claims to have been present at the scene immediately before, at the time of or immediately after any act of negligence alleged in your petition.

(c) Has personal knowledge or claims to have personal knowledge of the nature and extent of the injuries you claim decedent to have suffered as a result of the act(s) of negligence alleged in your petition; and,

(d) Has or claims to have personal knowledge of any act of negligence alleged.

ANSWER:

10. Experts:

List and identify:

(a) Each person this plaintiff expects to call as an expert witness at the trial, whether the witness is a retained expert or non-retained expert, stating for each such expert:

(i) Name;

(ii) Address;

(iii) Occupation;

(iv) Place of employment;

(v) Qualifications to give an opinion (if such information is available on an expert's curriculum vitae, you may attach a copy thereof in lieu of answering this interrogatory subpart); and,

(b) With respect to each expert listed, please state the subject matter on which the expert is expected to testify and the expert's hourly deposition fee.

ANSWER:

11. State whether or not, following the act(s) of negligence alleged in your petition, a statement, interview, or report, or a stenographic, mechanical, electrical, audio, video, motion picture, photograph or other recording, or transcription thereof, of the defendant or any of defendant's agents, servants and employees or of a statement made by the defendant or any of defendant's agents, servants and employees and contemporaneously recorded, has been secured or taken from defendant or any of defendant's agents, servants, and employees; if so, state the following:

(a) Name of person from whom secured or taken;

(b) Date, place and time taken;

(c) Name and address of the person or persons connected with taking it;

(d) Name and address of all persons present at the time it was taken;

(e) Whether the statement was oral, written, shorthand, recorded, taped, etc;

(f) Was it signed? and,

(g) Names and addresses of the persons or organizations under whose direction and upon whose behalf it was taken or made.

ANSWER:

12. Identify every person, firm or corporation other than your attorney and persons mentioned in answers to other interrogatories, to whom you or the decedent made any statement or given information relating to the decedent's physical condition or ability to work in connection with any application for employment, disability benefits or pecuniary payments of any nature, since the date of the act(s) of negligence alleged in your petition including, but not limited to, any insurance company.

ANSWER:

13. State whether there exists any photographs, x-rays, motion pictures, videotapes, drawings or other visual reproductions of any type depicting the alleged injury(ies) and damages described in your petition and if so, for each, state:

(a) The name and address of the person making the visual reproduction(s) and the date thereof;
(b) What each visual reproduction depicts; and,
(c) The name and address of the person having custody of each said visual reproduction.

ANSWER:

14. State whether, as a result of the act(s) of negligence or injuries alleged in your petition, you or plaintiff's decedent have received settlement monies, received any Medicare and/or Medicaid payments or had Medicare and/or Medicaid payments made on your behalf, or have received anything whatever of value and, if your answer is in the affirmative, please state:

(a) The nature of the payment (i.e. settlement money, Medicare payment, Medicaid payment, or the like);
(b) The name of the person, firm, association, company, corporation or other entity paying the amount and the name of the recipients; and,
(c) The date said amount was paid and/or received.

ANSWER:

15. State whether you have entered into any type of settlement agreement, release, covenant-not-to-sue, covenant-not-to-enforce-judgment, an agreement in the nature of a "Mary Carter Agreement," a covenant-to-sue, or contract to limit recovery to specified assets, with any person, firm, corporation, insurer, or any other entity relating in any way to any of the incidents or injuries mentioned in your petition or any of the damages claimed under this lawsuit. If so, please

state as to such settlement, agreement release, covenant, or contract: the date; the amount of consideration involved; and the complete legal name and present address of the person or entity involved.

ANSWER:

16. What dollar amount of damages is plaintiff seeking in this lawsuit?

ANSWER:

17. What was the date, time and place of decedent's death and the immediate cause of death?

ANSWER:

18. Was a death certificate prepared after the death of the decedent? If so, state:

(a) Whether it was filed;
(b) The office in which it was filed; and,
(c) The address of the person listed on the certificate as informant.

ANSWER:

19. Was an autopsy performed on the body of the decedent? If so, state:

(a) The name, address and official capacity of each person authorizing or ordering the autopsy;
(b) Why the autopsy was performed;
(c) The name and address of the person performing the autopsy;
(d) The date and time the autopsy was performed; and,
(e) The name and address of each person having custody of the results of the autopsy.

ANSWER:

20. State whether you claim to have lost any pecuniary value from the death of your decedent as the result of the alleged negligence of these defendants and, if so, state with specificity the amount claimed to be lost and describe in exact detail how said value was calculated.

ANSWER:

21. State whether your decedent's estate is being administered and, if so, state the following:

(a) The name of the estate and file number; and,
(b) The City, County and State of administration and the name and address of the applicable court.

