LOCAL COURT RULES

CLAY COUNTY CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT OF MISSOURI

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LOCAL COURT RULES

CLAY COUNTY CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT OF MISSOURI

November 5, 2026

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ADMINISTRATION

RULE 1 DIVISIONS OF COURT

1.1 The Circuit Court of Clay County, Missouri, shall consist of a Presiding Judge and one or more judges assigned to hear civil, criminal, juvenile, domestic relations, probate and limited jurisdiction cases.

1.2 The designations of the various divisions of the Circuit Court and Associate Circuit Court shall be as set out in Local Rules 6.2, 6.3 and 6.4.

RULE 2 HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

2.1.1 All divisions should open at nine o'clock in the morning on each day of court. Special appointments and settings for any other time shall be made with the judge of the division involved.

2.2 TERMS OF COURT

2.2.1 (Amended, effective October 13, 2026) There shall be four court terms. The terms of court shall begin on the third Tuesday in January and April, and on the second Tuesday in July and October each calendar year.

(amended 10/13/26)

2.3 LAW DAYS

(No Local Rule)

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

(No Local Rule)

RULE 3 PLEADINGS

3.1 CAPTION

3.1.1 The names and addresses of all the parties shall be given in the captions of all petitions, followed by a heading giving the nature of the suit. In all other pleadings, motions and papers, only the names of the first named parties need be given with an appropriate abbreviation indicating other parties.

3.2 STYLE

3.2.1 All pleadings and other papers, except exhibits and wills offered for filing shall be signed by at least one attorney of record in his or her individual name, and shall include his or her address, telephone number and attorney identification number. The court designation in the caption shall be solely: “In the Circuit Court of Clay County, Liberty, Missouri." A party not

represented by an attorney shall sign his or her name to all pleadings with his or her address and telephone number.

(amended 03/11/16)

3.2.2 The paragraphs and pages are regularly numbered. On pleadings filed after the original petition, the division number in which said cause is pending shall be noted immediately above the file number of the cause. Pleadings need not be backed.

(amended 03/11/16)

3.2.3 Except in the Juvenile and Probate Divisions, the original of the petition and such additional copies as there are defendants or parties named therein to be served with process, shall be filed with the Circuit Clerk of this Court.

(amended 03/11/16)

3.2.4 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

3.2.5 In order to facilitate and expedite the service of process, the Court requests the following additional information:

a. In those cases where defendant's address is a rural route, rural post office box number, or similar designation, there shall be set forth in a separate attachment or cover letter, the directions to said address.

b. In those cases where a domestic corporation is a party defendant, there shall be set forth the address of the corporation, and in addition: (1) the names and addresses of its officers, or (2) its registered agent, or (3) the name of the agent in charge of the office.

c. In those cases where a foreign corporation is a party defendant, there shall be set forth: (1) its registered agent, or (2) the address of a local office and the name of the officer in charge that may receive service.

3.2.6 In any action, in which a party desiring service by publication files a verified statement showing why service cannot be obtained under Supreme Court Rules, and in which any real or personal property will be affected by such action, the attorney for said party shall prepare the order of publication of notice. The notice shall describe the real or personal property to be affected with specificity and in the case of real property shall set forth a complete legal description of same. In addition, the notice shall set forth in all respects the statements required by Supreme Court Rules.

3.2.7 The Circuit Clerk shall not receive for filing any pleadings, motions or papers unless there has been full compliance with this rule.

3.3 DISCLOSURE OF ARTIFICIAL INTELLIGENCE USE

The A.I. disclosure shall identify the specific A.I. tool used and the manner in the way it was used. All parties are further reminded that Missouri Supreme Court Rule 55.03(c) continues to apply to all pleadings and filings, in that upon filed, documents and pleadings are deemed to be a representation.

3.3.1 Any person who submits a pleading or filing with the Court using any generative artificial intelligence (A.I.) tool to: (a) conduct the legal research referenced in the pleading; or (b) draft a pleading or documents, must disclose to the Court that A.I. was used. and certification, by the person signing the filed document that the claim, defense, request, demand, objection, fact, contention or argument set forth in the document, is/are warranted by existing law, have evidentiary support, or, if so specifically identified, is/are likely to have evidentiary support, after a reasonable opportunity for further investigation or discovery. Parties should not assume that mere reliance on an A.I. tool will be presumed to constitute reasonable inquiry".

(adopted 07/25/24)

RULE 4 FILING OF CASES

4.1 CRIMINAL CASES

4.1.1 All criminal cases are filed with the Clerk of the Circuit Court.

4.1.2 To assist a judge in determining the appropriate bond amount, the State shall file a State's Position on Bond when requesting an initial warrant in lieu of a summons. On the State's Position on Bond, the State shall provide any known information regarding:

a. Factors set forth in Missouri Court Rule 33.01(e),

b. If this is a refiled case, the amount of bond and conditions on the prior case, and

c. A written recommendation if desired. (amended (06/03/25)

4.2 CIVIL CASES

4.2.1 All civil cases are filed with the Clerk of the Circuit Court.

4.3 PROBATE CASES

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

4.3.2 All proceedings to appoint a successor trustee for a deed of trust or any other trust instrument, other than a testamentary or inter-vinos trust, shall be filed with the Circuit Clerk and assigned to Division Four.

4.3.3 The Judge of the Probate Division may at his/her discretion assign to any Associate Circuit Judge any case seeking the creation of a Guardianship and/or Conservator of a minor. In the event an estate is ordered the cause shall be transferred back to the Probate Division for maintenance and supervision.

4.4 JUVENILE CASES (No Local Rule)

4.5 SMALL CLAIMS CASES

(No Local Rule)

4.6 MUNICIPAL CASES

4.6.1 Proceedings on municipal ordinance violations wherein the city, town or village has provided its own court and judge, shall be filed in such municipal division, and all pleadings therein shall be in such form and manner as provided by Supreme Court rule or order of the Municipal Judge.

4.6.2 Pursuant to Supreme Court Rule 37.04, the presiding judge of the circuit shall have general administrative authority over the judges and court personnel or all divisions of the circuit court hearing and determining ordinance violations within the circuit. Municipal divisions shall operate in substantial compliance with the minimum standards set out in Appendix A of Rule 37.04. The judges of all such divisions shall be subject to the

rules of the circuit court that are not inconsistent with Rule 37.

(adopted 07/19/17)

4.6.3 REPEALED by Order dated October 18, 2018

4.7 SPECIAL PROCESS SERVERS

4.7.1 In any case in which a party specifically requests the appointment of a special process server (pursuant to Section 506.140 RSMO, as amended) to serve process within the State of Missouri, such request may be granted by the Circuit Clerk or any deputy which appointment shall be valid only for the case in which such person is specifically appointed. Such requests shall allege facts showing that the person to be appointed is a qualified person to serve process.

(amended 10/05/05)

RULE 5 FEES, COSTS AND SURCHARGES

5.1 FILING FEE AND COST DEPOSIT

5.1.1 The circuit court en banc shall set forth, by administrative order, the filing fees and cost deposits required for actions filed in divisions of the circuit court. Said fee structure shall be published and available as an attachment to the Local Court Rules.

5.2 COSTS

5.2.1 Whenever a civil action, including cases involving dissolution of marriage, is dismissed by plaintiff, or is reduced to judgment, or no judgment is made as to imposition of costs; the costs shall be assessed against the plaintiff or petitioner.

5.3 WITNESS FEES

5.3.1 Attorneys are requested to see that their witnesses, who intend to claim a fee, report their attendance to the Circuit Clerk's office as soon as they are discharged from further attendance.

5.4 WAIVER OF FEES

5.4.1 Applications to the court to sue as a poor person and to waive all or part of the deposit on fees and costs shall be verified by the affidavit of the applicant, his or her guardian or next friend; shall contain a specific statement about the inability of the applicant to pay or provide security for the costs of the action; and shall state that applicant truly believes applicant has a meritorious cause of action. These applications shall be presented to the Judge to whom said action is expected to be assigned.

5.4.2 Applications to proceed as a poor person on an appeal or on application for trial de novo shall be presented to the Judge who heard the case.

5.4.3 If the Circuit Judge, Associate Circuit Judge, or Municipal Judge is unavailable to rule on the above application, it may be presented to the Presiding Judge for ruling.

5.4.4 The Circuit Clerk shall not file any other cause or proceedings until the above deposits for fees and costs have been paid or a formal order made in the proceeding sustaining an application to sue as a poor person.

5.4.5 Appeals from the Industrial Commission of the State of Missouri and appeals or transcripts from any Federal Commission or other State Commissions were allowed by law, may be filed without the above deposit.

5.5 MOTION FOR SECURITY

5.5.1 All motions for security for costs shall be filed pursuant to Rule 77, Supreme Court Rules.

5.6 SURCHARGES

5.6.1 A surcharge of $20.00 is included as costs for the Law Library Fund, as listed on the Court's Filing Deposits and Other Fees sheet, and must be paid at the time of the filing. The $20.00 Law Library Fund surcharge need not be paid in the following cases: (1) actions

sent to the county on change of venue; (2) cases within the probate jurisdiction; (3) cases filed under Chapter 517, RSMO procedures; (4) cases filed under small claims procedures; (5) application for trials de novo; (6) suits, civil or criminal, filed by the county or state or any city, as per Section 488.426, et seq RSMO. Janice Ensminger, Court Reporter and David P. Chamberlain, Circuit Judge, shall be designated as Co-Trustees of the Fund for library purposes as per Section 488.429, et seq RSMO.

(amended 02/23/15)

5.6.2 A surcharge of **$30.00** that is applied to the Family Services and Justice Fund is included in all of the following cases and filings: dissolutions of marriage, motions to modify dissolutions, stipulations in domestic cases, adoptions, all juvenile cases as provided by law, and any other domestic relations cases. The surcharge shall not be assessed to any filing entitled "Stipulation of Emancipation". The surcharge of **$30.00** shall be deposited by the Circuit Clerk into the Family Services and Justice Fund monthly.

5.6.3 A surcharge of **$3.00** that is applied to the Domestic Relations Resolution Fund, per Section 452.554 RSMO, shall be assessed and paid for at the time of filing an action of any civil circuit court case, including dissolution of marriage and legal separation. The Circuit Clerk shall collect said **$3.00** surcharge and disburse monthly to the Missouri Department of Revenue.

5.6.4 A surcharge of $2.00 that is applied to the Missouri Court Appointed Special Advocate Fund, per Section 488.636 RSMO, shall be assessed and paid at the time of filing per case for any domestic relations petition filed before a circuit judge or associate circuit judge. The Circuit Clerk shall collect said $2.00 surcharge and disburse monthly to the Missouri Department of Revenue.

5.6.5 A surcharge fee that is applied to the Basic Civil Legal Services Fund, per Sections 477.650 and 488.031 RSMO, shall be assessed on the filing of any civil or criminal action or proceeding, including an appeal, except that no fee shall be imposed on any traffic violation case, but drug and alcohol-related offenses will have the fee imposed. The fee schedule is as follows:

Supreme Court and Court of Appeals $20.00

Circuit Courts 10.00

Associate Circuit Courts 8.00

Garnishment 10.00

The Circuit Clerk shall collect said surcharge fee and disburse monthly to the Office of State Courts Administrator – Basic Civil Legal Services Fund.

5.6.6 Pursuant to Section 488.305 a surcharge of $10.00 for the clerk's duties for each garnishment granted. The surcharge of $10.00

shall be deposited and held by the Circuit Clerk to be used for case processing and record preservation.

(adopted 02/01/16)

5.6.7 Section 488.31 RSMo creates a surcharge of three dollars and fifty cents, ($3.50), for all civil actions (including dissolutions, juvenile and probate) to be paid into the juvenile justice preservation fund. Section 488.315 RSMo adds a surcharge of two dollars ($2.00), for all traffic violations of any county ordinance or state law, including an infraction, if a person has pled guilty to be paid into the juvenile justice preservation fund. These funds shall be disbursed monthly to the juvenile justice preservation fund under Section 211.435 RSMo payable to the Missouri Department of Revenue.

(adopted 08/28/18)

5.7 TIME PAYMENT FEE

5.7.1 The Clerk shall impose a fee of twenty-five dollars on each person who fails to pay a court-ordered judgment, penalty, fine, sanction, court costs, restitution or juvenile monetary assessment within thirty (30) days of the date of the court-imposed judgment, penalty, fine, sanction or court cost. Said fee shall be disbursed pursuant to Section 488.5025 (2) RSMo.

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

6.1 GENERAL ASSIGNMENT RULES

6.1.1 CASES SET BY ADMINISTRATIVE ORDER

(a) The Circuit Court, en banc, shall set forth by administrative order the assignment of civil cases. The Family Court Administrative Judge shall set forth by administrative order the assignment of domestic relations cases.

(adopted 04/01/14)

(b) The circuit court, en banc, every two (2) years, shall set forth by administrative order, division assignments for small claims cases and all cases filed against the Department of Revenue, including hardship driving privileges, petitions for review, retention of vehicular license plates; and appeals from the Department of Revenue required for actions filed in divisions of the circuit court. This Rule shall be effective April 1, 2014.

(adopted 04/01/14)

6.1.2 The Circuit Clerk, using the program provided by Judicial Information Services of the Office of State Courts Administrator, shall be responsible for the random and chance system of assigning civil and domestic cases to the percentages established under Rule 6.1.1.

6.1.3 Cases may be transferred between divisions by order of the Presiding Judge.

6.1.4 Cases may be transferred between the Circuit Judges by agreement of the Circuit Judges. Cases may be transferred between the divisions of the Family Court by order of the Administrative Family Court Judge.

6.1.5 Whenever there are two or more cases arising out of the same transaction, or the same acts of negligence, or relating to the same property, the Judge to which the earliest filed case has been assigned, upon motion shall request the Judge or Judges having the later filed case or cases to transfer the same to such requesting Judge so that said Judge shall dispose of all preliminary motions and try, hear, and determine all issues presented in the cases.

