

DIVISION 45 COURT RULES

Commissioner Michelle P. Dixon

Division 45 of the 16th Judicial Circuit is a Family Court Division located in the Jackson County Family Justice Center at 625 East 26th Street, Kansas City, Missouri 64108.

Phone. (816) 435-8060

Fax. (816) 435-8016

Email. Div45.cir16@courts.mo.gov

Hours. Monday through Friday 8:30 A.M. to 5:00 P.M., subject to holidays and closures.

HEARINGS:

Appearances. All hearings are in held in-person unless specifically ordered by the Court. All parties (Parents, Attorneys, Children’s Division representatives, Guardians *ad litem*, and other interested parties) must appear in person for hearings unless WebEx access has been granted. The Court reserves the right to waive the presence of parties for good cause as permitted by law.

Cell Phones. With the exception of attorneys, cell phones are not permitted in the courtroom. Lockers are located in the lobby and are provided for public use to secure your cell phones during hearings. Consent may be granted upon request for good cause shown.

Virtual Appearances. The Court uses WebEx for all virtual appearances. Access is granted upon request and for good cause only. Access will be granted without condition to placement providers and to children under Children’s Division custody. WebEx access may be requested by other persons in the event of fever, illness, COVID symptoms, or exigent circumstances. WebEx access is not granted to Juveniles or their Counsel in delinquency matters, both must appear together and in person. In the event of exigent circumstances a motion for continuance is appropriate. No witness shall provide testimony by WebEx without prior Court order.

Teleconferencing. The Court will allow for incarcerated parents to participate in abuse and neglect hearings and delinquency hearings by telephone. Counsel for the parent shall make arrangements with the facility in advance to ensure the parent’s appearance. Courtroom equipment shall be used for the call.

WebEx Access. A written motion for a party or party attorney to appear by WebEx is **not** necessary. Parties may request WebEx access by email to: Div45.cir16@courts.mo.gov with the subject line: “WebEx Request for DATE Hearing”. Requests shall not be made any earlier than the preceding Friday and must be received **before 8:30 AM** on the day of the hearing. Requests received outside of this timeframe are not timely and may not be considered. WebEx access is specific to the request received and must not be shared, transferred to others, or used for other hearings without prior consent of the Court. Persons granted WebEx Access are subject to the same etiquette as if in the courtroom and must comply with the following rules:

- 1) Camera capabilities are required to attend virtually. All attendees **must** have their camera on and remain in view of the camera for the entirety of the hearing.
- 2) Attendees must be dressed in Court-appropriate attire. Inappropriate dress or behavior may result in removal from the hearing.
- 3) To maintain confidentiality, attendees must be situated in a private space with minimal distractions.
- 4) Driving is prohibited while appearing virtually. Attendees in their vehicle must be parked for the entire hearing.

Failure to comply with access rules or any inappropriate behavior will result in removal from the hearing.

Non-Appearance Hearings. Parties are **not** to appear for Non-Appearance settings. Children's Division or Family Court Services shall file their respective Court Reports as customary but no later than five (5) days before the scheduled hearing. Each party on the case has until 2 days *after* the scheduled hearing to file written recommendations with the Court. Parties may provide a courtesy copy of their written recommendations by email to: div45.cir16@courts.mo.gov.

Continuances. Email requests are not permitted. Continuance requests will be considered upon properly made motion of the requesting Party. Parties are encouraged to consult with the parties and provide up to three (3) agreeable continuance dates with their motion. A courtesy copy to the Division is **required** for continuances filed less than 7 days from the hearing date to: div45.cir16@courts.mo.gov.

ATTORNEY APPOINTMENTS:

Guardian ad Litem. The Court appoints a Guardian ad Litem from the *Approved Guardian ad Litem List* for children in every abuse and neglect matter. A Guardian ad Litem may be appointed for a parent upon request and/or as deemed necessary by the Court.

Appointed Attorneys for Parents. Applications to determine eligibility for appointment of attorney for parents in abuse and neglect matters are available on the 16th Circuit website and in the courtroom. An Application for Appointment of Attorney will be considered at the first hearing or anytime thereafter. If deemed eligible, the Court will appoint an attorney from the Missouri Bar to represent the parent pursuant to 16th Circuit Court Local Rule 21.6.1.4.

Appointed Attorneys for Juveniles. Juveniles in delinquency matters must be represented by legal counsel. Applications for Appointment of Missouri State Public Defender for Juveniles are available in the courtroom and will be considered at the Juvenile's first hearing. Eligibility for appointment is determined by the Court.

Resources. Family Court Information, Relevant Statutes and Local Rules, Practice Tips, Training Videos, Juvenile Law CLE's, and Forms are available on the 16th Circuit website: <http://www.16thcircuit.org/family-court>.

MOTIONS:

Filings. The Court will consider properly made written and oral motions as allowed by law. Motions deemed ripe will be considered by the Court, subject to any responses and replies timely made. Motions will not be considered prior to its ripe date except for motions made jointly, motions made without objection, and motions made with unanimous agreement.

Courtesy Copy. Parties are encouraged to provide a courtesy copy of their filed motion and a proposed order in **Word** format. Courtesy copies may be emailed to Div45.cir16@courts.mo.gov with the subject line: "Courtesy Copy: Case Number". All Parties must be included in the email including Children's Division, the Deputy Juvenile Officer, or Juvenile Probation Officer as applicable.

ADOPTIONS:

Temporary Custody Hearing. Petitioner(s) may request a hearing date by email to the Division at: div45.cir16@courts.mo.gov and cc: to the Division Law Clerk with the subject line: "Temporary Custody Hearing Request". These hearings are set at the next available date and time. Absent exigent circumstances, petitioner(s) and petitioner(s) counsel are to appear in person.

Final Adoption Hearing. Adoption hearings are scheduled on Fridays unless otherwise requested. Petitioner(s) may request a date for final adoption hearing after each of the required initiating documents have been filed and statutory requirements have been met. Requests for hearing may be sent by email to: div45.cir16@courts.mo.gov and cc: to the Division Law Clerk with the subject line "Final Adoption Hearing Request". To ensure accurate scheduling, please include the exact date of 6 months of actual and legal custody in the email. Petitioners shall send notice of the scheduled hearing date to all parties, as so required.

WebEx Access Exceptions. WebEx access will be granted to the Guardian ad Litem without condition for temporary custody hearings and adoption hearings. WebEx access will be granted for any family and friends without condition for temporary custody or adoption hearings.

Proposed Orders & Findings. No later than 2 business days before the hearing date, petitioners shall email proposed Orders or Findings in **Word** format to the Division Law Clerk.

INQUIRIES:

Please direct any inquiries or questions to the Judicial Administrative Assistant.