

**SEVENTEENTH JUDICIAL CIRCUIT RULES
(CASS AND JOHNSON COUNTIES)**

{Effective January 1, 2010}

ADMINISTRATION:

- Rule 1 **Divisions of Court:** The Courts within this circuit shall be designated as Division I and II (circuit divisions), the Associate Division and the Probate Division.
- Rule 2 **Hours and Terms of Court**
- 2.1 **Hours of Court:** Each judge shall set the hours when his or her court shall begin.
- 2.2 **Terms of Court:** *[No local rule].*
- 2.3 **Law Days:** In Cass County, Division I’s law days shall be on the first and third Mondays of each month and Division II’s law days shall be on the second and fourth Mondays of each month. In Johnson County, Division I’s law days shall be on the second and fourth Mondays of each month and Division II’s law days shall be on the first and third Mondays of each month. The judges of the Associate and Probate Divisions may establish such law days for their respective courts as they deem appropriate.
- 2.4 **Particular Matters on Particular Days:** Only uncontested matters, discovery disputes, criminal arraignments, pleas, sentencings, probation-revocation hearings, pre-trial conferences and orders to show case regarding child support may be noticed for hearing on law days, absent the judge’s express permission.
- 2.5 **Weekend “Duty Judge”:** At least one judge shall always be available in each county to sign warrants and juvenile detention orders and to set bail, which duty, in Johnson County, shall alternate between the judges of Divisions II, the Associate and Probate Divisions, and in Cass County, shall alternate between the judges of Divisions I, the Associate and Probate Divisions. The “duty judge” shall inform the Sheriff’s Office of telephone numbers and addresses where he or she can be reached.
- Rule 3 **Pleadings**
- 3.1 **Caption:** Plaintiffs shall provide service instructions for defendants living in a rural area (“911” address) and, for corporate defendants, its agent’s address and telephone number. *[See Civil Rule 55.02]*

- 3.2 **Style:** All pleadings and motions filed shall be typewritten (double-spaced, not less than ten pitch and ten characters to the inch in fixed-space type and not less than twelve point font in proportionally-spaced type) on one side of each 8½” X 11” page, with top and side margins of at least 1”. Each document shall be captioned with the style and number of the case, descriptively titled, securely bound at the top left, display page numbers at the bottom center, and be filed in sufficient copies for requisite service. [See Civil Rule 41.07]

Rule 4 **Filing of Cases and Service of Process:** The clerk shall list the parties’ names and their respective counsels’ names and telephone numbers on the docket sheet.

- 4.1 **Criminal Cases:** All informations that charge a misdemeanor or an infraction and all complaints that charge a felony shall be filed in the Associate Division. All indictments shall be filed with the circuit clerk.

4.1.1 **Criminal Cases**

(a) All complaints, informations or indictments shall be filed in the appropriate office of the Circuit Court. The prosecuting attorney shall provide the appropriate Missouri Charge Code number (as defined in 43.500 RSMo subsection 6 which includes the requirement for the NCIC modifier) for each count or alternate count alleged in the pleading.

(b) Offence 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 from the state criminal fingerprint card, as defined in 43.500 RSMo subsection 7 on the complaint, information or indictment. (Adopted 3-29-07)

4.1.2 **Traffic Cases**

The prosecuting attorney shall provide the appropriate Missouri Charge Code Number (as defined in 43.500 RSMo subsection 6 which includes the requirement for the NCIC modifier) for all cases filed by the Uniform Citation... (Adopted 3-29-07)

4.1.3 **Municipal Cases**

(a) Municipal cases shall be filed in the office of the Circuit Court. The prosecuting attorney shall provide the appropriate Missouri Charge Code Number (as defined in 43.500 RSMo subsection 6 which includes the requirement for the NCIC modifier) for all cases filed by the Uniform Citation. (Adopted 3-29-07)

- 4.2 **Civil Cases:** Upon application of any party requesting the appointment of a disinterested and qualified special process server, any judge of the Circuit or the Circuit Clerk of Cass or Johnson Counties may appoint such disinterested and qualified person as special process server in any cause pending in any of the courts

within this circuit.