6.1.6 The Judge before whom said related cases are pending may consolidate the cases if in his or her judgment consolidation is authorized by the Missouri Rules of Civil Procedure.

6.1.7 All post-judgment motions and applications in civil cases shall be heard by the Judge rendering the judgment.

6.1.8 Civil Contempt actions filed by private counsel are assigned to the Judge who entered the order; which is the subject of the motion

for contempt. Whenever a civil contempt action is pending, a subsequently filed motion to modify an order for dissolution of marriage, for legal separation, for separate maintenance or for child custody or child support, is assigned to the Judge before whom the civil contempt is pending.

6.1.9 Motions to modify dissolution of marriage, legal separation, separate maintenance, child custody and child support originally filed in Divisions Three and Five shall return to those divisions. All other motions to modify shall be filed in Division Eight, including those motions to modify filed after a contempt action is filed by the Prosecuting Attorney.

6.1.10 Condemnation cases shall be an exception to the assignment of civil cases under Rule 6.1.1. Divisions Two, Three and Four shall each receive one third of those cases. The Circuit Clerk, using the program provided by Judicial Information Services of the Office of State Courts Administrator, shall be responsible for the random and chance system of assigning cases under this rule.

6.1.11 Transfer of a criminal non-support case may be made by the judge before whom the case is pending to the Administrative Judge of the Family Court. Prior to any transfer, the defendant must sign a waiver of preliminary hearing, if applicable, and consent to transfer to Family Court.

(amended 06/03/25)

6.1.12 Nothing in these rules shall prevent the Presiding Judge from assigning civil, criminal or family court cases to other divisions than those designated in these rules when appropriate.

6.1.13 All expungements shall be filed in the division where the original conviction of finding of jilt occurred. The only exception is for those petitions addressing municipal convictions of findings of guilt (see 6.2.5.1 (c).

(adopted 11/05/18)

6.2 ASSIGNMENTS TO CIRCUIT DIVISIONS

6.2.1 CRIMINAL DIVISION:

(adopted 11/24/09)

6.2.1.1 A percentage of the circuit criminal cases shall be assigned per order of the Court en Banc to each circuit division and the percentage shall be drawn per Rule 6.1.1.

(adopted 11/24/09)

6.2.1.2 Division One shall act as the division for Grand Jury proceedings and Bonding Agent Qualifications.

(adopted 11/24/09)

6.2.2 CIVIL DIVISION:

6.2.2.1 A percentage of the circuit civil cases shall be assigned by the order of the Court.

(adopted 11/24/09)

6.2.3 JUVENILE DIVISION:

6.2.3.1 All juvenile cases and adoptions shall be assigned to the Juvenile Division.

6.2.3.2 Cases filed under Child Protection Orders Act are assigned to this division and the hearing of the cause shall be transferred to the Juvenile Division and set not later than fifteen (15) days after the filing of the petition on a Thursday at the Clay County Juvenile Justice Center.

6.2.3.3 All violations of Child Protection Orders filed by the Prosecuting Attorney are assigned to the Juvenile Division.

6.2.3.4 Division Three of the Circuit Court shall act as the Juvenile Division

6.2.4 PROBATE DIVISION:

6.2.4.1 All matters filed as probate cases under Rule 4.3 and proceedings filed for the specific purpose of approval of settlement of cases involving claims by persons less than eighteen (18) years of age shall be assigned to the Probate Division.

6.2.4.2 A percentage of the circuit civil cases shall be assigned to the Probate Division by the order of the Court en Banc and the percentage shall be drawn per rule 6.1.1.

6.2.4.3 Division Four of the Circuit Court shall act as the Probate Division.

6.2.5 ASSOCIATE DIVISION SIX

6.2.5.1 Cases shall be assigned to Associate Division Six by administrative order of the Circuit Court.

a. REPEALED by Order dated February 6, 2014, *see* Rule 6.1.1(b).

b. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

c. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

d. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

e. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

(amended 07/21/21)

6.2.6 ASSOCIATE DIVISION SEVEN

6.2.6.1 Cases shall be assigned to Associate Division Seven by administrative order of the Circuit Court.

a. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

b. REPEALED by Order dated February 6, 2014, *see* Rule 6.1.1(b).

c. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

d. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

e. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

f. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

g. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

h. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

(amended 07/21/21)

6.2.7 DRUG COURT

6.2.7.1 The Drug Court shall be assigned by administrative order.

6.2.8 VETERANS COURT

6.2.8.1 The Veterans Court shall be assigned by administrative order.

(adopted 07/21/21)

6.2.9 ASSOCIATE DIVISION NINE

6.2.9.1 Cases shall be assigned to Associate Division Nine by administrative order of the Circuit Court.

a. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

b. REPEALED by Order dated April 26, 2021, *see* Rule 6.1.1(b).

(amended 07/21/21)

6.2.10 MENTAL HEALTH COURT

6.2.10.1 The Mental Health Court shall be assigned by administrative order.

(adopted 07/21/21)

6.2.11 DOMESTIC VIOLENCE COURT

6.2.11.1 The Domestic Violence Court is hereby established and shall be assigned by Administrative Order. The Family Court Commissioner and Associate Circuit Divisions are authorized to directly transfer civil or criminal domestic violence cases to the Domestic Violence Court.

(amended 10/01/23)

6.2.12 DWI COURT

6.2.12.1 The DWI Court shall be assigned by administrative order.

(adopted 07/31/24)

6.3 FAMILY COURT

6.3.1 Actions for dissolution of marriage, legal separation child custody, child support and adult abuse shall be assigned to the Family Court per order of the Court en banc and the percentage of the assignment shall be drawn per Rule 6.1.1.

6.3.2 Petitions for Order of Protection for a minor child shall be filed in Family Court and assigned by order of the Administrative Family Court Judge. Such cases shall be presented for issuance of an ex-parte order of protection in the following order, first to Division Five, second to Division Three and third to Division Four, and thereafter to any available judge.

(amended 07/21/21)

6.3.3 Petitions for Orders of Protection for Adults shall be filed in Family Court and assigned by order of the Administrative Family Court Judge. Such cases shall be presented for issuance of an ex-parte order of protection in the following order, first to Division Five, second to Division Three and third to Division Four, and thereafter to any available judge.

(amended 07/21/21)

6.3.4 Divisions which shall act as the Family Court shall be Divisions Three, Five and Eight and the Judge who shall serve as Administrative Family Court Judge shall be Division Three.

(amended 07/21/21)

6.3.5 Local Rules regarding procedures in dissolution of marriage and the Family Court are set forth in detail in Rule 68.

6.4 CIRCUIT ASSIGNMENT TO ASSOCIATE CIRCUIT DIVISIONS

6.4.1 All cases assigned to Associate Circuit Judges but not within the original jurisdiction of an Associate Circuit Judge shall be heard on the record and under the practices and procedures regularly applicable before Circuit Judges.

6.4.2 Designation under 478.250 (2) RSMO:

A plaintiff electing to proceed under 478.250 (2) RSMO shall, at the time of filing his or her petition, also file a separate pleading designating that the case be heard and determined as provided in 478.250 (2) RSMO. Said case shall remain in the Division to which originally assigned, and the Associate Circuit Judge of that Division shall hear said case on the record under the civil practice and procedure applicable before Circuit Judges. The record in such cases may be kept by approved electronic recording devices.

(amended 03/11/16)

In the event a party to an action that is assigned to a Division presided over by an Associate Circuit Judge invokes third-party

procedure, said action shall remain in that Division, and the Associate Circuit Judge of that Division shall hear said action on the record under the civil practice and procedure applicable before Circuit Judges. The record in such case may be kept by electronic recording devices.

In the event the defendant demands a jury trial, said action shall remain in that Division, and the Associate Circuit Judge of that Division shall hear said action on record under the civil practice and procedure applicable before Circuit Judges. The record in such case may be kept by electronic recording devices.

6.5 CERTIFICATION TO CIRCUIT DIVISION

(No Local Rule)

6.6 TRIAL DE NOVO

6.6.1 All trials de novo from divisions presided over by Associate Circuit Judges shall be assigned as provided in Rule 6.1.1.

6.7 DISQUALIFICATION OF JUDGES

6.7.1 Upon application for change or disqualification of a Circuit Judge, the name of such Judge requested to be changed or disqualified shall be stated in the application, and such Judge may transfer said case to another Circuit Judge or may confer with the Presiding Judge who may assign said case to another Judge.

6.7.2 If there is a change or disqualification of the Associate Circuit Judge in Division Six, Seven and Nine, said matter shall be transferred to Presiding Judge for reassignment.

(amended 03/11/16)

6.7.3 If there is a change or disqualification of the Associate Circuit Judge in Division Five, said matter shall be transferred to the Administrative Family Court Judge for reassignment.

6.7.4 Upon the filing of a Motion for Change of Judge under Supreme Court Rule 32.07 or 32.08, the Presiding Judge shall transfer the case to any available Circuit Judge or Associate Circuit Judge without necessity for assignment by lot. In the event a Motion for Change of Judge under Supreme Court Rule 32.07 or 32.08 requests said change from the Circuit Judge who is also the Presiding Judge, the Presiding Judge will transfer the case to the Circuit Judge of the Division next beyond that of the Division of the Presiding Judge and, if needed, continuing in successive order. Said successive Judge shall act as Presiding Judge and shall transfer said case to any available Circuit Judge or Associate Circuit Judge without necessity for assignment by lot.

6.8 ABSENCE OF JUDGE

6.8.1 In the absence of any Judge, the Presiding Judge

may assign another Judge to sit in the division of the absent Judge and perform all the duties of the absent Judge.

6.9 ABSENCE OF PRESIDING JUDGE

6.9.1 In the absence of the Presiding Judge or in case of the Presiding Judge's inability to act or when it is necessary or expedient, the Presiding Judge may designate any Circuit Judge to act in the Judge's place. In the event the Presiding Judge is absent or unavailable and has failed to designate an acting Presiding Judge or if both the Presiding Judge and the designated Acting Presiding Judge are absent, then the Circuit Judge of the Division numbers next beyond that of the Division of the Presiding Judge and continuing in successive order as needed shall act as Presiding Judge.

RULE 7 WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

7.1.1 No official files of the Circuit Court of any division thereof shall be removed from the Circuit Clerk except by employees of the Circuit Court.

7.2 DUPLICATING POLICY

7.2.1 Interested parties may obtain a copy of any file not made confidential by Statute or court order in the Circuit Clerk's Office (or any portion thereof). Duplication fees shall be set by Administrative Order. A list of Filing Deposits and Other fees shall be available online or in the Circuit Clerk's Office.

(amended 07/21/21)

7.2.2 No charge shall be made for attested, certified or authenticated copies of documents furnished to any department of Clay County, Missouri, to any State agency or department where such copies are requested in connection with any pending proceeding, or to any party who has been allowed to proceed in forma paupers.

7.2.3 The Circuit Clerk's office shall not prepare copies of any depositions or written transcripts on file with the Court.

RULE 8 PUBLICATION OF DOCKETS

8.1 TRIAL DOCKET

8.1.1 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

8.2 DISMISSAL DOCKET

Not published. *See Rule 37.1*.

8.3 ACCELERATED DOCKET

8.3.1 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

8.3.2 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

8.3.3 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

8.3.4 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

RULE 9 COURTROOM

9.1 ASSIGNMENT OF COURTROOM

(No Local Rule)

9.2 PLACE OF HEARING

(No Local Rule)

9.3 USE OF COUNSEL TABLE

9.3.1 While examining witnesses, counsel shall stand or sit as near as practicable to the witness; and when addressing the court, he or

she shall stand at the counsel table.

(amended 07/21/21)

9.3.2 Objections shall ordinarily be made by standing at the counsel table. Attorneys shall not come to the bench to make objections without permission of the Judge.

9.3.3 Attorneys shall not lean upon the bench nor appear to engage the Judge in a confidential manner.

9.4 COURTROOM DECORUM AND DRESS

9.4.1 All attorneys and court officials shall dress in business attire while in court. Coats and ties are mandatory for male attorneys.

9.4.2 Attorneys shall advise witnesses and litigants to dress appropriately for court.

9.4.3 With respect to this rule, judicial discretion may be exercised otherwise in extreme situations.

9.4.4 The swearing of witnesses shall be an impressive ceremony and not a mere formality. They shall be sworn individually near the bench.

9.5 WHO IS PERMITTED WITHIN THE BAR

9.5.1 During the trial of any case, or the presentation of any matter to the court, no person, including members of litigants' families,

shall be permitted within the bar of the courtroom proper, other than attorneys, court personnel, litigants and witnesses called to the stand. People within the bar shall not disturb the order of the court.

9.6 USE OF ELECTRONIC DEVICES

9.6.1 No person other than those listed herein shall be permitted to bring into the Clay County Courthouse any laptop, tablet, or other similar electronic device.

(amended 7/21/2021)

9.6.2 The Clay County Sheriff's Department is ordered to instruct all persons who fall under this Rule to return their device as described above to their vehicle or some other place other than the Clay County Courthouse.

9.6.3 The Clay County Sheriff is authorized to refuse entry to the Clay County Courthouse to anyone not in compliance with this rule.

9.6.4 The following are not subject to this rule; lawyers in good standing with the Missouri Bar, staff assisting lawyers, Probation and Parole staff, law enforcement officers, courthouse staff, Judges, Grand Jurors, persons reporting for jury service, jurors, and weddings parties.

9.6.5 A juror in deliberation is not allowed to have any such electronic device while in a state of deliberation. The Sheriff will safeguard a juror's device during deliberations.

9.6.6 Any exceptions to this rule may be made by any Judge presiding over a matter in which the use of the device is necessary.