ANSWER:

22. State the name and address of every person who supported the decedent, in whole or in part, and as to each person named, state the following:

(a) The relationship between the decedent and the person; and,
(b) The amount of support in dollars, for the three years preceding the date of the decedent's death.

ANSWER:

23. Medicare

Please state whether any medical expenses or other financial losses incurred by decedent as a result of the occurrence alleged in the pleadings have been paid by Medicare, Medicaid, Social Services, or any other governmental agency or insurance policy. If so, please state the following:

(a) The name, address and telephone numbers of the healthcare provider, agency or person which or who was paid;
(b) The date and amount of payment;
(c) The name of the agency or person making payment;
(d) Provide decedent's date of birth;
(e) Provide decedent's social security number;
(f) Provide decedent's HIGH (Health Insurance Claim Number); and
(g) Provide a copy of decedent's insurance card.

[NOTE: This information is requested in order to comply with the new Medicare rules. The information is required of any reporting entity to report such information to Medicare or large monetary penalties can result from noncompliance; in this case, the reporting entity is the insurance carrier which provides coverage in this case. 42 U.S.C. §1395y(b)(8); 42 U.S.C. §1862(b)(2)(B)(iii); *see* June 2008 Memo from the Centers for Medicare and Medicaid, attached hereto as exhibit "A."]

ANSWER:

24. Disability Benefits

State whether decedent has ever applied for any type of disability benefit from any entity (governmental, insurance, employer). If so, please state the following:

(a) The date of each application;

(b) The name and address of the entity;
(c) The nature of the injury causing disability;
(d) Whether any disability benefits were ever received;
(e) Whether decedent refilled or appealed a denial of benefits, or whether it is anticipated that such refilling or appeal will be filed; and
(f) When any payment of benefits began.

ANSWER:

25. State the name and address of each person whom the decedent supported, in whole or in part, and as to each person named, state the following:

(a) The relationship between the decedent and the person; and,
(b) The amount of support in dollars, for the three years preceding the date of the decedent's death.

ANSWER:

26. State the names and addresses of all persons residing in Boone County who are related to plaintiff by blood or marriage.

ANSWER:

27. Pursuant to Section 573.080 R.S.Mo., state the name and address of all persons entitled to seek damages for the alleged wrongful death that is the subject matter of this lawsuit.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

Judge or Division:	**Case Number:**
State of Missouri vs.	

(Date File Stamp)

Entry of Appearance by Attorney and Waiver of Personal Appearance by Defendant FELONIES – ASSOCIATE CIRCUIT

Attorney Entry of Appearance and Waiver

_____ hereby enters his/her appearance as attorney for the above-named defendant, and hereby acknowledges receipt of the complaint filed, or waives same.

Defendant and counsel waive personal appearance for the initial hearing in associate circuit court.

_____
Attorney for Defendant Bar No.
Date: _____

Waiver of Appearance for Initial Hearing

I, _____, am the defendant in the above-entitled case and my attorney and I have either received a copy of the complaint filed in this case, or waive receiving it. I understand that I have a right to be present for the initial hearing, and I hereby waive my right to be personally present for the initial hearing.

_____
Defendant
Date:_____

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

Judge or Division:	**Case Number:**
State of Missouri vs.	

(Date File Stamp)

Entry of Appearance, Waiver of Personal Appearance for Arraignment, Waiver of Formal Arraignment, and Plea of Not Guilty
FELONIES – CIRCUIT

Attorney Entry of Appearance and Waiver

_____ hereby enters his/her appearance as attorney for the above-named defendant, and acknowledges receipt of a copy of the information filed, or waives same.

Defendant and counsel hereby:

- waive personal appearance for arraignment,
- waive formal arraignment, and
- enter a plea of not guilty to the charge(s).

_____
Attorney for Defendant Bar No.
Date:_____

Waiver of Appearance for Arraignment, Waiver of Arraignment, and Plea of Not Guilty by Defendant

I, _____, am the defendant in the above-entitled case and my attorney and I have either received a copy of the information filed or waive receiving it.

I understand that I have a right to be present for arraignment and a right to formal arraignment. I hereby:

- waive my right to be personally present for arraignment,
- waive formal arraignment, and
- enter a plea of not guilty to the charge(s).

_____
Defendant
Date:_____

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

Judge or Division:	**Case Number:**
State of Missouri vs.	