- 4.3 **JIS PARTY INFORMATION SHEET:** It is required that all Petitioners/Plaintiffs shall file with the Circuit/Associate/Probate Clerk the JIS Party Information Sheet pursuant to Missouri Supreme Court Operating Rule 4.07 at the time of the filing of the Petition. JIS Party Information Sheets are available in the office of the Circuit/Associate/Probate Clerk. The Clerk shall not accept for filing any new case unless it is accompanied by the mandatory statistical JIS Party Information Sheet, completed in full. (Adopted 11-19-04) (Amended 7-15-05) (Amended 11-18-05) (Amended 3-29-07) **(Amended 11-20-09)**
- 4.4 **Juvenile Cases:** All juvenile cases shall be filed with the circuit clerk. The circuit clerk shall make copies of all records within the clerk's control regarding any juvenile case available to the attorney who has filed an entry of appearance for a party in a juvenile case, except that no one shall disclose the identity of any reporter of abuse or neglect.
- 4.5 **Small Claims Cases:** All small claims cases shall be filed in the Associate Division.
- 4.6 **Filing of Pleadings by Facsimile Transmission Pursuant to Supreme Court Rules 43.02(c) and (d) and 20.04(h):** The court shall accept filings by facsimile transmission in all civil and criminal cases. Further, the court shall accept filings by facsimile transmission in all Probate Division proceedings.
The party filing an original pleading shall submit the appropriate filing fee to the clerk within the ensuing two business days. If any filing after the original pleadings is filed by facsimile transmission, such filing shall also be served by facsimile transmission upon all other parties whose facsimile number has been set forth in such party's pleadings. (Amended 12-13-02)
Fax filings shown received by the Clerk of the Court by 11:59 p.m. shall be deemed filed as of the close of business. (Amended 3-29-07)
- 4.7 **Rescinded (3-29-07)**
- 4.8 **Administrative Review Cases (Chapter 302 RSMo) (Johnson Co.):** All Administrative Review cases filed under 302.750 RSMo. for Refusals to Take Breathalyzer Tests and under 302.309 Requests for Limited Driving Privileges shall be initially filed in the Circuit Division of the Circuit Court. (Effective 8-01-02)
- 4.9 **Certain Real Estate Cases (Chapters 534 and 535 RSMo) (Johnson Co.):** All Rent and Possession cases filed under Chapter 535 RSMo; and unlawful detainer cases filed under Chapter 534 RSMo shall be initially filed in the Circuit Division of the Circuit Court. (Effective 8-01-02)

Rule 5 **Filing Fees and Costs** (Amended 3-29-07)

5.1 **FILING FEE AND COST DEPOSIT:** by Order of Presiding Judge (Amended 11-20-09)

5.2 A fee of \$20.00 shall be charged and collected by the Circuit Clerk in exchange for a copy of a recording of any court proceeding preserved by sound recording in any division of the court. Any such request shall be made in writing, and shall include the style of the case and the date of the hearing. (Adopted 3-29-07)

5.2.1. Rescinded (3-29-07)

5.3 **Witness Fee:** [*No local rule*]

5.4 **Waiver of Fees:** [*No local rule*]

5.5 **Motion for Security:** [*No local rule*]

5.6 **Method of payment:** Unless otherwise authorized by the judge or clerk of the division in which payment is to be made, all costs, fees miscellaneous charges, surcharges, fines and other amounts payable to the court shall be paid in legal tender or by approved negotiable instrument.

5.7 **Writ of Execution Fee:** [**No local rule**] Amended (11-19-04)

Rule 6 **Assignment of Judges, Cases and Transfer of Cases**

6.1 **Assignment to Associate Circuit Judges**

6.1.1 **By Local Court Rules or Order:** In addition to the types of cases listed within Mo.Rev.Stat. §517.011, the following types of cases may be heard within the Associate and Probate Divisions, under procedures applicable to circuit judges:

- (a) Trials de novo from the municipal division;
- (b) Uncontested actions involving the title to real estate;
- (c) Cases assigned to an associate circuit judge by the presiding circuit judge; and
- (d) Adversary proceedings within the probate division.
- (e) Any default or uncontested domestic relations matters pending before any judge of any division of this court may, by agreement of all parties not in default, be heard by any judge of any division of

this court who agrees to hear the matter. For purposes of any subsequently filed modification motion, the case is automatically re-assigned to the judge assigned by these rules to the case. (Adopted 12-13-02)