9.7 PRESENCE OF SHERIFF AND CLERK REQUIRED

9.7.1 Presence of Sheriff and Clerk Required

(proposed rule)

The sheriff or deputy sheriff and the circuit clerk or a deputy circuit clerk shall always be in the courtroom when court is in session unless excused by the judge then presiding. The sheriff or deputy sheriff shall perform the duties of court security and shall maintain order in the courtroom. The circuit clerk or a deputy circuit clerk shall administer such oaths as are required to court security, jurors, and witnesses. This rule shall not apply to municipality. proceedings.

(adopted 07/21/21)

RULE 10 COURT REPORTERS AND COMPENSATION FOR SAME

10.1 FILING OF TRANSCRIPTS

10.1 Parties ordering transcripts for appeal purposes in any case shall file with the official court reporter of the division in which the case was tried with a written request therefore complying with the Supreme Court Rules.

10.2 PREPAID FEES

10.2 The party ordering such transcript shall prepay to the reporter the reporter's estimated fee therefore in advance of the preparation of the transcript.

RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

11.1 COPIES OF TRANSCRIPTS AND OTHER COURT PROCEEDINGS FROM ELECTRONIC SOUND RECORDINGS

11.1 Transcripts and copies of all recorded court proceedings will be prepared by the Office of State Court Administrator (OSCA) or by a certified court reporter at the expense of the requesting party as follows:

Proceedings recorded by a Court Reporter: For proceedings where a court reporter is responsible for the record, the only record that can be produced is the court reporter's transcript. A copy of all or part of a transcript may be obtained pursuant to the procedure outlined in Section 485.050 R.S.Mo. The request for transcript of any proceeding in a circuit division shall be made either to the court reporter of that circuit division, the clerk of that division, or the

circuit clerk. A deposit shall be collected for the cost of the court reporter's preparation of transcripts, plus any copies, as permitted by law and under Supreme Court Operating Rules 5.08 – 5.09. Electronic or audio recordings of proceedings where a court reporter is responsible for the record are not available.

With respect to any requestor who is not a party or attorney to the case, transcript requests must be made using "Non-Party Request for Transcript" form. Upon approval of the request by order of the Court using "Order for Non-Party Request for Transcript" and at the requestor's expense, the proceeding will be provided in transcript format.

Proceedings recorded by OSCA-approved electronic audio device or FTR-Gold:

In proceedings where there is no court reporter and an OSCA-approved electronic audio recording device or FTR-Gold is used to maintain the record; a copy of the audio recording may be obtained pursuant to Supreme Court Rule 5.10. Any person may request a copy of hearing that is not deemed confidential under Missouri law. Such request shall be made in writing. A fee of $50.00 will be charged for each copy of the recorded proceedings and the fee must be paid in advance or at the time of the request.

Pursuant to Supreme Court Rule 5.10, any person may listen to an OSCA-approved electronic audio recording of a proceeding under the direction and

supervision of the responsible division clerk. This request must be made in writing to the circuit clerk. The requestor shall pay the expense of the expenses and staff cost for preparing and supervising the listening session. An advance deposit will be collected for the estimated cost of providing a listening session. Any person may request the preparation of a transcript of an OSCA-approved audio recording of a proceeding. This request shall be made in writing to the clerk of the division which held the proceedings or the circuit clerk. Requests will be forwarded to an assigned court reporter for transcription. The requestor shall pay the expense of the court reporter's services. An advance deposit will be collected for the cost of the preparation of transcripts, plus any copies.

Confidential Proceedings and Redactions:

Certain court proceedings (such as juvenile, paternity, and mental health matters) are confidential by law. In these cases, non-parties are not permitted to obtain copies of the record without a Court Order.

When the clerk is prohibited by Section 559.226, RSMo., from releasing identifying information of a victim to the public (such as proceedings where a defendant is charged with sexual assault, domestic assault, stalking, or forcible rape), the clerk shall not allow any person to listen to the recording of the proceeding or provide a copy of the recording unless the requestor is a party or

attorney in the case. With respect to any other requestor, and, at the requestor's expense, the proceeding shall only be provided in a redacted transcript form. An advance deposit will be collected for the cost of the preparation of transcripts, and redaction costs, plus any copies. The Court, may further, pursuant to Supreme Court Rule 19.10(b), direct counsel for the party whose information must be redacted submit proposed redactions before finalizing such redactions.

(amended 05/06/26)

RULE 12 MONEY PAID INTO COURT

12.1 BOND IN CIVIL CASES

12.1.1 Original bonds in all civil actions, except in the Probate Division, pending or to be commenced in the Circuit Court shall be filed with the Circuit Clerk and shall be kept in a safe place, which is not accessible to the public.

12.1.2 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

12.1.3 There shall be a docket entry made of the filing of each original bond which shall include the amount of the penalty and the names and addresses of all principals and sureties.

(amended 03/11/16)

12.1.4 All personal surety bonds in civil cases, other than appeal bonds, must be approved in writing by the oblige or the obliger's attorney; otherwise the principal in the bond, unless excused from doing so by the Judge, must bring the security offered before the court for examination as to the sufficiency of such security, and notice in writing must be given to the oblige or the obliger's attorney at the time of such examination.

12.2 PAYMENTS TO CIRCUIT CLERK FOR MAINTENANCE AND SUPPORT

12.2.1 The Circuit Clerk shall accept only cash, certified check, or money order in satisfaction of maintenance or support payments under the provisions of Section 452.345 RSMO. Tender of our attempt to satisfy a support obligation by personal check shall be ineffective and shall not constitute a defense to contempt proceedings initiated under Section 452.345 RSMO.

RULE 13 COMMUNICATIONS WITH THE COURT

13.1 ORAL COMMUNICATION WITH THE COURT

(No Local Rule)

13.2 WRITTEN COMMUNICATION WITH THE COURT

13.2.1 Any letter or communication relating directly or indirectly to any pending matter, addressed personally or unofficially to any Judge of the court, will be filed with that case, and will ordinarily be open to the inspection of the public and adverse parties.

RULE 14 ELECTRONIC FILING

14.1 ELECTRONIC FILING

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

14.1. 1 ELECTRONIC FILING IN PDF FORMAT REQUIERED

In all cases attorneys are required to electronically file all written documents in PDF format. Unrepresented parties or litigants may be permitted to file hard copies of any documents which shall then be scanned by the Circuit Clerk.

Attorneys and parties are advised to retain original hard copies of all documents, particularly in cases such as WILL CONTESTS or other such matters where original documents or exhibits may be required by law.

In the event the electronic network fails for whatever period, all parties are advised to have a back-up copy of all documents, exhibits, and

evidence available for the courts and parties to use when such network is unavailable.

14.2 CRIMINAL CASES

All felony complaints, misdemeanor information's, infractions and grand jury indictments will be permitted to be filed as written documents in the office of the Circuit Clerk. All subsequent filings in a criminal case shall be filed electronically in PFD format in the Office of the Circuit Clerk. The Prosecuting Attorney shall provide the appropriate Missouri Charge Code Number (as defined in RSMO § 43.500 (7) which includes the required NCIC modifier) for each count of alternate count alleged in the charging document. Offense Cycle Number (OCN)

a. If the defendant is in custody or has been arrested on the alleged offense, the Prosecuting Attorney shall provide the OCN with the state criminal fingerprint card, as defined in RSMO § 43.5000 (8) on the complaint, information, or indictment.

b. If the defendant has not been arrested or is not in custody at the time the pleading is filed, the law enforcement agency rendering the arrest shall indicate the OCN on the return of the warrant.

14.2.1 TRAFFIC CASES

All traffic cases shall be filed with the appropriate Missouri Charge Code Number (as defined in RSMO § 43.500 (7) which includes the required NCIC modifier) for all cases filed by a Uniform Citation. Traffic cases are not required to be filed electronically in PDF format, at the discretion of the Circuit Clerk and Court.

14.3 CIVIL CASES

Civil cases filed by attorneys shall be filed electronically in PDF format in the Office of the Circuit Clerk. Civil cases filed electronically are not required to include a Filing Information sheet.

For each civil case filed by a pro se litigant, including domestic relations, the filing party shall provide a Filing Information Sheet as required in Missouri Supreme Court Operation Rule 4.07, and it shall accompany the initial filing, pleading or motion. The Filing Information Sheet, found on the web site: www.courts.mo.gov under Court Forms shall reflect the appropriate case type and contain the following information for each party occupying the position of or on the side as the plaintiff or defendant in the case:

Party type;

Party name;

Date of Birth, if the party is a person; and

Social Security Number if the party is a person.

The Filing Information Sheets are confidential records. The clerk shall file the form in case number sequence and store it separately from the case file or shall destroy the form upon entry of the information.

14.4 SERVICE OF MOTIONS

All pleadings, motions and other documents after the original petition shall be served as provided by Supreme Court Rules 43.01 and 103.08 on the day of filing, or as soon thereafter as service can be made. All such pleadings subsequent to the original petition, motions, notices, orders and other documents, not required by statute, rule or order to be served by an officer, shall be served on registered users through the electronic filing system and to all other individuals as provided in Supreme Court Rule 43.01 (c)

14.5 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

In all cases where findings of fact and conclusions of law are required by Supreme Court Rule or statute or when deemed necessary by the Court for the proper administration of justice, the attorneys representing the parties shall submit proposed findings of fact and conclusions of law to the Court when ordered. Any proposed findings of fact and conclusions of law shall be submitted as a Word document to the

judge's clerk at the clerk's e-mail address or as otherwise directed by the Court. The proposed judgment shall not be filed by a party as an electronic document in the case file.

(amended 07/21/21)

14.6 CONTESTED TRIALS AND MOTIONS

Unless otherwise ordered by the judge, in all cases heard by a circuit judge, following a contested motion or trial in which the prevailing party is represented by an attorney, it shall be the duty of the party in whose favor an order, judgment, or degree is rendered to prepare the document in accordance with the judge's findings and submit it as a Word document in a format that can be edited to the judge's clerk at the clerk's e-mail address within the time designated by the judge.

If the prevailing party is pro se, it shall be the duty of that party in whose favor an order, judgment, or decree is rendered to prepare it in accordance with the judge's findings and file a hard copy of the proposed order, judgment, or decree with the judge's clerk together with a copy thereof for issuance to each party affected thereby within the time designated by the judge.

The proposed order, judgment, or decree shall not be filed as an electronic document in the case file unless the judge authorizes the party to do

so. Failure to comply with this rule may result in the imposition of sanctions including the dismissal of the motion or case.

(amended 07/21/21)

14.7 DEFAULT OR UNCONTESTED CASES

In default or uncontested motions or hearings, a hard copy of the proposed order, judgment, or decree, together with one copy thereof for issuance to each party affected thereby, shall be submitted to the judge at the time the case or motion is heard unless additional time is granted by the judge. If additional time is granted to file the proposed order, judgment, or decree, the same procedure shall be followed as set forth in Rule 54.1, supra, depending on whether the prevailing party is represented by an attorney of acting pro se. The proposed judgment shall not be filed by a party as an electronic document in the case file unless the judge authorizes the party to do so.

Failure to comply with this rule may result in the imposition of sanctions including the dismissal of the motion or case.

(adopted 03/11/16)

GENERAL RULES

RULE 20 COURT HEARINGS

20.1 Counsel should seek agreement with opposing counsel and the division clerk (or Judge) on the date and time for all court hearings. The use of telephone conference is encouraged to obtain a date and time for hearing. When an agreement is reached, it is mandatory that a stipulation, signed by both counsels, be filed.

20.2 Whenever opposing counsel cannot agree on the setting of a hearing as provided in Rule 20.1, the movant shall secure a date and time from the division clerk (or Judge) and shall file with his or her motion, proof of service of a notice to the opposite party, or the party's attorney, of the date and time of the hearing, which shall not be less than five (5) days after said filing and that Saturdays, Sundays, and legal holidays shall be excluded in the time computation.

(amended 01/20/26)

RULE 21 ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

21.1.1 When an attorney has more than one case set for trial at the same time in different divisions, the trial of the lowest numbered

case shall have precedence. A case which is delayed due to this rule shall be tried at the earliest possible time.

21.1.2 If a trial setting in a division is delayed because an attorney is "engaged" before an appellate court or in a trial in a court other than the Circuit Court of Clay County, Missouri, said case shall be reset for trial at the earliest possible time after such attorney becomes available.

21.1.3 By the term "engaged" in these rules is meant the actual and necessary participation of any attorney in the trial or hearing of a case. No attorney, however, shall be considered as so engaged unless he or she has complied with Local Rule 34.1.2 and has given written notification to the Judge of the Clay County division where the case is set, designating the other court and the approximate time the attorney will be necessarily so engaged.

21.2 ENTRIES OF APPEARANCE

21.2.1 Attorneys retained in civil cases shall file an entry of appearance for the parties they represent, before securing any order. Employment of counsel after trial setting shall not be grounds for delay of trial. Any attorney residing outside of this State in good standing as an attorney at the place of his or her residence and not licensed in this State may be recognized as an attorney only if he or she has associated with an attorney of record who is authorized to practice in Missouri and who has an office within

this State, upon whom service may be had in all matters connected with such action. Regularly licensed practicing attorneys of other states, if the laws and rules of their state permit the practice in the courts of attorneys from this State without a local attorney being associated with such attorney, shall not be required to comply with the provisions of this rule.

21.2.2 Any attorney who electronically files any pleading shall be deemed to have entered their appearance in the case on behalf of the individual, entity or party listed as the filing party.

(adopted 08/01/17)

21.3 CONDUCT OF ATTORNEYS

21.3.1 Attorneys, during trial, shall not exhibit familiarity with witnesses, jurors, or opposing attorneys, and the use of first names shall be avoided. In jury arguments, no jurors shall be addressed individually, or by name.

21.3.2 Only one attorney shall examine a witness in chief and one cross-examine a witness for the other side, unless the defendants answer separately and plead separate and distinct defenses. This rule shall not apply in criminal cases where there are several defendants represented by different counsel.