(Date File Stamp)

Entry of Appearance, Waiver of Personal Appearance for Arraignment, Waiver of Formal Arraignment, and Plea of Not Guilty MISDEMEANORS

Attorney Entry of Appearance and Waiver

_____ hereby enters his/her appearance as attorney for the above-named defendant, and hereby acknowledges receipt of a copy of the information filed or waives same. On behalf of defendant, I hereby:

- waive personal appearance for arraignment,
- waive formal arraignment, and
- enter a plea of not guilty to each the charge(s).

_____

Attorney for Defendant Bar No.

Date:_____

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

_____,	)	
Petitioner(s)/Plaintiff(s)	)	
	)	**Case No._____**
v.	)	
	)	**Date _____**
_____,	)	
Respondent(s)/Defendant(s)	)	

CONSENT TO RULING

The undersigned, being attorneys of record for the parties hereto, consent to the Court entering an Order:

□ Overruling (Petitioner's/Plaintiff's) (Respondent's/Defendant's) Motion to Dismiss and allowing _____ days to file a responsive pleading.

□ Ruling on Pending Motion(s) for _____ _____ without evidence or argument, referring to any briefs filed by the parties in support or opposition.

□ Allowing (Petitioner/Plaintiff) (Respondent/Defendant) _____ days to answer pending interrogatories and requests for production.

□ Awarding (Petitioner/Plaintiff) (Respondent/Defendant) temporary child support in the amount of $_____ per month and temporary maintenance in the amount of $_____ per month payable on the _____ day of each month (directly to Petitioner/Plaintiff) (directly to Respondent/Defendant) (through the Family Support Payment Center).

□ Awarding temporary attorney fees in the amount of $_____ to (Petitioner(s)/Plaintiff(s)) (Respondent(s)/Defendant(s)).

□ Taking judicial notice of all pleadings, property statements, and income and expense statements filed herein, awarding (temporary child support), (temporary maintenance) and (temporary attorney fees) to (Petitioner(s)/Plaintiff(s)) (Respondent(s)/Defendant(s)) without further evidence or argument.

□ Taking judicial notice of all pleadings, awarding temporary custody/visitation as follows:
_____
_____

□ _____
_____
_____

SO ORDERED,

_____
Attorney for Petitioner(s)/Plaintiffs

_____
JUDGE/COMMISSIONER - Div. _____

_____
Attorney for Respondent(s)/Defendant(s)

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
EN BANC

IN RE: DOCKET SCHEDULES FOR BOONE AND CALLAWAY COUNTIES
05-63

O R D E R

IT IS HEREBY ORDERED that Administrative Order 17-15 is repealed effective December 30, 2016 at 5 p.m.

IT IS FURTHER ORDERED that effective January 1, 2017, the attached docket schedules for Boone and Callaway Counties shall be in effect.

IT IS FURTHER ORDERED that the Circuit Clerks of Boone and Callaway Counties shall distribute a copy of this order and attachments to members of the Bar of the Thirteenth Judicial Circuit.

Done this 28th day of November, 2016.

For the Court,

_____
CHRISTINE CARPENTER
Presiding Judge

Note: Week one shall always begin with the first Monday of the month.