6.1.2 Rescinded (3-29-07)

6.1.3 **Special Assignment:** All special assignments shall be by written order of the presiding judge, as modified from to time to time and as attached to the set of rules maintained by the Circuit Clerk. (Amended 11-18-05)

6.2 Rescinded (3-29-07)

6.2.2 **Special Assignment** (Johnson Co.) Companion criminal cases shall be assigned and heard by the judge to whom the lowest numbered case is assigned. (Reinstated 7-1-08).

6.2.3 In any case originally assigned to the judge of Division I, if the judge is disqualified for any reason, the case is automatically assigned to the judge of Division II. In any case originally assigned to the judge of Division II, if the judge is disqualified for any reason, the case is automatically assigned to the judge of Division I. (Reinstated 9-9-08)

6.3 Rescinded (3-29-07)

6.4 **Trial De Novo:** Matters certified for trial *de novo* from matters originally heard by the judge of the Associate Division shall be heard by the judge of the Probate Division and all such *de novo* matters originally heard by the judge of Probate Division shall be heard by the judge of the Associate Division.

6.5 **Disqualification, Recusal, etc., of Judge:** [*No local rule*]

6.6 **Absence of Judge:** Any judge within the circuit may act in the stead of an unavailable associate judge, an unavailable judge in any ex-parte matter and, upon the parties' agreement, in any matter.

6.7 **Absence of Presiding Judge:** If the presiding judge is unavailable to act, the other circuit judge shall act as the presiding judge. If both circuit judges are unavailable to act, the associate circuit judge with seniority on the bench and who is available to act, shall act as the presiding judge.

6.8 **Juvenile Proceedings:** Any judge of Divisions I, II, the Associate or Probate Divisions may sign 72-hour juvenile detention orders, protective-custody or other orders, whenever presented by the juvenile officer or a deputy officer and may hear and determine proceedings for the detention whether or not the judge having responsibility for juvenile cases is circuit.

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6.9 **Municipal Division Cases:** At any time a judge presiding over a case pending in a municipal division is disqualified or a change of judge is requested, the presiding circuit judge shall appoint any other municipal judge within the Circuit whose municipality has made a provision under Mo.Rev.Stat. §478.240 for the payment of a substitute judge, said appointment to be done by application to the presiding circuit judge or by standing order.

Rule 7 **Withdrawal of Filed Documents From Clerks' Offices:**

7.1 **When Allowed:** No file may be removed from the clerk's office nor may any paper be removed from any file by anyone other than court personnel.

7.2 **DUPLICATING POLICY:** [*No local rule*] (Amended 11-19-04)

7.3 **Sound Recording Policy:** Should a party to a matter that is not required to be heard on the record request that the proceedings be recorded (and, if the court grants that request), the party shall first deposit a fee of \$10.00 per estimated tape, which shall **not** entitle him or her to the original or a copy of the tape. Should a party desire to listen to the tape from any tape-recorded proceeding, he or she shall schedule the time for doing the same with the clerk.

7.4 **Fax Transmission Fees:** Facsimile transmission charges shall be \$3.00 for the first page and \$1.00 for each subsequent page, plus the actual cost of long distance charges.

Rule 8 **Publication of Dockets**

8.1 **Trial Docket:** [*No local rule*]

8.2 **Dismissal Docket:** [*No local rule*]

Rule 9 **Courtrooms**

9.1 **ASSIGNMENT:** [*No local rule*] (Amended 11-19-04)

9.2 **Place of Hearing:** [*No local rule*]

- 9.3 **Use of Counsel Table:** *[No local rule]*
- 9.4 **Courtroom Decorum and Dress:** *[No local rule]*
- 9.5 **Who is Permitted Within Bar:** *[No local rule]*
- Rule 10 **Court Reporters and Compensation for Same:** *[No local rule]*
- Rule 11 **Recording and Electronic Coverage of Judicial Proceedings by the Media:** All electronic coverage of judicial proceedings by the media shall be subject to and in accordance with Supreme Court Administrative Rule 16.
- Rule 12 **Monies Paid Into Court:** *[No local rule]*
- Rule 13 **Communications with Court:** *[No local rule]*