21.3.3 A motion to separate witnesses must be made before any evidence is heard, and before any opening statement is made in a trial.

21.4 WITHDRAWAL OF ATTORNEYS

21.4.1 Withdrawal of an attorney of record in civil cases should be accompanied by the entry of appearance of another attorney of record. Absent such entry of appearance, such withdrawal may be filed only by leave of court, to ensure compliance with Supreme Court Rules.

21.4.2 Where there is no entry of appearance by another attorney, application for withdrawal should be filed showing the full address of the client; and either the written consent of the client should be shown or the application should be served on the client along with notice calling up the application for hearing (with a statement to the client that he or she need not appear unless he or she wishes).

21.4.3 If leave to withdraw is granted, copies of an order allowing the withdrawal are to be mailed by the clerk to the client and electronically sent to the various attorneys not present at the time withdrawal is granted.

(amended 03/11/16)

21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

21.5.1 Failure of a party to appear for trial after a case has been regularly set for trial as provided in Rule 36.1.1 shall be grounds for dismissal either with or without prejudice, without further notice.

21.6 APPOINTMENT OF ATTORNEYS

(No Local Rule)

21.7 AGREEMENT OF ATTORNEYS

21.7.1 Agreements made by council will be recognized if consistent with the business and duties of the court and not contrary to law or court rules. No agreement between parties or attorneys in a pending case will be accepted or enforced unless it is in writing and filed therein or made on record in open court. No agreement respecting the assignment of cases to a particular trial division shall be recognized.

21.8 ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURES

21.8.1 Attorneys shall advise their clients and witnesses of the formalities of the court, including proper attire, and seek their full cooperation to avoid embarrassment and delays.

21.9 RETURN OF DOCUMENTS

21.9.1 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

21.9.2 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

RULE 22 APPOINTMENT OF GUARDIAN AD LITEM

(No Local Rule)

RULE 23 TRANSCRIPTS

23.1 REPEALED by order dated April 5, 2012, effective April 5, 2012.

RULE 24 EXHIBITS

24.1 All exhibits shall be numbered consecutively, irrespective of the party offering the same. Counsel for the respective parties shall be responsible for the safekeeping of exhibits during and after the trial.

24.2 Exhibits, whenever possible, shall be marked for identification by the reporter, as required, before being used or offered, and each sheet, page or part thereof shall be separately numbered unless otherwise permitted by the court, and then be submitted to opposing counsel.

Any sketch used during the course of trial shall be made on a substance capable of being perpetuated as a part of the permanent record, and where reference to any given point thereon is made, it shall be identified by a digit beginning with one, and then continuing with subsequent digits as required.

RULE 25 SUMMONS

25.1 Except for landlord tenant and unlawful detainer actions, on all associate circuit civil cases, the returned summons shall be filed with the circuit clerk's office no later than Monday at three o'clock PM of the week when the case is scheduled for the first docket call.

(amended 07/21/21)

25.2 On all landlord tenant and unlawful detainer actions, the returned summons shall be filed with the circuit clerk's office no later than Thursday at three o'clock PM of the week before the week when the case is scheduled for the first docket call.

(adopted 7/21/2021)

PRE-TRIAL MATTERS

RULE 32 DISCOVERY

32.1 USE OF DISCOVERYAND CERTIFICATION TO CIRCUIT DIVISION

(No Local Rule)

32.2 INTERROGATORIES

(No Local Rule)

32.3 DEPOSITIONS

32.3.1 Upon delivery of a deposition, attorneys or parties shall file with the court an original certificate, certified with seal, showing the caption of the case, the name of the deponent, the date the deposition was taken, the name and address of the person having custody of the original deposition, the cost of the deposition and the outstanding balance, if any. A deposition shall not be filed with the court except upon court order.

32.4 MOTION FOR SANCTIONS

(No Local Rule)

32.5 CRIMINAL DISCOVERY

(No Local Rule)

32.6 GOLDEN RULE

32.6.1 In any civil action where answers to discovery are more than three days late, the attorney who propounds the discovery shall mail a "golden rule" letter to opposing counsel. The "golden rule" letter shall notify

opposing counsel of exactly what discovery has not been answered, the date the discovery was due, and shall provide opposing counsel with a date of ten (10) days in the future when the discovery must be received by the propounding attorney.

In the event discovery is not received within the period specified in the "golden rule" letter, then the propounding attorney may file a motion to compel with the court, which may be summarily ruled on by the court without hearing, requiring all discovery to be provided within ten (10) days of the court order.

(amended 03/11/16)

In the event the motion to compel is not complied with, sanctions may be imposed after a hearing has been held on the party who has failed to respond when requested by the propounding party.

32.7 STANDARD DISCOVERY FOR USE IN DOMESTIC ACTIONS

1. All parties, including third parties and intervenors, in any domestic relations case, including dissolution of marriage, legal separation, motions to modify, and declaration of paternity, custody and child support (hereinafter referred to as “Domestic Relations Matters”), shall serve only approved standard sets of opening Interrogatories, Request

for Production of Documents and Authorizations as provided in this local rule, unless otherwise stipulated or ordered by the court.

2. Additional or subsequent Interrogatories, Request for Production of Documents or Authorizations will only be permitted if stipulated or ordered by the court. All requests for leave of court to request additional or subsequent Interrogatories or Request for Production of Documents shall include the Interrogatories or Request sought and the basis for the request. Any party opposed to the request for additional discovery may object or file a response to the request, however, any such objection or response shall be filed with the Court and served upon the party requesting same within 10 days after service of the request for additional discovery. Upon the filing of any objection or response as provided herein, or upon expiration of the time for doing so, whichever occurs first, the matter shall be presented to the judge for consideration. The court may enter an order allowing or denying the additional discovery requests without the necessity of a hearing.
3. In all Domestic Relations Matters, the court en banc approved the following standard authorizations:
    a. Authorization to Release Employee Benefits Information (Form 163) to the other party and that party's attorney directed to each current

employer and to each former employer from whom the party is entitled to receive any employment or retirement benefits. Such request shall designate the specific person or entity to whom the authorization will be submitted.;

b. Authorization to Disclose Financial Information to the other party and that party's attorney directed to each financial institution at which the party has maintained an account within the last 36 months. Such request shall designate the specific person or entity to whom the authorization will be submitted.;

c. Authorization to Disclose All Insurance Information (Life/Health/Disability/Annuity) to the other party and that party's attorney to each insurance provider at which the party has or is eligible for benefits Such request shall designate the specific person or entity to whom the authorization will be submitted.; and

d. Authorization and Consent to Disclosure of Financial Institution's Records to the other party and that party's attorney to each financial institution at which the party has maintained an account within the last 36 months or at which the party has an outstanding loan balance Such request shall designate the specific person or entity to whom the authorization will be submitted.

4. In all actions for Dissolution of Marriage or Legal Separation, a Statement of Marital and Nonmarital Assets and Debts and a Statement of Income and Expenses shall be filed by each party with this court within thirty (30) days after service of the request for discovery. If any changes occur prior to the trial date, the information provided shall be updated immediately, filed with the Court and served on the opposing party.
5. In all Motions to Modify Child Support, Alimony or Maintenance, a Modification Statement of Assets and Debts and a Statement of Income and Expenses shall be filed by each party with this court within thirty (30) days after service of the request for discovery. If any changes occur prior to the trial date, the information shall be updated immediately, filed with the Court and served on the opposing party.
6. In all other Domestic Relations Matters, a Statement of Income and Expenses shall be filed by each party with this court within thirty (30) days after service of the request for discovery. If any changes occur prior to the trial date, the information provided shall be updated immediately, filed with the Court and served on the opposing party.
7. In all actions for Dissolution of Marriage or Legal Separation with children, the court en banc approved standard sets of opening Interrogatories and Request for Production of Documents.

8. In all actions for Dissolution of Marriage or Legal Separation without children, the court en banc approved standard sets of opening Interrogatories and Request for Production of Documents.
9. In all Motions to Modify Child Support, Alimony or Maintenance, the court en banc approved standard sets of opening Interrogatories and Request for Production of Documents.
10. In all actions for Declaration of Paternity, Custody and Child Support, the court en banc approved standard sets of opening Interrogatories and Request for Production of Documents.
11. Failure to comply with this local rule shall at the discretion of the judge result in sanctions including but not limited to the noncompliant party being ordered to pay reasonable attorney fees.
12. All the referenced approved forms are available on www.circuit7.net

(adopted 12/26/21)

RULE 33 PRE-TRIAL DISCOVERY

33.1 HEARING DATES

(See Local Rule 20)

33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED

33.2.1 A party filing any motion, except motions for new trial, motions for trial settings, or motions which require proof by introduction of evidence (as distinguished from proof by affidavit pursuant to Supreme Court Rules), shall serve and file at the same time brief written suggestions in support thereof, together with authorities relied upon. Any affidavits filed pursuant to Supreme Court Rules shall be filed at the same time as the motion and suggestions. Failure to file clear, concise suggestions may be grounds for refusing the relief requested. Within ten (10) days following service and filing of such motion, any opposing party may serve and file suggestions in opposition with citations of authorities. On the filing of suggestions in opposition by all parties entitled to file the same, or on expiration of the time for filing, whichever occurs first, the matter shall be presented to the Judge for consideration; and when the Judge rules on same, counsel for the parties shall be notified. The Judge may extend or shorten the time for filing suggestions on application of either party. Suggestions shall be filed pursuant to this rule even though oral argument is granted.

33.2.2 Any request for an extension of time to plead shall be in writing and signed by the attorney requesting such extension.

33.2.3 It shall be the responsibility of the movant in cases wherein a motion is submitted on suggestions, to notify the Judge personally in writing of the fact that all suggestions have been filed and said motion is ready for a ruling.

33.3 ORAL ARGUMENTS WHEN DESIRED AND HOW REQUESTED

33.3.1 Any party may request oral argument on motion but the granting or refusal of the same shall be a matter for the discretion of the Judge.

33.3.2 Any request for oral argument shall be filed with the suggestions of the party requesting the same.

33.4 MOTIONS IN LIMINE

33.4.1 All Motions in Limine shall be filed at the time set by the trial Judge and ruled upon at the pre-trial conference.

(amended 03/11/16)

RULE 34 CONTINUANCES

34.1 CIVIL CASES

34.1.1 Motions for continuances may be filed with the division clerk.

34.1.2 All applications for continuance shall conform to Supreme Court Rule and be presented to the court no later than the Wednesday before trial date except for cause arising thereafter.

34.1.3 Once a trial setting is made, such case will not be continued except for statutory reasons, and upon written motion duly filed and notice given pursuant to local rule. Any motion for continuance must be heard at least three (3) days before the day the case is set for trial unless the grounds arise thereafter. Agreements between attorneys for continuance are not binding upon the court. Neither the court nor any of its officers assume the responsibility of the attorney if he or she fails to be present when the case is called.

34.2 CRIMINAL CASES

(No Local Rule)

RULE 35 PRE-TRIAL CONFERENCES

35. 1 SETTING PRETRIAL CONFERENCE

35.1 The Judge may order, or either party may request, a pre-trial conference as authorized by the Supreme Court Rules.

35.2 ATTENDANCE

35.2 Pre-trial conferences shall be attended by the attorneys who shall oversee the trial of the case.

RULE 36 SETTING CASES FOR TRIAL

36.1 REQUEST FOR TRIAL

36.1.1 When a civil case is at issue either party may request a trial setting in accordance with Local Rule 20.

36.2 DATE OF CALENDAR CALL

(No Local Rule)

36.3 PREPARATION OF CALENDAR

36.3.1 Priority should be given in the setting and trial of civil cases to the following matters, and in the following order of priority:

a. Election contests (Section 115.535 RSMO)

b. Worker's Compensation appeals (Section 287.490 RSMO)

c. Unemployment Compensation appeals (Sec. 288.210 RSMO)

d. Liquor License appeals (Section 311.691 RSMO)

e. Public Assistance appeals

(Section 208.110 RSMO)

f. Request for review of revocation

of Driver's License based upon refusal

to take chemical breath-alyzer test

(Sec. 577.041 RSMO)

g. Zoning appeals.

36.3.2 For good cause shown, the Judge upon application of any party may accelerate a case on the docket.

36.4 CALENDAR CALL

(No Local Rule)

36.5 REMOVAL AND INACTIVE CALENDAR

(No Local Rule)

36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR

(No Local Rule)

36.7 SPECIAL ASSIGNMENTS

(No Local Rule)

RULE 37 DISMISSALS

37.1 DISMISSAL DOCKET

37.1.1 In order to comply with Supreme Court Operating Rule 17-time standards, each division may establish procedures for compliance including dismissal dockets to be set at each division's discretion.

37.1.2 At least ten (10) days before any dismissal action, notice shall be given by the Clerk to each party, not in default, at his or her last known address contained in the case file, that the case is subject to dismissal in accordance with this rule unless a dismissal hearing date has already been given.

(amended 03/11/16)

37.2 REINSTATEMENT OF CAUSE

(No Local Rule)

37.3 DISMISSAL OF CIVIL ACTIONS

(No Local Rule)

SETTLEMENT AND DEFAULT

RULE 41 SETTLEMENT

41.1 NOTICE OF SETTLEMENT

41.1.1 It shall be the responsibility of each attorney of record to keep advised of the position of his or her case on the docket and to advise the

court, and the attorneys on the case immediately following the case, of any continuance, settlement, or disposition of the case.

RULE 42 DEFAULT

(No Local Rule)

TRIALS

RULE 51 COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS

(Refer to Local Rule 20)

51.2 CONTESTED MATTERS

(Refer to Local Rule 20)

51.3 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Proposed finding of facts and conclusions of law shall not be electronically filed, but copies shall be provided to all parties.