EFFECTIVE DATE: January 1, 2017

BOONE COUNTY
CIRCUIT COURT DOCKET SCHEDULE
Effective January 1, 2017

WEEK	DIVISION I		DIVISION II		DIVISION III		DIVISION IV	
	AM	PM	AM	PM	AM	PM	AM	PM
WEEK 1								
Monday	9:00 Civil Docket	Criminal Docket **(w/ Arraignments)** 1:30 In-Custody Cases All PD Cases 3:00 Not-In-Custody Cases w/ Private Attorneys	Callaway County	2:00 Criminal Docket **(w/ Arraignments)**	9:00 Civil Docket Temp Motion Docket Uncontested Dissolutions	1:30 Criminal Docket (w/ **Video** Arraignments)	9:00 Civil Docket	Criminal Docket **(w/Video Arraignments)** 1:30 In-Custody Cases All PD Cases 3:00 Not-In-Custody Cases w/ Private Attorneys
Tuesday								
Wednesday								
Thursday								
Friday	9:00 Video Docket		**Callaway County**	**Callaway County**			9:00 PV Hearings	
WEEK 2								
Monday		Criminal Docket (w/**Video** Arraignments) 1:30 In-Custody Cases All PD Cases 3:00 Not-In-Custody Cases w/ Private Attorneys	9:00 Civil Docket 10:30 Criminal Docket Not-in-Custody Cases Private Attorney & Public Defender	1:30 Criminal Docket **(w/Video Arraignments)** In-Custody Cases Not-in-Custody Cases Private Attorney & Public Defender	Callaway County	2:00 Criminal Docket **(w/ Arraignments)**	9:00 Civil Docket	Criminal Docket **(w/ Arraignments)** 1:30 In-Custody Cases All PD Cases 3:00 Not-In-Custody Cases w/ Private Attorneys
Tuesday								
Wednesday								
Thursday								
Friday			**9:00 Contested Dissolutions**	**1:30 Contested Dissolutions**			9:00 Video Docket	
WEEK 3								
Monday	Callaway County	2:00 Criminal Docket **(w/ Arraignments)**	9:00 Civil Docket 10:30 Criminal Docket Not-in-Custody Cases Private Attorney & Public Defender	1:30 Criminal Docket **(w/ Arraignments)** In-Custody Cases Not-in-Custody Cases Private Attorney & Public Defender	9:00 Civil Docket Temp Motion Docket Uncontested Dissolutions	1:30 Criminal Docket **(w/Video Arraignments)**	9:00 Civil Docket	Criminal Docket (w/**Video** Arraignments) 1:30 In-Custody Cases All PD Cases 3:00 Not-In-Custody Cases w/ Private Attorneys
Tuesday					9:00 Small Claims	1:30 Small Claims		
Wednesday								
Thursday								
Friday			9:00 Video Docket				9:00 PV Hearings	
WEEK 4								
Monday	9:00 Civil Docket	Criminal Docket **(w/Video Arraignments)** 1:30 In-Custody Cases All PD Cases 3:00 Not-In-Custody Cases w/ Private Attorneys	9:00 Civil Docket 10:30 Criminal Docket (w/ Arraignments) Not-in-Custody Cases Private Attorney & Public Defender	1:30 Criminal Docket (w/**Video** Arraignments) In-Custody Cases Not-in-Custody Cases Private Attorney & Public Defender	9:00 Civil Docket Temp Motion Docket Uncontested Dissolutions	1:30 Criminal Docket **(w/ Arraignments)**	Callaway County	2:00 Criminal Docket **(w/ Arraignments)**
Tuesday								
Wednesday								
Thursday								
Friday			**9:00 Contested Dissolutions**	**1:30 Contested Dissolutions**	9:00 Video Docket			
WEEK 5								
Monday								
Tuesday								
Wednesday								
Thursday								
Friday								

BOONE COUNTY
ASSOCIATE CIRCUIT COURT DOCKET SCHEDULE
Effective January 1, 2017

WEEK	DIVISION V		DIVISION VI		DIVISION VII		DIVISION VIII	
	AM	PM	AM	PM	AM	PM	AM	PM
WEEK 1 Monday	9:00 Adult Abuse							Callaway County
Tuesday	9:00 Traffic	1:30 **Settlements**					9:00 Temporary Motions	
Wednesday	9:00 Dom Viol Docket (In-Custody)	1:30 Dom Viol Docket					9:00 Contested Dissolutions	1:30 Contested Dissolutions
Thursday	9:00 Civil Bench Trials	1:30 Arraign/PVH 2:00 Criminal Trial/Preliminary **Contested**					9:00 Juvenile (General)	1:30 Juvenile (Contested)
Friday	9:00 Traffic 10:30 Civil Returns	1:30 Arraignments 2:00 Criminal Dock						1:30 Paternity (PA Cases)
WEEK 2 Monday	9:00 Adult Abuse				9:00 Temp Mot/Uncontested Dissolutions		11:00 Atty General Child Support Modification Hrgs	1:30 Paternity (Private Atty/ *Pro Se*)
Tuesday	9:00 Ashland and Sturgeon Municipal Court	1:30 **Settlements**					9:00 Temporary Motions	
Wednesday	9:00 Dom Viol Docket (In-Custody)	1:30 Dom Viol Docket					9:00 Contested Dissolutions	1:30 Contested Dissolutions
Thursday	9:00 Civil Bench Trials	1:30 Arraignments 2:00 Criminal Trial/Preliminary/ **Pre-trial hearing**					9:00 Juvenile (General)	1:30 Juvenile (Contested)
Friday	9:00 Traffic 10:30 Civil Returns	1:30 Arraignments 2:00 Crim Dock						
WEEK 3 Monday	9:00 Adult Abuse						**9:00 Special Settings**	1:30 **Special Settings**
Tuesday	9:00 Traffic	1:30 **Settlements**					9:00 Temporary Motions	
Wednesday	9:00 Dom Viol Docket (In-Custody)	1:30 Dom Viol Docket					9:00 Contested Dissolutions	1:30 Contested Dissolutions
Thursday	**Jury Trial**	**Jury Trial**					9:00 Juvenile (General)	
Friday	9:00 Traffic 10:30 Civil Returns	1:00 Weddings 1:30 Arraignments 2:00 Crim Dock					Callaway County	
WEEK 4 Monday	9:00 Adult Abuse				9:00 Contested Dissolutions			1:30 Paternity (Private Atty/ *Pro Se*)
Tuesday	9:00 Traffic	1:30 **Settlements**					9:00 Temp. Mtns Uncontested Diss.	
Wednesday	9:00 Dom Viol Docket (In-Custody)	1:30 Dom Viol Docket					9:00 Contested Dissolutions	1:30 Contested Dissolutions
Thursday	9:00 Civil Bench Trials	1:30 Arraignments 2:00 Criminal Trial/Preliminary **Contested**					9:00 Juvenile (General)	1:30 Juvenile (Contested)
Friday	9:00 Traffic 10:30 Civil Returns	1:30 Arraignments 2:00 Crim. Dock.						
WEEK 5 Monday	9:00 Adult Abuse							
Tuesday	9:00 Traffic	1:30 **Settlements**						
Wednesday	9:00 Dom Viol Docket (In-Custody)	1:30 Dom Viol Docket					9:00 Contested Dissolutions	1:30 Contested Dissolutions
Thursday	**9:00 Civil Bench Trial**	1:30 Arraignments 2:00 Criminal Trial/Preliminary					9:00 Juvenile (General)	1:30 Juvenile (Contested)
Friday	9:00 Traffic 10:30 Civil Returns	1:30 Arraignments			9:00-*Special Setting (as needed)*	*1:30 Special Setting (as needed)*		