GENERAL RULES:

- Rule 21 **Attorneys**
- 21.1 **Resolution of Conflicting Trial Settings:** Should more than one case in which the same attorney appears as counsel be set for trial at the same time in different divisions within this circuit, the trial of the earliest-filed case shall take precedence and the later-filed case shall be reset for trial at the earliest possible time.
- 21.2 **Entries of Appearance:** *[No local rule]*
- 21.3 **Conduct of Attorneys:** Only one attorney for each party may examine a witness or cross-examine that witness.
- 21.4 **Withdrawal of Attorneys:** An attorney who desires to withdraw as counsel for a party shall first file a written motion requesting leave of court to withdraw, therein state why he wishes to withdraw, notice the same for hearing, serve a copy of the motion and notice upon all parties (including his client), therein disclose his client's last-known address and, if a criminal case, therein instruct his client to appear in person at the motion's hearing.
- 21.5 **Failure of Attorneys to Appear at Docket Call:** *[No local rule]*

- 21.6 **Appointment of Attorneys:** [*No local rule*]
- 21.7 **Agreements between Counsel:** [*No local rule*]
- 21.8 **Advice to Client and Witnesses of Courtroom Procedure:** Each attorney shall advise his client and witnesses of the formalities commonly exercised in court, including proper dress, and shall advise his client to not discuss any phase of the case with the court. If the exclusionary rule has been invoked, each attorney shall require his witnesses to comply with it and, if any witness violates that rule, that witness shall not be permitted to testify, except by consent of opposing counsel or by order of the court.
- Rule 22 **Appointment of Guardian Ad Litem:** [*No local rule*]
- Rule 23 **Transcripts:** [*No local rule*]
- Rule 24 **Exhibits:** Each attorney shall mark his exhibits for identification prior to trial and shall present the court with a list of the same on an “Exhibit List” in the attached format.

PRETRIAL MATTERS:

- Rule 32 **Discovery**
- 32.1 **Use of Discovery and Certification to Circuit Division:** [*No local Rule*]
- 32.2 **Interrogatories:** If the Court has published court-approved interrogatories, counsel may propound only those interrogatories and shall propound no additional interrogatories unless permitted by Court order.
- 32.3 **Depositions:** Following final disposition of a civil or criminal case, the clerk shall return depositions to the attorney on whose client’s behalf they were taken and make consistent notation upon the docket sheet.
- 32.4 **Motions for Sanctions:** [*No local rule*]
- 32.5 **Criminal Discovery:** [*No local rule*]
- Rule 33 **Pretrial Motions:**

- 33.1 **Hearing Dates:** Any motion, not noticed for hearing and heard by the court prior to trial, is deemed abandoned, unless otherwise ordered by the trial court. (Amended 11-20-09)
- 33.2 **Briefs in Support of Motions, When Required:** [*No local rule*]
- 33.3 **Oral Arguments - When Desired and How Requested:** [*No local rule*]
- 33.4 **Motions in Limine:** [*No local rule*]
- Rule 34 **Continuances**
- 34.1 **Civil Cases:** [*No local rule*]
- 34.2 **Criminal Cases:** [*No local rule*]
- Rule 35 **Pretrial Conferences:** [*No local rule*] (Amended 7-15-05)
- Rule 36 **Setting Cases for Trial**
- 36.1 **Request for Trial:** After a case is at issue, the clerk shall place it on the trial docket ten days after having received the written request of a party to set it for trial (within which shall be specified dates when the party or counsel are unavailable), copies of which request the soliciting party shall serve upon all remaining parties or their counsel. If, however, another party objects to the proposed setting in writing within those ten days (specifying the reason within the objection), the clerk shall not set the case for trial, but shall set the request for hearing upon the next available law day.
- 36.2 **Date of Calendar Call:** [*No local rule*]
- 36.3 **Calendar Call:** [*No local rule*]
- 36.4 **Removal and Inactive Calendar:** [*No local rule*]
- 36.5 **Revision of and Removal from Prepared Calendar:** [*No local rule*]
- 36.6 **Special Assignments:** [*No local rule*]
- 36.7 **Resumption of Discovery:** Should a party, who obtained a trial setting, subsequently resume discovery, the court shall, upon the motion of opposing counsel, remove the case from the trial docket, to be subsequently reset.