(amended 03/11/16)

RULE 52 SELECTION OF JURY

52.1 JURY QUESTIONNAIRES

52.1.1 Attorneys shall not, as a part of the voir dire examination, examine a member of the jury panel as to any matter contained in the jury questionnaire without the permission of the Judge.

52.2 ACCESS TO JUROR INFORMATION

52.2.1 The list of names for the venire panel for any jury trial will be posted by the juror administrator by 12:00 p.m. on the preceding business day of court prior to the start of the jury trial. Additional names may be added to the list if additional venire questionnaires are filed following the posting. Counsel may obtain a copy of the list from the juror administrator following the posting. If a "case net" search is desired, computer terminals are in the Clay County Law Library. Court staff will not be available to assist in the "case net" search, except to insure access to the "case net" web site. If a "case net" search of the venire panel is desired, it shall be accomplished before trial

begins. Trial will not be delayed for purposes of a "case net" search. For purposes of this rule, a jury trial is deemed to begin at the start of the voir dire examination. Failure to complete a "case net" search during the time allowed by this rule will be deemed a waiver of that right, except as to any venire name(s) added following the prior week's posting. Counsel is to notify the court before the venire panel is discharged regarding any information revealed by a "case-net" search that counsel believes is inconsistent with a venire person's answers during voir dire examination.

(adopted 08/05/10)

RULE 53 JURY TRIALS

53.1 INSTRUCTIONS

(No Local Rule)

53.2 CLOSING ARGUMENTS

53.2.1 In cases tried before a jury, the plaintiff, except as otherwise provided herein, shall have the privilege of opening and closing the argument. Should plaintiff decline to make the opening argument, he or she will be considered as thereby waiving the privilege of closing the same and shall not be allowed to do so. The defendant shall nevertheless have the privilege of making the argument. Before the argument begins, the Judge will announce

how much time will be allowed on each side for argument, each side being allowed the same length of time. The plaintiff may apportion the time allotted between the opening and closing argument as the plaintiff may choose, provided the plaintiff shall not consume more than one-half of this time in the closing argument. In those cases, in which the Judge decides that the defendant has the affirmative of the issues, the defendant shall have the opening and closing of the argument in like manner and under the same restrictions as above laid down for the plaintiff. The Judge may in his or her discretion change the order of argument as above prescribed in a particular case where the circumstances in the opinion of the Judge require it and where it is so ordered before the argument begins. The Judge may, in his or her discretion, allow the argument in a particular case to extend beyond the allotted time or allot additional time if the circumstances in the opinion of the Judge render it proper to do so.

RULE 54 JUDGMENT ENTRY

54.1 CONTESTED CASES

54.1.1 Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit a proposed judgment entry to the

Judge for approval. Proposed Judgment shall not be electronically filed. Copies shall be provided for all parties.

(amended 03/11/16)

54.2 DEFAULT OR UNCONTESTED CASES

54.2.1 In default and uncontested cases counsel for the prevailing party shall, on the day of rendition present to the Judge for approval the proposed judgment or decree to be entered into in the case. If the proposed judgment or decree cannot be provided on the same day, the case shall be taken into consideration until it is received. Proposed Judgment shall not be electronically filed. Copies shall be provided for all parties.

(amended 03/11/16)

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 JUVENILE AND ADOPTION

61.1 FILING REQUIREMENTS

61.1.1 Division Three is designated as the Juvenile Division. The Juvenile Division shall hear all adoption cases, termination of parental rights cases and all juvenile business other than juvenile matters associated with proceedings for dissolution of marriage or legal separation.

61.1.2 In the event the Judge of the Juvenile Division shall be unable to perform his or her judicial duties because of illness or absence, he or she may notify another Circuit Judge that he or she is unable to perform his or her judicial duties and another Circuit Judge may act for such Circuit Judge during disability or absence, or the Presiding Judge may designate some other Judge of this court to act for said Judge during such absence or disability. Any Circuit Judge or Associate Circuit Judge may act under Supreme Court Rule 111.07.

61.1.3 The adoption and juvenile cases may be heard either at the Clay County Juvenile Justice Center or at the Courthouse, Liberty, Missouri.

61.1.4 The **original and three copies** of the adoption petition, together with a **completed** Certificate of Decree of Adoption and filing fee shall be filed with the Division Three Clerk.

61.1.5 All applications, motions, pleadings, requests or other papers required to be served, made or filed by a party under Supreme Court Rules 110 through 128, shall be served on the Juvenile Officer in the manner set forth in Supreme Court Rule 43.01.

61.1.6 The Circuit Clerk shall provide and keep for the Juvenile Division a separate Judge's docket.

61.1.7 The Presiding Judge shall direct and supervise the duties of the Juvenile Officer. The Presiding Judge, subject to the approval of the Court En Banc, shall have the power to appoint and terminate the Juvenile Officer. Any judge who is assigned to hear matters in the Juvenile Division shall recuse himself or herself on any vote concerning appointment or termination of the Juvenile Officer.

(adopted 02/01/16)

61.1.8 The Juvenile Officer shall be immediately responsible to the Presiding Judge in all matters relating to discharge of his or her duties.

(adopted 02/01/16)

61.2 HOME STUDY

(No Local Rule)

RULE 62 DRIVERS' CASES

62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES

(No Local Rule)

62.2 PETITIONS FOR REVIEW

(No Local Rule)

62.3 BREATHALYZER TEST

62.3.1 Application for Hearing Under Section 577.041 RSMO, for Refusal to Take Breathalyzer.

62.3.1.1 In all applications for hearing under Section 577.041 RSMO for refusal to take a breathalyzer, the Director of Revenue shall be given a party to the cause. The applicant shall include in the body of the petition the name of the officer filing the affidavit for refusal and the name of his or her law enforcement agency.

RULE 63 CASES IN DIVISIONS PRESIDED OVER ASSOCIATE CIRCUIT JUDGES

(No Local Rule)

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

(No Local Rule)

RULE 65 CIVIL CONTEMPT

(No Local Rule)

RULE 66 CONDEMNATION

66.1 SEPARATE CASES FOR EXCEPTIONS

66.1.1 In condemnation cases where there is more than one tract of land involved, new civil case numbers shall be assigned to exceptions filed on each separate tract of land.

(amended 06/12/19)

66.2 WITHDRAWING AWARD OF COMMISSIONERS

66.2.1 Money received on payment of commissioners' awards shall be credited to the parent condemnation case and all applications for withdrawal of the same shall be filed in the parent case.

66.2.2 A separate application to withdraw an award shall be filed with the Circuit Clerk as to each separate tract, together with a proposed order allowing withdrawal of the same.

(amended 06/12/19)

RULE 67 CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

67.1.1 Motions to Set Bond and for Bond Reduction

67.1.1.1 Bail or other conditions of release shall be set and fixed by the Judge having jurisdiction over the case. All existing bail bond

schedules for traffic, criminal, and ordinance violations, which are charged by citation, without warrant or other process, are hereby modified as follows:

All persons arrested and confined in any jail or other place of confinement in this county by any peace officer, without warrant of other process, for any traffic offense citation, ordinance offense citation, or other criminal offense, for on suspicion thereof, shall be discharged from said custody within twenty-four (24) hours, unless:

Said detainee posts bond (pursuant to the bail bond schedule) prior to the expiration of the twenty-four (24) hour arrest time, or,
Said detainee is charged with a criminal offense by the oath of some credible person and be held by warrant to answer to such offense.
(amended 08/07/17)

67.1.1.2 All sureties for bonds in criminal proceedings shall conform their practices to the applicable statutes and Supreme Court Rules.

67.1.1.3 Whenever a person is admitted to bail, the conditions of his or her bond must conform in every respect to Supreme Court Rules, and as such, the terms, conditions, and obligations assumed thereby shall in all cases be continuing in nature when the case moves from one division of the court to another.

67.1.1.4 No person shall be accepted as an individual surety upon any bail bond unless such person possesses all those qualifications required by Supreme Court Rules and applicable statutes. Individuals who desire to act as a surety without compensation should file in the case file of the defendant for whom they wish to make a bail bond two affidavits: one, demonstrating they are qualified under Supreme Court Rule 33.17, and a second in substantial accord with Missouri Criminal Procedure Form No. 23, GENERAL AFFIDAVIT OF QUALIFICATIONS OF BONDSMEN.

67.1.1.5 Any General Bail Bond Agent, properly licensed by the State of Missouri, with current approval by the judge of Division One shall be eligible to act as surety before any Circuit Judge, Associate Circuit Judge, Family Court Commissioner, or Municipal Judge in this county.

67.1.1.6 An unsatisfied judgment against a surety, entered upon any bail bond in any court of this state or of the United States, shall disqualify such surety for bonds in any cases wherein the defendant is charged with the commission of a crime. Such disqualification shall continue for so long as judgment remains unsatisfied.

67.1.1.7 Every surety who intends to charge and receive compensation for serving as surety must be licensed by the State of Missouri as a General Bail Bond Agent. Every licensed General Bail Bond Agent who desires

to sign bail bonds in Clay County shall qualify before the judge of Division One by appropriate monthly affidavit. Such affidavit must be presented to the circuit clerk no later than the first business day (courthouse open) of each month and may be presented as early as five business days before the first business day of the month. Affidavits shall be in substantial accord with the forms and procedures prescribed by the judge of Division One. Information on required forms and procedures shall be available from the circuit clerk. The judge of Division One shall approve those General Bail Bond Agents who shall be entitled to act as surety for persons charged with crimes until the 10th of the next month, subject to disqualification under 67.1.1.6.

67.1.1.8 Nothing contained in this rule shall abridge the right of any person to give bail and execute a bond for his or her own appearance upon complying with the provisions of Supreme Court Rules and applicable statutes.

67.1.1.9 Nothing contained in this rule shall be construed as abridging or otherwise limiting the power of any Judge having jurisdiction over any criminal case to release any person accused of his or her own recognizance or upon any other proper condition of release.

67.1.1.10 No Associate Circuit Judge shall approve any surety bond in criminal case pending before him or her unless:

a. The terms, conditions, and obligations assumed therein are continuing in nature from the Associate Circuit Judge to the Circuit Judge as prescribed by Supreme Court Rules and applicable statutes; and

b. The surety shall have been qualified and approved by the judge of Division One as set forth in these rules.

67.1.2 Deposit of Operator's License

67.1.2.1 Officers of the Missouri State Highway Patrol and the Clay County Sheriff Department are hereby authorized by the rules of this court, at their discretion, to accept the chauffeur's or operator's license issued by the State of Missouri, of any person arrested and charged with a violation of a traffic law of the State of Missouri or traffic ordinance of the County of Clay in lieu of any other security for his or her appearance in court to answer any such charge.

67.1.2.2 Licenses shall not be accepted in cases involving the following charges: driving while intoxicated, driving while under the influence of intoxicating liquor or drugs, leaving the scene of an accident, driving while license is suspended or revoked, or any charge made because of a motor vehicle accident in which a death has occurred. Deposit of said license in lieu of other security shall be under and subject to the provisions of Section 544.045 RSMO.

67.1.3 Availability of Judge for Admitting Persons to Bail

67.1.3.1 The Judge of Division Five, Six, Seven, and Nine shall be available at all hours and times for the purpose of admitting people to bail. (amended 03/11/16)

67.2 PRELIMINARY HEARING

67.2.1 The indictment, information, or other papers in any criminal case, shall be open to inspection by the defendant, or the defendant's attorney, after the accused is in custody or has been released on bail or other conditions of release.

67.3 GRAND JURY

(No Local Rule)

67.4 ATTORNEYS

67.4.1 Private attorneys shall not be appointed to represent defendants except in those cases where the Public Defender is unable to serve.

67.4.2 Once a private attorney has entered an appearance on a case, the attorney will not be permitted to withdraw the appearance on the grounds of not having collected a fee. No attorney, public or private, will be permitted to withdraw as counsel for defendant unless the Judge has granted said attorney leave to withdraw. No attorney will be granted leave to withdraw

in a criminal case until another attorney has entered an appearance as attorney in such case, or until the matter has been brought before the court upon motion and with at least five (5) days written notice to the defendant.

If a private attorney wishes to limit his or her appearance to preliminary hearing proceedings or for other limited purposes, such attorney must first obtain leave of court for such limited appearance. Such limited appearance shall be duly recorded on the court's records.

67.5 ARRAIGNMENTS

67.5.1 In General

(No Local Rule)

67.5.2 Dates

67.5.2.1 Each Associate Circuit Judge shall order all people accused of felonies who are bound over by said judge to appear in the Circuit Division assigned to the case at the time set by said Division, of the week immediately following the action of said Associate Circuit Judge.

67.5.2.2 In all cases pending in the Criminal Division where the defendant remains in the custody of the Sheriff of Clay County, Missouri, in which no date for appearance has been set by the court, the Sheriff shall deliver the defendants to the appropriate division at the earliest possible date

immediately following the date such defendant comes into the Sheriff's custody.

(amended 07/21/21)

In such cases where a date for appearance has been previously set by the court, the Sheriff shall deliver the defendants to said court on the date and time as set by the court.

All proceedings in the Criminal Division shall commence at 9:00 a.m. unless otherwise ordered by the Judge and all defendants in criminal cases shall appear at that time unless otherwise ordered by the Judge.

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)

67.9.1 WHERE ENTERED

(No Local Rule)

67.9.2 PETITION TO ENTER PLEA OF GUILTY

67.9.2.1 In all felony cases wherein the defendant desires to plead guilty, the defendant shall prepare a petition to enter a plea of guilty on a form adopted by the Division in which the case is pending. The petition to enter a plea of guilty shall be executed by the defendant

in open court.

(amended 07/21/21)

67.10 CALENDAR

67.10.1 All defendants in criminal cases pending in the Clay County Circuit Court are ordered to appear in the division in which their case is pending and answer to such offenses on the first day of each term of court at nine a.m. unless another date for appearance has been previously set by the court.

