

# 16<sup>th</sup> JUDICIAL CIRCUIT

OF MISSOURI, JACKSON COUNTY

## Local Court Rules

In effect as of August 15, 2025

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# 16th Judicial Circuit of Missouri

## Local Court Rules

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## **Rule 1 - Divisions of Court**

### **1.1 Divisions of Court**

1. The Circuit Court of Jackson County, Missouri shall consist of a Presiding Judge and one or more judges assigned to hear civil, criminal, family court, probate, and associate circuit judge cases. The number of judges assigned to the various divisions of the court shall be subject to change from time to time as determined by the Presiding Judge.

Adopted 06/18/99  
Effective 07/18/99

## **Rule 2 - Hours and Terms of Court**

### **2.1 Hours of Court**

Repealed Effective 10/22/07.

Adopted 9/20/07  
Effective 10/22/07

### **2.2 - Terms of Court**

No Local Rule

### **2.3 - Law Days**

No Local Rule

### **2.4 - Particular Matters on Particular Day**

No Local Rule

## **Rule 3 - Pleadings**

### **3.1 - CAPTION**

1. All pleadings and other papers offered for filing, except exhibits and wills, shall be legibly written in ink, typed or printed on paper which is 8 ½ x 11 inches in size.

2. If filed by an attorney on behalf of a client, pleadings shall be signed by at least one attorney of record and shall include the attorney's address, telephone number, facsimile number and e-mail address, if available, and attorney's bar number assigned by the Supreme Court. The Court shall be designated in the caption as follows: "In the Circuit Court of Jackson County, Missouri, at Kansas City" or "In the Circuit Court of Jackson County, Missouri, at Independence."



3. On pleadings in associate circuit, family court and probate division cases, the further designation "Associate Circuit Division" or "Family Court Division" or "Probate Division," respectively, shall appear beneath the court caption as follows:

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT  
KANSAS CITY

(OR)

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT  
INDEPENDENCE

ASSOCIATE CIRCUIT DIVISION

(OR)

FAMILY COURT DIVISION

(OR)

PROBATE DIVISION

4. All petitions and counterclaims shall include the case type code upon which the petition or counterclaim is based. The case type code shall be placed in parentheses following the heading, which shall designate by name the nature of the pleading. A listing of case type codes is available to attorneys at the Court's website at [www.16thcircuit.org](http://www.16thcircuit.org).

Adopted 5/20/16  
Effective 6/17/16

### **3.2 - Style**

1. The names and addresses of all the parties shall appear in the caption of all petitions. The nature of the suit shall appear in the heading of the case thereunder. 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.

2. In order to expedite service of process, the Court requires additional information as follows:

a. If defendant's address is a rural route or rural post office box number or similar designations, set forth in a separate attachment or cover letter the directions to the location of defendant.

b. If a domestic corporation is a party defendant, set forth the address of the corporation and: (1) the names and addresses of its officers or, (2) the name and address of its registered agent or, (3) the name of an agent in charge of the office.

c. In those cases where a foreign corporation is a party defendant, 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. All pleadings not electronically filed shall be securely fastened at the top left corner with a staple or other fastener. Pleadings shall not be bound along either side nor at the bottom. In all pleadings, the paragraphs and pages shall be regularly numbered. On pleadings filed subsequent to the original petition, the division in which said cause is pending shall be noted below the case file number. Pleadings need not be backed. The Departments of Civil and Criminal Records, as well as the Probate Division, shall not receive for filing any paper pleadings, motions or other papers unless there has been full compliance with this rule.

Adopted 4/25/14

Effective 5/23/14

### **3.3 - Filing of Duplicate Pleadings**

1. The original petition shall be filed with the Department of Civil Records. Original documents shall not be removed from the file. Courtesy copies shall be marked "Courtesy Copy" pursuant to Rule 33.5.7.

2. The original pleading, and such additional copies as there are case numbers, shall be filed whenever more than one case number appears on the pleading. The original of such pleading shall be filed in the case file of the first case number

listed on the pleading and a copy of the pleading shall be filed in the case file of each additional case listed.