- 36.8 **Objections to Trial Settings:** Should a party's counsel not object to a trial setting within the term specified within local Rule 36.1, the case shall not be continued and it will then be tried, settled or dismissed upon its setting, absent contrary court order. Only the court—not the clerk—has authority to grant continuances.
- Rule 37 **Dismissals:** The court shall review all cases that have been on file more than twelve months and may review any case that has not been disposed within the time prescribed within Administrative 17 and may thereafter dismiss that case, without prejudice. Any case so dismissed may be reinstated within 30 days for good cause shown.
- Rule 41 **Settlement:** The parties shall immediately notify the clerk when a litigation that has been set for trial has been settled.
- Rule 42 **Default:** [*No local rule*]

TRIALS:

- Rule 51 **Court-Tried Cases:**
- 51.1 **Default and Uncontested Matters:** [*No local rule*]
- 51.2 **Contested Matters:** [*No local rule*]
- 51.3 **Preparation of Findings of Fact and Conclusions of Law:** Counsel shall submit proposed findings of fact and conclusions of law in all court-tried cases in which they are required or properly requested.
- Rule 52 **Selection of Jury:**
- 52.1 **Jury-Qualification Form:** The clerk shall submit a completed juror-qualification form in such format as the Court designates to each prospective juror.
- Rule 53 **Jury Trials:**
- 53.1 **Instructions:** Counsel shall submit their proposed instructions upon each reasonably-anticipated issue at the pre-trial conference and may withdraw or modify any such instruction before given or refused. The court shall permit all counsel to examine the proposed instructions of all other counsel and, after the close of all the evidence, to

make objections against the same. The clerk shall retain one copy of all such instructions given or refused.

- 53.2 **Closing Arguments:** The court shall advise counsel of any limit that it sets upon closing arguments at the instruction conference.

Rule 54 **Judgment Entry:**

- 54.1 **PREPARATION:** Unless otherwise ordered by the court, the plaintiff/petitioner shall prepare a proposed decree or judgment entry for the court's potential use. The clerk is requested to calendar for thirty days from the date the trial/hearing ends to notify the trial judge if a judgment entry is not on file.
(Amended 11-19-04)
- 54.2 **METHOD OF PAYMENT TO BE SPECIFIED:** All maintenance and child-support payments shall be made through the Missouri Family Support Payment Center unless expressly ordered to be otherwise in the written judgment entry. (Amended 11-19-04)

RULES RELATING TO PARTICULAR ACTIONS:

Rule 61 **Adoption:**

- 61.1 **Filing Requirements:** The clerk shall not accept a petition for adoption unless it is accompanied by a "Certificate of Adoption," it includes the financial representations mandated by Mo.Rev.Stat. §453.075 and it is accompanied by proposed orders designating an investigative officer or agency and appointing a guardian *ad litem* for any prospective adoptee who is a minor.
- 61.2 **Home Study:** Unless waived, the Division of Family Services or other court-designated person or agency shall initiate an investigation, consistent with Mo.Rev.Stat. §453.070. The court shall approve the investigator's fee and shall tax the same as costs. The Division of Family Services shall perform a criminal records check, a child abuse/neglect screening, and a protective-services screening upon each petitioner and shall provide its findings to the court and the investigative officer.