67.11 PROBATION AND PAROLE

67.11.1 In all criminal cases where the Judge orders a sentencing assessment report, the Missouri Department of Probation and Parole shall make proper investigation and prepare such report. The report shall be delivered to the court at least twenty-four (24) hours prior to the time of sentencing if practicable. The defendant and his or her attorney will be given a reasonable time to read and examine such reports prior to sentencing. Prior to

sentencing, the Judge shall allow the defendant to suggest corrections, additions or deletions to the report.

67.11.2 Supervision of criminal non-support probation: All probation for criminal non-support cases shall be supervised by Division VIII and will be transferred accordingly.

(adopted 03/06/24)

67.12 SEARCH WARRANTS

67.12.1 Applications for search warrants may be filed in the division of any judge. Each division shall maintain a search warrant docket sheet on which to record the filing of each application for a search warrant presented to that division.

67.12.2 Applications shall be date marked "filed" with the time of filing noted. The date and time of filing shall be followed by the number of division and a capital letter to identify the order in which applications are filed that day. The first application of the day will bear the letter "A." Judges to whom an application is presented when a deputy clerk is unavailable should write the word "filed" on the application and note all other required information thereon.

67.12.3 The division search warrant docket sheet entry for each application will show the date, the division number, the identifying letter, and the time of filing, with reference to an “Application.”

67.12.4 The issuance of a search warrant shall be docketed on the division search warrant docket sheet with reference to the application.

67.12.5 The denial of an application shall be reflected by an entry on the division search warrant docket sheet that describes the application, followed by the ruling.

67.12.6 The return, when filed in the division, shall be date marked “filed.” The division search warrant docket sheet entry for the return shall reflect the application the return relates to and contain reference to “Return.”

67.12.7 Division search warrant docket sheets are public records. Denied applications shall be treated as confidential records. Granted applications and resulting warrants shall be treated as confidential records until a return is filed. Thereafter, granted applications, the resulting warrants, and returns are public records. On written motion and for good cause shown, the court may order that an application and resulting warrant being treated as confidential records be open to the public before the return is

filed. Such a motion will be *in rem*, styled, for example, "In re Search Warrant Application, January 1, 2004, 6A," and be addressed to and filed in the division in which the judge who ruled the application sits. Any such motion shall be docketed on the division search warrant docket sheet and be stored with the application in question. Rulings thereon shall be made on the docket sheet clearly referring to the application in question.

67.12.8 Denied applications and applications to which a return has been filed will be centrally stored by the Circuit Clerk. Granted applications shall be held in division until a return is filed and docketed. Each warrant issued shall be stored with the successful application.

(amended 07/21/21)

RULE 68 DISSOLUTION OF MARRIAGE

68.1 FILING REQUIREMENTS

68.1.1 In compliance with Section 452.312 RSMO, every petition for dissolution of marriage or legal separation, and every petition for support of a minor child, shall comply with the statute.

68.1.2 Every responsive pleading to a petition for dissolution of marriage, legal separation, or for support of a minor child shall comply with the statute.

68.1.3 No hearing shall be conducted nor a decree entered in any dissolution case until thirty (30) days have elapsed after date of filing of the petition.

68.1.4 All decrees of dissolution of marriage or legal separation affecting title to real estate shall be prepared by counsel and upon entry thereof, counsel shall either record an appropriate deed or a certified copy of the decree in the Office of the Recorder of Deeds in the county and state where each tract of real estate is situated.

68.1.5 Attorneys shall furnish all judgment entries for decrees, motions, dismissals, temporary orders, orders for publication, and any order required.

68.1.6 In all default dissolution of marriage cases, or separate maintenance cases, all costs must be paid before a decree is granted.

68.1.7 In all dissolution cases, motions to modify and paternity cases in which there are minor children, the parties shall file a Form 14. These forms shall be furnished by the Circuit Clerk and submitted by the parties at least five days prior to the hearing.

(amended 03/11/16)

68.1.8. A completed Property/Debt Grid ("Grid") shall be submitted to the Court at the Pre-Trial Conference in all contested dissolution

of marriage cases where the division or property or debts is at issue. The Grid shall include all property and debts of Petitioner and Respondent, the present values, the present possession and requested disposition as set forth by each party. Completion of the Grid shall take place as follows: Prior to the case being set for trial or contested evidentiary hearing, Petitioner shall send a completed Grid to Respondent's attorney or Respondent, if not represented by an attorney. Within thirty (30) days thereafter, Respondent shall return the aforesaid Grid, having inserted the same information on the same Grid opposite the designated property/debt in the appropriate area, plus any additional property/debts that Respondent claims were omitted from the Grid. Petitioner shall reply to Respondent's listing of additional property/debts within fifteen (15) days by completing the required information in the appropriate area of the Grid.

In the event either party fails to comply with the requirements of this Rule, the opposing party shall send a "Golden Rule" letter pursuant to Local Court Rule 32.6. and follow the procedures for enforcement of discovery. Amendments to the Grid after being fully completed by both parties shall only be made by agreement of the parties or by Leave of Court. The Grid shall be admitted at trial as an aid to the Court and shall not be electronically filed. The Grid shall not be required for default hearings.

(amended 06/03/25)

68.1.9 Attorneys shall furnish all orders for decrees, motions, dismissals, temporary orders, orders for publication, etc.

68.1.10 Every decree dissolving a marriage, or granting separate maintenance, every order modifying a previous decree of dissolution, separate maintenance or divorce, and every order for support of a minor child shall comply with the statute.

68.1.11 In all default dissolution of marriage cases, or separate maintenance cases, all costs must be paid before a decree is granted.

68.1.12 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

68.1.13 REPEALED by Order dated March 14, 2016, effective March 11, 2016.

68.2 SEPARATION AGREEMENT

68.2.1 In all cases where written separation agreements are made under the provisions of Section 452.325 RSMO, a copy of such agreement shall be filed. Counsel shall also prepare and submit to the Judge not less than five (5) days prior to the date of hearing, a proposed decree of dissolution or legal separation in all cases where separation agreements have been made, and the decree shall include therein those terms of the separation

agreement required by Sec. 452.325 RSMO. The Judge may, in his or her discretion, allow a shorter time for the submission of such proposed decree. Waiver of the division of property will not be accepted by the Judge. Proposed decrees/Judgments shall not be electronically filed.

(amended 03/11/16)

68.3 FORM OF DECREES

68.3.1 All decrees shall contain findings by the Judge and must include and - recite:

a. The appearances of the parties and the appearances of their attorneys

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

c. Either that: (1) one of the parties has been a resident of Missouri for ninety (90) days next preceding the commencement of the proceedings, and thirty (30) days have elapsed since the filing of the petition, or (2) one of the parties is a member of the armed services who has been stationed in this State for ninety (90) days next preceding the commencement of the proceeding and that thirty (30) days have elapsed since the filing of the petition.

d. The date of filing of any entry of appearance.

e. Whether there have been children born of marriage, their names and birth dates.

f. Whether the wife is pregnant.

g. Either (l) that neither petitioner nor respondent is a member of the armed forces of the United States of America, or (2) if one or both parties are members of the armed forces of the United States of America, a statement to that effect.

If the respondent is a member of the armed forces of the United States of America, that a waiver under the Soldier and Sailors Relief Act has been filed when the same is required under such Act.

h. Whether or not there is marital property to be divided by the Judge.

i. A listing of the value of all real and personal property including encumbrances, and a paragraph to the effect that the Judge finds the value of the property is as set out in the financial statement filed and marked as Exhibit __; or, if there is a difference between petitioner and respondent as to the value of the property, a paragraph as to the value of the property as found by the Judge. Oral property settlement agreements will not be accepted.

j. Whether a written separation agreement has been entered into between the parties, and if so, the decree shall set forth in full its provisions, unless the separation agreement provides otherwise. All provisions in such separation agreements pertaining to custody and child support must be included in the decree, along with a statement that the Judge has examined the separation agreement and found it not unconscionable.

k. 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.

l. That there is no reasonable likelihood that the marriage can be preserved, and therefore, the marriage is irretrievably broken.

m. Each finding of fact shall be set out in a separate paragraph.

68.3.2 The decree shall contain an order which shall contain the following:

a. The marriage between (name of the parties) is dissolved.

b. When minor children are involved, the custody of the children, the amount of support payments for the same, the party to whom the

payments are to be made, whether the payments are to be made through the Clerk of the Circuit Court as trustee, the date which payments are to begin, and provisions regarding visitation rights.

c. When a separation agreement has been entered into, and is to be included in the decree, the provisions of such separation agreement shall be performed, except as to child custody and support.

d. If the wife's maiden name or former name is to be restored by the Judge at the time of the hearing, the restored name shall be specified in full.

e. Against whom the costs of the action shall be assessed.

f. All orders for child support or maintenance, entered or modified, shall include a provision notifying the obligor about the withholding of income provisions of Section 452.350 RSMO.

g. The names and current addresses of the petitioner and the respondent, their respective social security numbers, and their respective employer's name and address at the end of the decree, on the lower left-hand margin.

h. Each item ordered by the Judge shall be set out in a separate paragraph.

68.3.3 In all cases an original and four hard copies of the decree shall be submitted to the court, plus one copy if child support is to be paid through the Clerk of the Circuit Court, plus one copy for each county in which there is real estate, title to which is transferred by the decree of the court. (amended 03/11/16)

68.4 FILING OF FINANCIAL STATEMENTS

68.4.1 In ALL cases a statement showing the property of the parties, their income and expenses, shall be filed with this court. Such statement shall contain the following:

a. A list of all properties and a designation of whether the same is marital or non-marital.

b. The legal description of real estate.

c. The estimated fair market value and the amount of all encumbrances on each asset.

d. The name of the party having possession or control over each asset.

e. A statement of income and expenses for both parties to the best of the ability of the party filing such statement.

68.4.2 All parties not in default shall provide such statements. Such statements shall be in the form furnished by the Circuit Clerk.

68.5 MODIFICATION OF DECREE

68.5.1 In compliance with Section 452.312 RSMO, every motion for modification of a decree respecting maintenance or support, or motion for support of a minor child, shall contain the name and address of the current employer and the social security number of the petitioner or movant, and, if known to the petitioner or movant, the name and address of the current employer and the social security number of the respondent.

68.5.2 Every responsive pleading to a motion for modification of a decree respecting maintenance or support, or motion for support of a minor child, shall contain the name and address of the current employer and the social security number of the respondent.

68.6 DISCOVERY

68.6.1 In a domestic relations case, any party (including third parties) may serve upon any other party a request that the party served execute one or more authorizations for release of information, including, but not limited to, the form authorizations pre-approved by the Court and furnished by the Circuit Clerk. Such request designates the specific person or entity to whom the authorization will be submitted. Such request may, without

leave of Court, be served upon the petitioner or movant after commencement of the action and upon any other party with or after service of the summons and the initial pleading upon that party. Unless the request is timely objected to, the party upon whom the request has been served shall execute the same before a notary public, and serve the executed authorization to the requesting party: (a.) Within ten (10) days after service of the request if the authorization sought to be executed is a Court-approved form; or (b.) Within thirty (30) days after service of the request if the authorization is not a Court-approved form. Upon motion timely filed, the Court may allow a shorter or longer time.

The party upon whom the request is served may object to execution of the authorization, however, any such objection shall be filed with the Court and served upon the party requesting same within the time permitted for execution of same, stating the specific reasons for objection. Failure to timely object to the request shall be deemed a waiver of any objection. A party's execution of an authorization pursuant to this rule shall not be a basis for non-compliance or objection to other methods of discovery permitted by Missouri Supreme Court Rules.

The party submitting the request may move for an Order to compel compliance where the properly executed authorizations are not received when due

provided, however, no objection has been filed and served and, provided further, the requesting party shall have first served upon the party to whom the request was made written notice of the failure to comply and five (5) days shall have lapsed thereafter without compliance. Upon the Court's receipt of the motion to compel compliance, where no objection has been filed, the Court shall summarily, without further notice and a hearing, enter an Order compelling compliance within ten (10) days of the date of such Order.

If a party fails to serve the properly executed authorizations within ten (10) days from the Court's Order summarily ordering compliance, or timely files objections thereto that are thereafter overruled and the requested authorizations are not timely executed and served thereafter, the Court may, upon motion and reasonable notice to the parties, make such Orders in regard to the failure as are just, including, without limitation, the sanctions described in Rule 61.1 (d) MRCP.

Objections to authorizations may be presented to the Court for ruling by either party by motion or notice of hearing at any time after objections are served. If, after notice and hearing, objections to the authorizations which are pre-approved by the Court are overruled, the Court may assess against such

objecting party, attorney or attorney's law firm, or all of them, the attorney's fees reasonably incurred in having such objection overruled.

Upon the request of the authorizing party and upon payment by the authorizing party of one-half of the costs incurred by the requesting party, plus a reasonable copying fee not to exceed twenty-five (25) cents per page, copies of all documents obtained by the requesting party shall be provided to the authorizing party within ten (10) days from the receipt of the authorizing party's said payment.

Any proposed Order shall not be electronically filed but shall be served by all parties.

(adopted 03/11/16)

Rule 44 MRCP, "Time," shall apply to the foregoing rule.

68.6.2 In any domestic action where answers to discovery are more than three days late, the attorney who propounds the discovery shall mail a "golden rule" letter to opposing counsel. The "golden rule" letter shall notify opposing counsel of exactly what discovery has not been answered, the date the discovery was due, and shall provide opposing counsel with a date then (10) days in the future when the discovery must be received by the propounding attorney.

In the event discovery is not received within the period specified in the "golden rule" letter, then the propounding attorney may file a motion to compel with the court which will be summarily ruled on by the court without hearing, requiring all discovery to be provided within ten (10) days of the court order.

In the event the motion to compel is not complied with, sanctions may be imposed after a hearing has been held on the party who has failed to respond when requested by the propounding party.