BOONE COUNTY
ASSOCIATE CIRCUIT COURT DOCKET SCHEDULE
Effective January 1, 2017

WEEK	DIVISION IX		DIVISION X		DIVISION XI		DIVISION XII	
	AM	PM	AM	PM	AM	PM	AM	PM
WEEK 1 Monday	9:00 Landlord/Tenant 10:00 Gen Civil	1:30 Civil Trials	8:30 Adoptions 9:00 Juv (Gen)	1:30 Juvenile (General)	9:00 Probate	1:30 Arraignments 2:30 Criminal Docket	Callaway	Callaway
Tuesday	9:00 DWI Hearings 10:30 DOR Hearings	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Uncontested Dissolutions, Contested (*set by Court),* Temporary Motions		8:15 Probate M.H. 9:30 Crim. Dock w/ Priv Atty	1:30 Crim. Dock w/ Pub Def 3:00 Criminal Docket (Contested)	9:00 Drug Court Staffing	1:30 Drug Court
Wednesday	9:00 Crim Dock w/ Private Atty	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Adult Abuse	2:00 Juvenile (Contested)	9:00 Criminal Docket	1:30 Show Cause Hearing	10:30 Termination/ Sanction/DOR hearing	1:00 Veterans Ct Staffing 3:00 Veterans Court 4:00 Veterans DWI Court
Thursday	9:00 Criminal/Bench Trials	1:30 Criminal Contested/ Bench Trials	9:00 Contested Diss/TPR		8:15 Probate M.H. 9:00 Probate	1:30 Probate	8:30 Mental Health Ct Staffing 10:00 Mental Health Court	1:00 DWI Court Staffing 3:00 DWI Court
Friday	9:00 DUR/DUS		9:00 Temporary Motions	1:00 Weddings 1:30 Cont Mtns *(to be set by Court)*	9:00 Probate			
WEEK 2 Monday	9:00 Landlord/Tenant 10:00 Gen Civil	1:30 Civil Trials	8:30 Adoptions 9:00 Juv (Gen)	1:30 Juvenile (General)	9:00 Probate	1:30 Arraignments 2:30 Criminal Docket	Callaway	Callaway
Tuesday	9:00 DWI Hearings 10:30 DOR Hearings	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Uncontested Dissolutions/ Contested (*set by Court),* Temporary Motions		8:15 Probate M.H. 9:30 Crim. Dock w/ Priv Atty	1:30 Crim. Dock w/ Pub Def 3:00 Criminal Docket (Contested)	9:00 Drug Court Staffing	1:30 Drug Court
Wednesday	9:00 Crim Dock w/ Private Atty	1:30 Arraignments 2:00 Crim Dock w/PD	9:00 Adult Abuse	2:00 Juvenile (Contested)	9:00 Criminal Docket	1:30 Show Cause Hearing	10:30 Termination/ Sanction/DOR hearing	1:00 Veterans Ct Staffing 3:00 Veterans Court 4:00 Veterans DWI Court
Thursday	9:00 Criminal/Bench Trials	1:30 Criminal Contested/ Bench Trials	9:00 Contested Diss/TPR	1:30 Contested Diss/TPR	8:15 Probate M.H. 9:00 Probate	1:30 Probate	8:30 Mental Health Ct Staffing 10:00 Mental Health Court	1:00 DWI Court Staffing 3:00 DWI Court
Friday	9:00 DUR/DUS		9:00 Temporary Motions		9:00 Probate	1:00 Weddings		
WEEK 3 Monday	9:00 Landlord/Tenant 10:00 Gen Civil	1:30 Civil Trials	8:30 Adoptions 9:00 Juv (Gen)	1:30 Juvenile (General)	9:00 Probate	1:30 Arraignments 2:30 Criminal Docket	Callaway	Callaway
Tuesday	9:00 DWI Hearings 10:30 DOR Hearings	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Temp Mtns, Contested Diss (*set by Court*) , Uncontested Diss.	1:30 Contested Dissolutions	8:15 Probate M.H. 9:30 Crim. Dock w/ Priv Atty	1:30 Crim. Dock w/ Pub Def 3:00 Criminal Docket (Contested)	9:00 Drug Court Staffing	1:30 Drug Court