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:** [*No local rule*]

- Rule 63 **Associate Division Cases:** [*No local rule*]
- Rule 64 **Cases Arising Under Mo.Rev.Ch. 207 and 208 (Title IV-D and H.B. 601 Actions):** [*No local rule*]
- Rule 65 **Civil Commitment:** [*No local rule*]
- Rule 66 **Condemnation:** [*No local rule*]
- Rule 67 **Criminal Cases:**
- 67.1 **Pretrial Release:**
- 67.1.1 **Motions to Set Bond and For Bond Reduction:** Motions to set bond and for bond reduction shall be addressed to the judge of the division in which the case is pending and shall be filed with such division clerk.
- 67.1.2 **Deposit of Operator's license:** Any law enforcement officer may, at discretion, accept a Missouri operator's license or CDL in lieu of appearance bond upon a traffic violation, except:
- (a) driving while intoxicated,
- (b) driving under the influence of intoxicating liquor or drugs,
- (c) leaving the scene of an accident,
- (d) driving while license is suspended or revoked, or
- (e) any charge made because of a motor vehicle accident in which a death has occurred.
- 67.1.3 **Qualification of Compensated Sureties:** Any compensated surety, against which there exists an outstanding forfeiture or unsatisfied judgment in any court, shall be stricken from the list until re-approved.
- 67.1.4 **Bond When Defendant is Arrested and Incarcerated under Probation and Parole's Violation Warrant:** Probation and Parole shall not issue a warrant for an alleged violation of probation until it has first advised the judge who placed the defendant on probation of the allegations against the probationer. If a warrant is thereafter issued, the bond for a felony

probationer shall be \$25,000 and for a misdemeanor probationer shall be \$1,000 (no 10% cash bond), unless otherwise ordered.

67.1.5 **Refund of Posted Bail Bond Money:** The clerk shall not refund monies posted as bond other than upon tender of the bond receipt or a lost bond receipt affidavit or order of the court. If the bond receipt is in the defendant's name, the clerk shall first deduct and retain all unpaid fines and costs, after which the clerk shall refund any balance to either the defendant or the defendant's designated payee. (Amended 11-20-09)

67.2 **Preliminary Hearing:** [No local rule]

67.3 **Grand Jury:** [No local rule]

67.4 **Attorneys:** [No local rule]

67.5 **Arraignments:** [No local rule]

67.6 **Discovery:** [No local rule]

67.7 **Motions:** [No local rule]

67.8 **Plea Bargains:** [No local rule]

67.9 **Guilty Plea:** Each defendant who desires to enter a felony guilty plea shall complete a petition to do so, in such form as is approved by the court, unless waived by the court.

67.10 **Calendar:** [No local rule]

67.11 **Probation and Parole:** [No local rule]

67.12 **(Rescinded effective January 1, 2010)**

67.13 **Time-Payment Assessment:** Unless otherwise ordered by the court, there shall be assessed as additional costs in any misdemeanor and felony case a fee of twenty-five dollars (\$25.00) on each person who pays a court ordered judgment, penalty, fine, sanction, restitution or court costs on a time-payment basis, as defined by statute. (Adopted 1-1-10)

Rule 68 **Dissolution of Marriage:**

68.1 **Filing Requirements:** A Certificate of Dissolution form shall be filed at the time of the filing of the petition. In all dissolution of marriage, legal separation or

modification proceedings wherein custody and/or visitation of a minor child, 16 years of age or under, is to be determined by the court, the parties shall attend educational sessions pursuant to Mo.Rev.Stat. §452.600 through §452.610, unless the court for good cause as provided in §452.605, upon its own motion or upon the motion of either party excuses such attendance. In lieu of establishing its own educational program, the court designates the Focus on Kids program presented by University Outreach & Extension as such educational sessions. The judge to whom the case is assigned shall have the discretion to approve a similar program offered by any other public or private entity. Unless attendance at the educational sessions is excused pursuant to this rule, each party shall schedule his or her own attendance at the Focus on Kids program or such other similar program as the court approves. Further, unless otherwise permitted by the court, proof of completion shall be filed before the case is set for disposition. If attendance is not completed as required, the court may, on its own motion or the motion of a party, award attorney's fees and/or costs or impose any other appropriate sanction provided by law, including dismissing the pending case or striking pleadings. (Amended 7-15-05)

Each party not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, paternity, or modification of judgment in any such proceeding, shall complete the Litigation Awareness Program offered on the Missouri Courts website, www.courts.mo.gov, "representing yourself" section. The party filing the petition, if not represented by counsel, shall file proof of completion of the Litigation Awareness Program within 30 days of filing of the petition. The opposing party, if unrepresented by counsel, shall file proof of completion of the Litigation Awareness Program within 30 days of service of process unless in default. Proof of completion is provided for print at the end of the Litigation Awareness Program. The judge to whom the case is assigned may waive the Litigation Awareness Program for good cause. If a certificate of completion is not filed as required, the court may, on its own motion or the motion of a party, impose any appropriate sanction provided by law including dismissing the pending case or striking pleadings. (Amended 7-1-08).