68.7 PARENT EDUCATION PROGRAM - ATTENDANCE REQUIRED

68.7.1 All parents in a dissolution of marriage, legal separation or paternity action in which there are minor children shall be required to attend a Parent Educational Program. Petitioners shall attend within 45 days of the filing of the original petition and Respondent shall attend within 45 days after service of process. Parents may attend the court-sponsored program or any program approved by the Administrative Family Court Judge.

68.7.2 C.O.P.E., the court's parent education parent program, will be conducted at the Juvenile Justice Center in Liberty, Missouri or at such other location as designated by the Administrative Family Court Judge.

The classes will be conducted each week at a regularly scheduled time. Each parent shall be responsible for contacting the Parent Education Program Moderator regarding attendance, location and time of the class. Parents must attend the entire program to obtain a certificate of completion.

68.7.3 No dissolution of marriage, legal separation or paternity action involving minor children shall proceed to final hearing until there has been compliance with this order. The Administrative Family Court Judge may waive this requirement or the judge assigned to the case for good cause shown. Good cause does not include employment or work-related conflicts.

68.7.4 The class attendance shall also be required in connection with motions to modify involving visitation or custody issues that are in dispute and motions for family access. Class attendance may be required as part of any Full Order of Protection in an adult abuse or child protection action.

68.7.5 The parties shall be required to sign a Certificate of Attendance that will be collected by the Moderator and thereafter filed with the Clerk of the Court showing that the attendance requirement was fulfilled.

68.7.6 The requirement of attendance for parents shall become effective January 1, 1996, to all cases still pending and to those cases filed after that date.

68.7.7 At the time of filing any case where attendance to C.O.P.E is required, the Circuit Clerk shall collect a fee of $60.00 for the parties to attend the C.O.P.E. class. Parties shall contact Family Court Services at the R. Kenneth Elliott Justice Center to enroll in a class. All fees shall be applied to the Family Services Justice Fund. (*Effective February 1, 2010*)

68.7.8 The fee schedule for parents and others may be reviewed and revised at any time necessary in the future.

68.8 CUSTODY/VISITATION MEDIATION

68.8.1 The Family Court encourages the amicable resolution of custody and visitation issues through mediation as a method of focusing the attention of the parties on the best interest of the child. In every dissolution of marriage, legal separation or paternity action in which there are contested issues of custody and/or visitation, the parties (except for the State of Missouri) shall complete mediation, as provided in Supreme Court Rule 88.02-88.08 and this rule, prior to the filing of a motion for trial setting. Any motion for trial setting shall include an averment that mediation has been completed, or that there are no contested issues regarding custody or visitation of minor

children, or that the case has been excluded or exempted from mandatory mediation as provided by this rule.

68.8.2 Parties may arrange for mediation privately, may apply to the court for an order of mediation, or may request services through the Family Court mediation program by contacting the Director of Office of Dispute Resolution Services to determine eligibility. To ensure that mediation is available to all parties, regardless of financial standing; the Family Court Mediation Program should provide services based on the income of the parties in accordance with guidelines established by the Office of Dispute Resolution Services and approved by the court *en banc*. Parties seeking to participate in the Family Court Mediation Program shall submit income information to the administrator of the Office of Dispute Resolution Services on the form designated for that purpose. Intake procedures performed by the Office of Dispute Resolution Services to screen parties for mediation and to arrange for the delivery of services, except for reasonable suspicion of child abuse or neglect, shall be considered part of the mediation proceedings and treated as confidential under Supreme Court rule 88.08.

68.8.3 Parties are under an obligation to supplement discovery as required in Rule 56.01(e). For purposes of this rule, discovery shall

be deemed seasonably amended so long as the information has been provided to all parties no less than 5 days prior to trial.

(amended 06/03/25)

68.8.4 Any party, upon the expiration of thirty (30) days from the date responsive pleadings are due on the original petition or upon the expiration of sixty (60) days from the date of service when no responsive pleading is required, may file a motion requesting the Court to order mediation in the matter. Movants may name a mediator in the request. Each party may petition the Court to disqualify one mediator without stating cause within fifteen (15) days of the designation of the mediator. Thereafter disqualification of a mediator shall be for cause shown. If the parties are unable to agree on a mediator, the court will appoint a mediator. The mediator shall advise the Court of any fact bearing upon a conflict of interest or bias, or any other facts that would be reason for his or her disqualification. If the Court disqualifies a mediator, an order shall be entered naming a qualified replacement. Nothing shall limit a mediator's ability to refuse assignment of any mediation under this rule.

68.8.5 Some cases may be inappropriate for mediation, which may include those with a history of child abuse or neglect or domestic violence. The Court appointed mediator, and the Office of Dispute Resolution

Services in the case of matters participating in the court sponsored mediation program, shall screen the parties prior to conducting mediation sessions. If the case is deemed inappropriate for mediation, the mediator or program director shall immediately file the Notice of Mediation Compliance form with the Court.

68.8.6 Any party may request the court to waive the mediation requirement for good cause shown. "Good cause" may be established by specific averments showing that the case is not suitable for mediation, or at the request of any party, the court may refer the case for screening to determine the appropriateness of mediation. Screening procedures performed by the Office of Dispute Resolution Services shall be confidential pursuant to Supreme Court rule 88.08. The pre-screening report shall indicate only whether mediation is or is not appropriate

68.8.7 A mediator assigned to provide services in a case by the court, or a court-sponsored program shall give the parties and their counsel of record advance notice in writing of the time and place of the initial mediation session. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties. Counsel for any party may attend the mediation sessions but shall first notify the mediator and all counsel of record of his or her intent to attend. If counseling for any party desires to attend after receipt of such notice, but is unavailable on the scheduled date, the mediation shall be

rescheduled at a time convenient to all parties and counsel. Counsel and clients may communicate privately at any time during the mediation process. The guardian *ad litem* for a minor child, if one has been appointed, shall be considered a party to the proceeding and may participate as a party in the mediation process. The mediator shall provide the Court and counsel of record with a copy of the Notice of Mediation Compliance signed by the mediator at the termination of mediation.

68.8.8 The confidentiality provisions of Rule 88.08 shall apply to mediations undertaken to comply with this rule. Any mediator who is required by statute or program guidelines to report reasonable suspicion of child abuse or neglect shall advise the parties and counsel in writing upon appointment. Except for the completion of the Notice of Compliance, the mediator shall make no other disclosures of a confidential nature during or at the conclusion of mediation without the consent of all participants. The identity of the party who terminates mediation shall not be disclosed.

68.9 SETTLED/DEFAULT DOMESTIC CASES

68.9.1 In all cases that are presented to the Court that have been settled by the parties or are being heard on a default basis Counsel for the party/parties shall provide the Court the Original Proposed Judgment and enough copies for all parties and one copy for the State of Missouri along with

any necessary hard copies of any exhibit required herein. Said documents shall be provided by counsel on the hearing date for the case.

68.9.2 In all cases that are presented to the Court that have been settled by the parties or are being heard on a default basis Counsel shall provide a copy of the proposed Judgment prior to the hearing date for Court approval. The proposed Judgment shall not be electronically filed.

68.9.3 Entry of Judgment Upon Affidavit Requirements

1. Judgment or Order Entered - When. A final judgment or order in a proceeding for dissolution of marriage or legal separation, motion to modify, and action for declaration of paternity shall be entered upon the affidavit of both parties when: (a) There are no minor children of the mother and father involved in the action, or if there are minor children involved in the action the parties have entered into a written agreement determining custody and child support; and (b) The adverse party has been served in a manner provided by the Missouri rules of civil procedure or has formally filed a verified entry of appearance or responsive pleading; and (c) There is no genuine issue as to any material fact; and (d) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property. If the Court, on its own motion, requires a hearing, it shall notify all

parties/counsel within 7 days of specific grounds that necessitate a formal hearing.

2. Affidavit – Filing Requirements. If the parties desire to submit the matter for entry of final judgment or orders upon an affidavit, parties shall file a joint affidavit, or individual affidavits, containing, at a minimum, the information 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 proof of Parenting Education Program (if children are involved), a completed Income and Expense form, a completed Asset and Debt form, a completed Litigant Awareness Program certificate 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. All filings shall comply with Mo. R. Civ. Pro. 55.28.

(adopted 07/22/26)

RULE 69 MUNICIPAL DIVISION

69.1 REFUND OF BOND ON APPLICATION FOR TRIAL DE NOVO

69.1.1 If plaintiff dismisses the information against the defendant, the Circuit Clerk shall without delay return defendant's bond to said defendant.

69.1.2 If defendant dismisses application for trial de novo, the Circuit Clerk shall without delay collect costs and then return defendant's cash bond to the municipal division.

69.1.3 If judgment is rendered against defendants by this court, the Circuit Clerk shall:

Collect any fine and costs from the defendant's cash bond or deposit, and after thirty (30) days, shall refund any remainder to defendant, or

Collect immediately from the defendant any portion of the fine and costs not covered by the amount of funds on deposit with the court.

69.1.4 If defendant is found by this court to be not guilty, the Circuit Clerk shall without delay return defendant's cash bond to said defendant.

69.1.5 If the court dismisses the application for trial de novo because neither the plaintiff nor defendant appears, the Circuit Clerk shall return defendant's cash bond to the municipal division after thirty (30) days.

69.1.6 If the court dismisses the application for trial de novo because the defendant fails to appear for hearing, the Circuit Clerk shall return defendant's cash bond to the municipal division after thirty (30) days.

69.1.7 If the court dismisses the application for trial de novo because the plaintiff fails to appear for hearing, the Circuit Clerk shall return defendant's cash bond to defendant after thirty (30) days.

RULE 70 PARTITION

(No Local Rule)

RULE 71 ADMINISTRATIVE REVIEWS

(No Local Rule)

RULE 72 PROBATE

72.1.1 FILING REQUIREMENTS

72.1.1 Every application to the Probate Division shall be under oath or affirmation as provided by Section 472.080 RSMO, and signed by the applicant, except as otherwise provided by the Judge of the Probate Division.

72.1.2 The entire case or the matter or matters involved may be heard in the Probate Division by any other Circuit Judge at the request of the Judge of the Probate Division or any Judge on assignment by the Presiding Judge.

72.1.3 Any order entered in the Probate Division denying or modifying any relief sought by any party without notice and an opportunity for a full evidentiary hearing shall be set aside and the matter reconsidered if application therefore is made to the court by said interested party within thirty (30) days of the entry of said order.

72.1.4 Inventories, claims, and settlements, when filed in the Probate Division, shall be on forms color coded as provided by Supreme Court Operating Rule 4.49 as follows:

a. Inventories - yellow

b. Claims - pink

c. Settlements:

Decedents and conservatorships - green

Trusts - blue.

The Probate Division Clerk shall provide such color-coded forms upon request.

72.1.2 ATTORNEYS REQUIRED – WHEN

72.2.1 Probate proceedings and matters for which an attorney of record is required shall include the following:

(A) Any proceeding concerning Letters Testamentary or Letters of Administration of deceased estates.

(B) An application for an Affidavit of Distribute, or an Application for a Small Estate Administration less than $40,000, if real estate is an asset of the deceased.

(C) Any applicant proceeding with an action to create a conservatorship must be represented by an attorney, unless the applicant is an attorney. A conservator must be represented by an attorney for the duration of the conservatorship estate, unless the estate is placed on "No Further Process" status. Conservators are advised that a final settlement is required at the closing of the estate. The statutory requirement for vouchers remains in place for the entire period of administration.

(D) An applicant seeking the appointment of a guardian only, may file and appear without counsel, but it is strongly encouraged that the applicant be represented by an attorney. After a judgment is entered creating guardianship only, representation by an attorney is optional, but strongly suggested.

(amended 04/11/16)

An attorney is not required for a Spousal or Creditor Refusal of Letters proceeding.

(adopted 04/11/16)

Under the law, neither the court, nor its staff, is allowed to render legal advice should any application be deemed deficient. By Missouri law, costs must be assessed against the applicant if an application is dismissed. Legal representation is encouraged.

(adopted 04/11/16)

Sections 475.010 through 475.370; and 473.153 (7), Revised Statutes of Missouri.

Effective April 11, 2016, (E-Filing Activation date.)

(adopted 04/11/16)

72.2.2 Request for Restoration. All requests for restoration shall be presented to the Probate Judge for review. Upon reviewing the request for either full or partial restoration of rights, the Court may appoint an Attorney for the Respondent/Ward. Upon appointment, counsel shall take steps necessary to make a good faith determination that grounds exist for the restoration request. If counsel finds that it is in the Ward's best interest to

proceed, and considering Rule 4-3.1 of the Missouri Court Rules, then Counsel shall file a formal Motion for said restoration.

If counsel determines that it is not in the Ward's best interest or that pursuant to Rule4-3.1 counsel cannot proceed then counsel shall notify the Court and may file a request for attorney fees with a proposed Order.

(adopted 12/11/19)

RULE 73 SMALL CLAIMS

(No Local Rule)

RULE 74 TRUST ESTATES THAT ARE SUPERVISED BY THE COURT

74.1 INVENTORY

74.1.1 Within thirty (30) days after appointment, every trustee shall file and present to the Probate Division of the Circuit Court an inventory in writing of the property and effects comprising the trust estate.

74.2 REPORTS

74.2.1 Every trustee shall annually, at such time as ordered by the court, file and present a report in writing of the condition of the trust, including verification of assets.

74.3 RECORD

(No Local Rule)

74.4 AUDIT

(No Local Rule)

RULE 75 TREATMENT COURT

75.1 ESTABLISHMENT - Pursuant to §§ 478.001-478.009 RSMo. and Court Operating Rule 26, the Court en banc hereby establishes a Treatment Court Division. The Treatment Court Division shall be separated into individual Treatment Court programs. Treatment
Court programs may from time to time be added or discontinued based on an evaluation of the effectiveness of the program, compliance with current law and best practices, the standards and practices established by the Treatment Court Coordinating Commission, and upon approval by the Court en banc.