Wednesday	9:00 Crim Dock w/ Private Atty	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Adult Abuse	2:00 Juvenile (Contested)	9:00 Criminal Docket	1:30 Show Cause Hearing	10:30 Termination/ Sanction/DOR hearing	1:00 Veterans Ct Staffing 3:00 Veterans Court 4:00 Veterans DWI Court
Thursday	9:00 Criminal/Bench Trials	1:30 Arraignment 2:00 Criminal Contested/ Bench Trials/Pre-trial Conference	9:00 Contested Diss/TPR	1:30 Contested Diss/TPR	8:15 Probate M.H. 9:00 Probate	1:30 Probate	8:30 Mental Health Ct Staffing 10:00 Mental Health Court	1:00 DWI Court Staffing 3:00 DWI Court
Friday	9:00 DUR/DUS		9:00 Temporary Motions	1:30 Cont Mtns *(to be set by Court)*	9:00 Probate			
WEEK 4 Monday	10:00 Centralia Municipal Court	1:30 Small Claims	8:30 Adoptions 9:00 Juv (Gen)	1:30 Juvenile (General)	9:00 Probate	1:30 Arraignments 2:30 Criminal Docket	Callaway	Callaway
Tuesday	9:00 DWI Hearings 10:30 DOR Hearings	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Temp Mtns, Contested Diss (*set by Court*) Uncontested Diss.	1:30 Contested Dissolutions	8:15 Probate M.H. 9:30 Crim. Dock w/ Priv Atty	1:30 Crim. Dock w/ Pub Def 3:00 Criminal Docket (Contested)	9:00 Drug Court Staffing	1:30 Drug Court
Wednesday	9:00 Crim Dock w/ Private Atty	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Adult Abuse	2:00 Juvenile (Contested)	9:00 Criminal Docket	1:30 Show Cause Hearing	10:30 Termination/ Sanction/DOR hearing	1:00 Veterans Ct Staffing 3:00 Veterans Court 4:00 Veterans DWI Court
Thursday	Jury Trial	Jury Trial	9:00 Contested Diss/TPR	1:30 Contested Diss/TPR	8:15 Probate M.H. 9:00 Probate	1:30 Probate	8:30 Mental Health Ct Staffing 10:00 Mental Health Court	1:00 DWI Court Staffing 3:00 DWI Court
Friday	9:00 DUR/DUS, Special Settings (bond forfeitures)	1:00 Weddings	9:00 Temp./Cont. Motions		9:00 Probate			
WEEK 5 Monday	9:00 Landlord/Tenant 10:00 Gen Civil	1:30 Civil Trials	8:30 Adoptions 9:00 Juv (Gen)	1:30 Juvenile (General)	9:00 Probate	1:30 Arraignments 2:30 Criminal Docket	Callaway	Callaway
Tuesday	9:00 DWI Hearings 10:30 DOR Hearings	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Temp Mtns, Contested Diss (*set by Court)* Uncontested Diss.		8:15 Probate M.H. 9:30 Crim. Dock w/ Priv Atty	1:30 Crim. Dock w/ Pub Def 3:00 Criminal Docket (Contested)	9:00 Drug Court Staffing	1:30 Drug Court
Wednesday	9:00 Crim Dock w/ Private Atty	1:30 Arraignments 2:00 Crim Dock w/ PD	9:00 Adult Abuse	2:00 Juvenile (Contested)			10:30 Termination/ Sanction/DOR hearing	1:00 Veterans Ct Staffing 3:00 Veterans Court 4:00 Veterans DWI Court
Thursday	9:00 Criminal/Bench Trials	1:30 Criminal/Bench Trials	9:00 Contested Diss/TPR	1:30 Contested Diss/TPR	8:15 Probate M.H. 10:00 Criminal Docket	1:30 Show Cause Hearing 2:00 Criminal Docket	8:30 Mental Health Ct Staffing 10:00 Mental Health Court	1:00 DWI Court Staffing 3:00 DWI Court
Friday	9:00 DUR/DUS		9:00 Temporary Motions		9:00 Probate			