68.2 **Separation Agreement:** *[No local rule]*

68.3 **Forms of Decree:** *[No local rule]*

68.4 **Filing of Financial Statements:** In all contested actions for dissolution of marriage, each party's counsel shall prepare and file a "Statement of Marital and Non-Marital Property, Income and Expenses" in the attached form and provide a copy to opposing counsel at least fifteen days before the date of hearing.

68.5 **Modification of Decree:** *[No local rule]*

68.6 **Emancipation:** *[No local rule]*

68.7 **Concurrent Adult Abuse and Dissolution Actions:** Whenever an adult abuse petition is filed and a dissolution of marriage, legal separation, motion to modify or any other child-custody proceeding that involves the same parties is pending in this or any other court, the court considering the adult abuse petition may grant an *ex parte* order of protection solely to protect the petitioner from abuse; it shall not grant a temporary order of custody or support regarding the parties' minor children and, should it issue an *ex parte* order of protection, it shall cause a copy of that order to be filed in the pending action for dissolution of marriage, legal separation or motion to modify. (Amended 7-15-05)

68.8 **Consolidation of Child Protection Cases with Dissolution or Legal Separation or Motion to Modify:** Whenever a petition for an order for child protection is filed and any other child-custody proceeding that involves the same parties is pending in this or any other court, the court considering the child-protection petition shall not issue an *ex parte* order of protection, but shall set the child-protection petition for hearing and, if such other child-custody proceeding is pending in this court, shall consolidate the child-protection action with the pending child-custody proceeding.

68.9 **STANDARD DISCOVERY FOR USE IN CONTESTED FAMILY LAW ACTIONS:** In all actions for Dissolution of Marriage, Legal Separation or Motions to Modify, the Court En Banc has approved a set of opening Interrogatories and Request for Production of Documents to which no objections other than relevance will be entertained by the Court. Parties may propound all, or any part of this approved discovery set for its opening discovery request. Any party utilizing the approved opening discovery requests must fully answer all discovery so propounded before any subsequent written discovery requests may be submitted. Parties may obtain the approved opening discovery sets from the Missouri Court Rules – Circuit Court, or from the circuit clerk.
(Adopted 11-19-04)

68.10 **Mediation in Cases Involving a Custody Determination:**

- (a) In every dissolution of marriage, legal separation, paternity, motions to modify a custody determination and guardianships involving a custody determination of a minor, in which there are contested issues of custody and/or visitation, the parties (except for the State of Missouri) shall participate in two hours of mediation as provided in Supreme Court Rule 88.02 - 88.08 and this rule, prior to the filing of a motion for trial setting. Mediation shall be ordered upon the filing of a "Motion for Mediation" and the submission of a proposed "Order for Mediation" by any party at interest or *sua sponte* by the court.
- (b) A proposed "Order for Mediation" shall include the names, addresses and contact information of the parties and their respective attorneys, a date by

which mediation participation shall be completed and what percentage each party shall pay for mediation. The order shall direct the mediator to advise the court, the attorneys of record, and the guardian ad litem, if any, in writing when mediation is completed or when for any reason it is not completed as ordered. (Amended 11-18-05)

- (c) Mediation for custody or visitation issues shall be performed by a qualified mediator as defined in Supreme Court Rule 88.05. The circuit clerk shall maintain and make available to any interested party, a list of qualified mediators, their contact information and the address where mediation will be conducted. The circuit clerk shall update such list as needed. (Amended 11-16-07)
- (d) The parties may select a qualified mediator and submit an "Order for Mediation" to the Court. Should the parties be unable to agree on a qualified mediator, upon motion by any interested party and the submission of a proposed "Order for Mediation", the court shall select a mediator and order mediation.
- (e) On its own motion, or upon a "Motion to Waive Mediation" filed by a party and for good cause shown, the court may waive mediation.
- (f) This rule shall apply to all pending cases. (Adopted 8-1-03)