75.2 DESIGNATION - Division One is hereby designated as the Treatment Court Division, and as such shall preside over all Treatment Court proceedings. All criminal cases seeking entry into any Treatment Court program shall be transferred to Division One prior to entry into any such program.

75.3 **TREATMENT COURT PROGRAMS -** The Treatment Court shall include, but not be limited to, the following Treatment Court programs:

75.3.1 **ADULT TREATMENT COURT**

75.3.2 **VETERANS TREATMENT COURT**

75.3.3 **MENTAL HEALTH TREATMENT COURT**

75.3.4 **DWI TREATMENT COURT**

75.4 **CO-OCCURRING DISORDERS** - The Adult Treatment Court program and the Veterans Treatment Court program may include participants with a mental health disorder as a co-occurring disorder. The Mental Health Treatment Court program may include participants with a drug and/or alcohol addiction as a co-occurring disorder.

75.5 **POLICIES AND PROCEDURES** - Each Treatment Court program shall create policies and procedures specific to said program. These policies and procedures shall be set forth in both a Policy Manual and a Participant Handbook, each of which shall be periodically updated, but on no less than an annual basis. The Policy Manual and Participant Handbook for each Treatment Court program shall be maintained in the office of the Treatment Court Administrator.

(amended 07/31/24)

POST TRIAL

RULE 81 EXECUTION

81. Executions shall not be issued by the Circuit Clerk except upon written application, therefore verified by the oath of the judgment-creditor or his or her attorney. The written application shall contain the following:

a. Style and number of cases in which judgment was obtained.

b. Date judgment entered or last revived.

c. The amount of the original judgment, the amount of accrued interest on the original judgment, and the amount of the judgment and interest still unsatisfied.

d. The full name and current address, if known, of the judgment-debtor.

e. A full description of the property to be executed on.

f. The return date is designated by the applicant at the time not more than 180 days after issuance.

g. Any special instructions to be provided by the sheriff performing the execution.

RULE 82 GARNISHMENT

82.1 When interrogatories to garnishee are filed in a garnishment sued out on execution on transcripts of judgments from a division presided over by an Associate Circuit Judge from another county, the same shall be given a number as used by the Circuit Clerk and treated as a separate and distinct case.

82.2 When a garnishee requests an allowance from the court and is discharged without exceptions to or denial of the answer, the garnishee shall be allowed by the court the sum of $25.00, or, if discharged without interrogatories, the sum of $10.00, to be taxed as costs or deducted from the funds, if any, in his or her hands. In all other cases the allowance, if any, shall be such as the court shall deem reasonable.

82.3 Exceptions to and denials of answers of garnishee shall, unless otherwise ordered, be filed within ten (10) days after the filing of the answers is made upon the garnishor. Replies or other pleadings of the garnishee shall be made within ten (10) days after the garnishor serves such exceptions or denials on the garnishee.

RULE 83 JUDICIAL SALES

83.1 No report of a commissioner in partition, and no report of sale by the Sheriff or any commissioner appointed by a Judge, not excepted to, shall be confirmed unless the same has been filed for at least three (3) days. Such three-day period may be shortened if all the parties in interest, their attorneys, and any conservators, expressly request in writing that an order of confirmation be entered.

RULE 84 JUDGMENTS

84.1 SATISFACTION OF JUDGMENTS

84.1. When a Satisfaction of Judgment has been filed in a civil case heard before an Associate Circuit Judge, if a Transcript of Judgment has been filed with the Circuit Clerk, the Circuit Clerk shall enter a Satisfaction of Judgment on the Transcript.

RULE 100 INTERNAL ORGANIZATION

100.1 PRESIDING JUDGE

100.1.1 Election

100.1.1.1 Most of the circuit judges meeting en banc, each event numbered year at a December meeting, shall elect a circuit judge among their number as presiding judge. The election shall be conducted by secret written ballot and shall require a majority vote.

100.1.2 Duties of the presiding judge

100.1.2.1 The presiding judge shall be the administrative judge of the court and shall preside at all meetings of the court en banc.

100.1.2.2 The presiding judge shall supervise the preparation of all budgets with respect to the circuit court and all activities thereof and present the same to the court en banc for approval.

100.1.2.3 The presiding judge shall have the authority to transfer cases among the circuit judges and associate circuit judges as may be necessary to expedite the docket.

100.1.2.4 Administrative decisions of the circuit judges, en banc, shall be made only after consultation with the associate circuit judges of the circuit. The circuit judges and associate circuit judges shall meet at least once each term at the call of the presiding judge. The place and time of such meetings will be determined by the presiding judge. A majority of all the circuit judges shall constitute a quorum to authorize the transaction of business. All

business shall be concluded by a majority vote of those circuit judges present, except when otherwise provided by law.

100.1.2.5 Special meetings of the court en banc shall be called by the presiding judge or upon request in writing signed by any two circuit judges.

100.1.3 Dispute Resolution - Procedure

(No Local Rule)

100.1.4 Presiding Judge - Term

100.1.4.1 The presiding judge shall serve for a term of two (2) years, commencing on the first day of January following the election and shall be eligible for an unlimited number of terms. The presiding judge may be removed during the term by a three-fourths (3/4) vote of all the circuit judges.

100.2 LOCAL COURT RULES

100.2.1 Formulation

100.2.1.1 These rules may be amended by a majority of all the Circuit Judges sitting en banc for that purpose.

100.2.2 Publication

(No Local Rule)

100.3 LIBRARY FUND

100.3.1 The Law Library fees will be collected and paid by the Circuit Clerk to the Trustee of the "Clay County Law Library Fund" and shall be disbursed by said Trustee for the purposes of the Clay County Law Library as provided by law.

100.3.2 The public is allowed access to the Clay County Law Library to conduct legal research. If someone wants access for this purpose, he or she must leave a photo ID with the upstairs security desk. The ID will be returned when the person exits the library. The library hours are from 8:00 a.m. to 4:30 p.m. Monday through Friday.

(adopted 08/01/17)

RECORDS AND FILES

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 Then Files (and Their Contents)

(No Local Rule)

100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes

(No Local Rule)

100.4.4 Identification of Reporter's Notes

(No Local Rule)

100.4.5 Index (No Local Rule)

100.4.6 Storage of Notes

(No Local Rule)

100.4.7 Notes of Substitute Reporters

(No Local Rule)

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

(No Local Rule)

100.4.9 Boxing and Storage 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)

100.5 CLERK'S DUTIES

100.5.1 Monies Paid into Court

(No Local Rule)

100.6 SELECTION OF VENIREPERSONS

(No Local Rule)

ADMINISTRATIVE RULES

100.7 DISMISSAL REVIEW COMMITTEE

100.7.1 The Court En Banc shall comprise the "Dismissal Review Committee" and the "Grievance Review Committee" in accordance with Supreme Court Operating Rule 7.

Meetings may be called in the same manner as other Court En Banc meetings.

RULE 101 - 107 (No Local Rule)

RULE 108 CODE OF CONDUCT

108.1 AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

108.1.1 PERFORMING COURT DUTIES – A court professional shall faithfully carry out all appropriately assigned duties, striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency.

A court professional shall carry out properly issued court orders and rules, not exceeding the court professional's authority.

A court professional shall make every reasonable effort to act in a manner consistent with his or her judge's obligations under the Missouri Code of Judicial Conduct found at Supreme Court Rule 2.

108.1.2 AVOIDING IMPROPRIETY - A court professional shall avoid both impropriety and the appearance of impropriety.

A court professional shall avoid improper influences from business, family, position, party, or person.

A court professional shall avoid activities that would impugn the dignity of the court.

A court professional shall be neutral or impartial as to all matters before the court and shall avoid activities that create the appearance of partiality or bias toward a litigant or an attorney.

108.1.3 BIAS, PREJUDICE, AND HARASSMENT - A court professional shall perform his or her duties without bias or prejudice.

A court professional shall not, in the performance of his or her duties, by words or conduct, manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status.

A court professional shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, including but not limited to race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status, against parties, witnesses, lawyers, or others.

These restrictions do not preclude court professionals from making legitimate reference to personal factors or characteristics, when they are relevant to an issue in a proceeding.

108.1.4 RESPECT OF OTHERS - A court professional shall treat litigants, coworkers and all others interacting with the court with dignity, respect and courtesy.

108.1.5 INVOLVEMENT IN ACTIONS BEFORE A COURT –

A court professional shall notify their supervisor of the court whenever he or she, anyone in his or her family, or anyone with whom he or she has a close personal relationship has been arrested, or named as a party or witness, or is otherwise formally involved in any action pending in any court, and particularly within the Circuit or Associate Circuit Court of Clay County, Missouri.

108.1.6 AVOIDING PRIVILEGE OR ABUSE OF OFFICE -

A court professional shall use his or her official position solely for its intended purpose.

A court professional shall not use his or her position (intentionally or unintentionally), to secure unwarranted privileges or exemptions for oneself or others, or for personal gain.

A court professional shall not dispense special favors to anyone, including lawyers, litigants or any party to any case, whether or not he or she was offered remuneration.

108.1.7 ASSISTING LITIGANTS - A court professional shall be responsive to inquiries regarding standard court procedures but shall not give legal advice unless it is required as part of one's official position.

108.2 PERFORMING THE DUTIES OF POSITION IMPARTIALLY AND DILIGENTLY

108.2.1 **INDEPENDENT JUDGEMENT -** A court professional shall avoid relationships that would impair one's impartiality and independent judgment.

A court professional shall be vigilant of conflicts of interest and ensure that outside interests are never so extensive or of such nature as to impair one's ability to perform court duties.

108.2.2 **PERSONAL RELATIONSHIPS** - A court professional shall recruit, select, and advance personnel based on demonstrated knowledge, skills, abilities, and bona fide work–related factors, not on favoritism.

A court professional shall avoid appointing, assigning, or directly supervising, a family member, or attempting to influence the employment or advancement of a family member.

Where circumstances dictate that one must work directly with a family member, a court professional shall report the circumstance to their supervisor or the court, regularly assess the situation, and take remedial action at the earliest time practicable.

108.2.3 **MISCONDUCT OF OTHERS** - A court professional should expect fellow professionals to abide by this code of conduct.

A court professional shall report to their supervisor or the court the behavior of any court professional who violates this code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

108.2.4 **ATTEMPTS AT INFLUENCE** - A court professional shall immediately report to their supervisor or the court any attempt to compel one to violate this code of conduct.

108.2.5 **PROPERLY MAINTAIN RECORDS** - A court professional shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control.

108.2.6 **LEGAL REQUIREMENTS** - A court professional shall maintain the legally required confidentialities of the court, not disclosing confidential information to any unauthorized person, for any purpose.
A court professional shall properly provide confidential information that is available to specific individuals authorized to receive such by reason of statute, court rule or administrative policy.

108.2.7 **DISCRETION** - A court professional shall be respectful of litigants, attorneys, the public, applicants and employees' personal lives; disregard information that legally cannot or should not otherwise be considered; use good judgment in weighing the credibility of

Internet data; and be cautious about verifying identities.

A court professional shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

108.2.8 PROPER USE OF PUBLIC RESOURCES - A court professional shall use the resources, property and funds under one's official control judiciously and solely in accordance with prescribed procedures.

108.3 CONDUCTING OUTSIDE ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL POSITION

108.3.1 OUTSIDE BUSINESS - The court is a court professional's primary employment. A court professional shall avoid outside activities, including outside employment, business activities, even subsequent employment and business activities after leaving judicial service, that reflect negatively upon the judicial branch and on one's own professionalism.

A court professional shall notify their supervisor or the court prior to accepting work or engaging in business outside of one's court duties.

A court professional shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment.

However, court professionals may engage in outside employment as long as it does not conflict with the performance of their official

responsibilities or violate this code of conduct.

108.3.2 COMPENSATION AND POST EMPLOYMENT

RESTRICTIONS -During or following one's employment with a court, a court professional shall not represent a commercial interest to, or do business with, that same court unless both the employment and commercial interest are fully disclosed to and approved by the court's appropriate management authority.

108.3.3 AVOIDING GIFTS - A court professional shall not individually solicit, accept, agree to accept, or dispense any gift, favor, or loan either for oneself or on behalf of another individual based upon any understanding, either explicit or implicit, that would influence an official action of the court.

108.3.4 FINANCIAL DISCLOSURE -A court professional shall dutifully disclose all financial interests and dealings required by

law, rules, or regulation.

108.4 REFRAINING FROM IAPPROPRATE POLITICAL

ACTIVITY

108.4.1 REFRAINING FROM INAPPROPRIATE POLITICAL

ACTIVITY- A court professional retains one's right to

vote and are encouraged to exercise it as a part of citizenship.

Engaging in any political activity is done strictly as a private citizen and only in accordance with state law or court rules.

A court professional shall participate only during non-court hours, using only non-court resources. A court professional shall not use one's position or title, or relationship with judges, within the court system to influence others.

Unless a court professional is elected to one's court position, one shall campaign only during non-work hours or take an unpaid leave of absence upon declaring one's intent to run for office.

If elected, a court professional shall resign one's post with the court unless one is holding a political office that clearly does not hold a conflict of interest, nor does it interfere with one's ability to perform one's court duties.

108.5 CONFIDENTIALITY

108.5.1 CONFIDENTIALITY - Court professionals shall maintain the confidentiality of all information that is required to be confidential by law, regulation, or under the Code of Judicial Conduct, or by the Circuit Court of Clay County, Missouri's Confidentiality and Gossip Policy. The obligation of court professionals regarding confidential information continues and survives the termination of the court professional's employment.

108.6 REFRAINING FROM GOSSIP

108.6.1 REFRAINING FROM GOSSIP - Court

professionals shall refrain from gossip.

(adopted 02/01/23)