CALLAWAY COUNTY
CIRCUIT COURT DOCKET SCHEDULE
Effective JANUARY 1, 2017

WEEK	DIVISION I		DIVISION II		DIVISION III		DIVISION IV	
	AM	PM	AM	PM	AM	PM	AM	PM
WEEK 1								
Monday			9:00 Criminal Docket (Arraignments) 11:00 Civil Docket					
Tuesday								
Wednesday								
Thursday								
Friday			**9:00 Contested Dissolutions**	**1:30 Contested Dissolutions**				
WEEK 2								
Monday					9:00 Criminal Docket (Arraignments) 11:00 Civil Docket			
Tuesday								
Wednesday								
Thursday								
Friday								
WEEK 3								
Monday	9:00 Criminal Docket (Arraignments) 11:00 Civil Docket							
Tuesday								
Wednesday								
Thursday								
Friday								
WEEK 4								
Monday							9:00 Criminal Docket (Arraignments) 11:00 Civil Docket	
Tuesday								
Wednesday								
Thursday								
Friday								
WEEK 5								
Monday								
Tuesday								
Wednesday								
Thursday								
Friday								

CALLAWAY COUNTY
ASSOCIATE CIRCUIT COURT DOCKET SCHEDULE
Effective January 1, 2017

WEEK	DIVISION VI		DIVISION VII		DIVISION VIII		DIVISION XII	
	AM	PM	AM	PM	AM	PM	AM	PM
WEEK 1 Monday	8:30 Mental Health 11:00 Civil Return	1:15 Video Arraignments 1:30 DOR	9:00 Small Claims	1:30 Adult Abuse		1:30 Temp Mtns/ Uncontested Paternity/Diss	8:30 Termination/ Sanction/ DOR Hearings 9:00 Family Drug Court Staffing 10:30 Family Drug Court	1:30 Drug Court Staffing 3:30 Drug Court 4:00 DWI Court
Tuesday	8:30 Mental Health 9:00 Fulton Municipal Division	1:30 Preliminary Hearings/Criminal Trials (Private Attorneys)	9:00 Juvenile (Del) 11:00 Adoptions/Guardianships	1:00 Juvenile (A/N)				
Wednesday	8:30 Mental Health 9:00 Traffic, Video/Criminal Arraignments	1:15 Video Arraignments 1:30 Traffic (w/Attorneys) Preliminary Hrgs/Criminal Trials (Pro Se Cases)	9:00 Juvenile Contested Hearings					
Thursday	8:30 Mental Health 9:00 Civil Trials/Probate	1:30 Civil Trials/Probate	9:00 Dissolutions	1:30 Dissolutions				
Friday	8:30 Mental Health 9:00 Video/Criminal Arraignments 10:30 Appearances (Cases w/Attys)	1:15 Video Arraignments 1:30 Preliminary Hrgs/Criminal Trials w/Public Defender	10:00 Domestic Violence Appr/Arraignment	1:30 Criminal Conflict			8:30 Termination/ Sanction/ DOR Hearings	
WEEK 2 Monday	8:30 Mental Health 11:00 Civil Returns	1:15 Video Arraignments 1:30 DOR	Boone County	1:30 Adult Abuse 3:00 Pre-Trial Conference			9:00 Family Drug Court Staffing 10:30 Family Drug Court	1:30 Drug Court Staffing 3:30 Drug Court 4:00 DWI Court
Tuesday	8:30 Mental Health 9:00 Conditional Releases/ Probate	1:30 General Probate Docket	9:00 Juvenile (Del) 11:00 Adoptions/Guardianship	1:00 Juvenile (A/N)				
Wednesday	8:30 Mental Health 9:00 Traffic, Video/Criminal Arraignments	1:15 Video Arraignments 1:30 Traffic (w/attorneys) Preliminary Hrgs/Criminal Trials (Pro Se Cases)	9:00 Juvenile Contested Hearings					
Thursday	8:30 Mental Health 9:00 Civil Trials/Probate Hearings	1:30 Civil Trials/Probate Hearings	Jury Trial	Jury Trial				
Friday	8:30 Mental Health 9:00 Video/Criminal Arraignments 10:30 Criml Appearances (Cases w/ Attys)	1:15 Video Arraignments 1:30 Preliminary Hrgs/Criminal Trials (w/Public Defender)	10:00 Domestic Violence Hearings/Trials 11:00 MEND Compliance Docket	1:30 Domestic Violence Hearings/Trials			9:00 Termination/ Sanction/ DOR Hearings	