68.11 Mediation in Dissolution of Marriage or Legal Separation Cases Involving the Division of Property and/or Debt

- (a) In every dissolution of marriage or legal separation proceeding involving the division of property and/or debt, prior to the filing of a motion for trial setting, the parties shall participate in not less than two hours of mediation using a mediator designated by the Court.
- (b) On its own motion, or upon motion filed by a party and for good cause shown, the Court may waive mediation.
- (c) This rule shall apply to all pending cases. (Adopted 11-16-07)

Rule 69 **Municipal Division:** [*No local rule*]

Rule 70 **Partition:** [*No local rule*]

Rule 71 **Administrative Reviews:** [*No local rule*]

Rule 72 **Probate:** [*No local rule*]

Rule 73 **Small Claims:** [*No local rule*]

Rule 74 **Trust Estates:** [*No local rule*]

Rule 75 **JUVENILE DETENTION:** The Juvenile Detention Centers in Cass and Johnson Counties shall be used to house juveniles ordered detained by the courts of this circuit. The costs of housing juveniles of out-of-county circuits shall be determined by the Cass/Johnson county auditor in cooperation with the juvenile officer and the presiding judge.
(Amended 11-19-04)

POSTTRIAL:

Rule 81 **Execution:** The circuit clerk shall issue execution only upon the written request of counsel for the party entitled thereto upon forms provided by the clerk.

Rule 82 **Garnishment:** [*No local rule*]

Rule 83 **Judicial Sales:** [*No local rule*]

INTERNAL ORGANIZATION:

Rule 100 **Internal Organization:**

100.1 Presiding Judge

100.1.1 **Election:** A presiding judge shall be elected from the circuit judges by the majority vote of the court en banc, which shall consist of all circuit and associate judges. The election shall be held during the November *en banc* meeting and the presiding judge shall hold office for two years and commencing January 1st of the year following the election. (Amended 11-16-07)

100.1.2 **Duties of the Presiding Judge:** [*No local rule*]

100.1.3 **Dispute Resolution - Procedure:** Should any judge object to an assignment made by the presiding judge, that judge may appeal to the court en banc, which assignment shall be upheld unless disapproved by two-thirds of the judges voting.

100.1.4 **Removal or Disability:** The presiding judge may be removed by a four-fifths vote of the remaining circuit and associate judges. Should the presiding judge be unavailable to act for thirty consecutive days, an election shall be held to elect a replacement presiding judge for the remainder of unavailable judge's unexpired term.

100.1.5 **Orders of Presiding Judge:** All orders issued by the presiding judge shall be in writing, filed with the circuit clerks and be there accessible to the public.

100.2 **Local Court Rules:**

100.2.1 **Formulation:** The 17th Judicial Circuit Rules shall be promulgated by the court *en banc* and may be amended by majority vote of the court *en banc*.

100.2.2 **Publication:** [*No local rule*]

100.3 **LIBRARY FUND:** The Circuit Clerk of CASS County shall withhold \$10.00 from each filing fee and the Associate Division shall withhold \$10.00 from each filing fee from each small claims and associate civil case filing fee for law library funding. The Circuit Clerk of JOHNSON County shall withhold \$10.00 from each filing fee and the Associate Division shall withhold \$10.00 from each filing fee from each small claims and associate civil case filing fee for law library funding. (Amended 11-19-04) (Amended 7-15-05)

100.4 **Storage of Records:** [*No local rule*]

100.5 **Clerk's Duties:** [*No local rule*]

100.6 **Selection of Veniremen:** [*No local rule*]

100.7 **Court En Banc:**

100.7.1 **Regular Meeting:** The judges shall meet en banc on each third Friday afternoon in May and November. The November meeting shall be held in Cass County and May meeting shall be held in Johnson County.

100.7.2 **Agenda:** [*No local rule*]

100.7.3 **Special Meeting:** In an emergency situation, the presiding judge may call a special meeting upon 24-hours' notice. A majority of the judges eligible to vote shall constitute a quorum upon the emergency issue.