WEEK 3 Monday	8:30 Mental Health 11:00 Civil Return	1:15 Video Arraignments 1:30 Pre-trial Conference	9:00 Small Claims	1:30 Adult Abuse			9:00 Family Drug Court Staffing 10:30 Family Drug Court	1:30 Drug Court Staffing 3:30 Drug Court 4:00 DWI Court
Tuesday	8:30 Mental Health 9:00 Fulton Municipal Division	1:30 Preliminary Hearings/Criminal Trials (Private Attorney)	9:00 Juvenile (Del) 11:00 Adoptions/Guardianships	1:00 Juvenile (A/N)				
Wednesday	8:30 Mental Health 9:00 Traffic, Video/Criminal Arraign.	1:15 Video Arraignments 1:30 Traffic (w/attorneys) Preliminary Hrgs/Criminal Trials (Pro Se Cases)	9:00 Juvenile Contested Hearings					
Thursday	Jury Trial	Jury Trial	9:00 Dissolutions	1:15 Video Arraignments 1:30 Paternity				
Friday	8:30 Mental Health 9:00 Video/Criminal Arraignments 10:30 Appearances (Cases w/ Attorneys)	1:15 Video Arraignments 1:30 Preliminary Hrgs/Criminal Trials w/Public Defender		1:30 Criminal Conflict	8:30 Settlement Conferences		9:00 Termination/ Sanction/ DOR Hearings	
WEEK 4 Monday	8:30 Mental Health 11:00 Civil Return	1:15 Video Arraignments 1:30 DOR	Boone County	1:30 Adult Abuse			9:00 Family Drug Court Staffing 10:30 Family Drug Court	1:30 Drug Court Staffing 3:30 Drug Court 4:00 DWI Court
Tuesday	8:30 Mental Health 9:00 Conditional Releases/ Probate	1:30 General Probate Docket	9:00 Juvenile (Del) 11:00 Adoptions/Guardianship	1:00 Juvenile (A/N)				
Wednesday	8:30 Mental Health 9:00 Traffic, Video/Criminal Arraignments	1:15 Video Arraignments 1:30Traffic (w/attorneys) Preliminary Hrgs/Criminal Trials (Pro Se)	9:00 Juvenile Contested Hearings	1:15 Video Arraignments				
Thursday	8:30 Mental Health 9:00 Civil Trials/Probate	1:30 Civil Trials/Probate	9:00 Temp Mtns/ Dissolutions	1:30 Pro Se Dissolutions				
Friday	8:30 Mental Health 9:00 Video/Criminal Arraignments 10:30 Criminal Appearances (Cases w/Attorneys)	1:15 Video Arraignments 1:30 Preliminary Hrgs/Criminal Trials (w/Public Defender)	10:00 Domestic Violence Hearing/Trials	1:30 Domestic Violence Cont'd			9:00 Termination/ Sanction/ DOR Hearings	
WEEK 5 Monday	8:30 Mental Health 11:00 Civil Return	1:15 Video Arraignments 1:30 DOR		1:30 Adult Abuse			9:00 Family Drug Court Staffing 10:30 Family Drug Court	1:30 Drug Court Staffing 3:30 Drug Court 4:00 DWI Court
Tuesday	8:30 Mental Health 9:00 Criminal Trials/ Prelim Hrng, Private Bar (Special Settings)	1:30 Civil Trials	9:00 Juvenile (Del) 11:00 Adoptions/Guardianships	1:00 Juvenile (A/N)				
Wednesday	8:30 Mental Health 9:00 Video/Arraignments	1:15 Video Arraignments 1:30 Preliminary Hrgs/Criminal Trials (Pro Se)	9:00 Juvenile Contested Hearings	1:15 Video Arraignments				
Thursday	8:30 Mental Health 9:00 Civil Trials/ Probate	1:30 Civil Trials	9:00 Dissolutions	1:30 Dissolutions				
Friday	8:30 Mental Health 9:00 Video/Criminal Arraignments 10:30 Appearances (Cases w/Attorneys)	1:15 Video Arraignments 1:30 Preliminary Hrgs/Criminal Trials w/Public Defender	Boone County/Callaway Special Setting as needed.	Special Setting as needed			9:00 Termination/ Sanction/ DOR Hearings	