3. All original civil petitions filed before a Circuit Judge shall be accompanied by one (1) copy of the petition in addition to the number of copies required by Rule 3.3.1. This provision shall not apply to original petitions filed in Associate Circuit Divisions.

### **3.4 Filing of Pleadings -Where Made**

1. Civil cases may be filed either in Kansas City or Independence. After civil cases are filed, the case number and division will be assigned as set forth in these rules. All pleadings and papers subsequent to the petition shall be filed in the Department of Civil Records in either Kansas City or Independence, with the following exceptions:

a. Motions filed during a hearing in open court are to be filed with the judge's clerk.

b. All pleadings pertaining to probate shall be filed in the probate division in either Kansas City or Independence, as determined by Section 478.473 RSMo.

Adopted 4/19/13  
Effective 5/17/13

### **3.5 - Designation of Lead Attorney of Record**

1. In all actions, a lead attorney of record must be designated for each party.

2. A separate pleading designating the lead attorney of record may be filed:

a. At the time of filing the initial pleading on behalf of any party to the action;

b. At the time of filing an entry of appearance by new counsel; and

c. When any change regarding the lead attorney of record has been made.

3. If no pleading designating the lead attorney of record is filed, the attorney whose signature appears first on the initial pleading filed on behalf of a party will be considered by the court as the lead attorney of record.

4. Any attorney who is not a member of The Missouri Bar may not be designated as lead attorney of record. Such attorney must comply with Local Court Rule 21.2 and obtain local counsel to be designated as lead attorney of record.

Adopted 06/18/99  
Effective 07/18/99

### **3.6 Copies of Pleadings to be Provided to Visiting/ Senior Judges**

The Court Administrator's Office shall notify the parties or attorneys of record when a visiting or senior judge is assigned to a case.

Adopted 8/23/13  
Effective 9/23/13

## **Rule 4 - Filing of Cases**

### **4.1 - FILING OF CASES**

1. Criminal cases instituted at the associate circuit judge level may be initiated by the filing of a complaint and/or an information, and the issuance of a warrant under authority of any associate circuit judge in the 16th Judicial Circuit. Each such complaint filed and warrant issued shall carry a caption as set out in subparagraph 5 hereof and said warrant shall be returnable and the case heard based on the location where venue is appropriate.
2. Criminal information and indictments, state and county traffic and ordinance cases, and bad check cases shall be filed in Kansas City or Independence, in accordance with Section 478.461.
3. Drug cases shall be filed in Kansas City or Independence, in accordance with Section 478.461 and heard based on the location where venue is appropriate. The Presiding Judge shall assign a judge or commissioner to hear arraignments in drug cases and/or retain the cases for oversight on the diversion docket or for final disposition.
4. Criminal cases originating in Grandview shall be filed in Kansas City.
5. Complaints, information, including traffic information, and indictments shall designate venue in the caption as follows:

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

(OR)

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

6. Criminal cases instituted at the circuit judge level shall be initially assigned to Criminal “A” in Kansas City or a designated division in Independence. After arraignment, criminal cases will be assigned to a trial division at the location designated in the caption. If venue is not specified in the caption, the case will be assigned to a division at the location where the information or indictment is filed.

7. When a criminal case is dismissed, for any reason, and subsequently refiled, it shall be reassigned the same case number previously assigned. For purpose of this rule, a refiled case shall be deemed the “same case” if it names any of the same defendants and the allegations include any of the same offenses or transactions alleged in the original, dismissed filing.

8. All arraignments in felony cases in Jackson County shall be heard in Kansas City or Independence. Any objection based upon improper venue must be filed not later than thirty (30) days after arraignment and in all other respects shall conform with Missouri Supreme Court Rule 32.01 et seq.

9. Cases pled in Criminal “A” or in the division designated in Independence in which the defendant is ordered to serve a term of probation by the judge shall be assigned at random to a division, in accordance with Section 478.461. The assignment shall be made immediately subsequent to entry of the order of probation or as soon thereafter as practicable.

10. All pleadings and papers subsequent to the complaint or indictment shall be filed in the Department of Criminal Records at either Kansas City or Independence with the following exceptions:

- a. Motions filed during a hearing in open court are to be filed with the judge’s clerk.
- b. Motions for continuances in circuit judge and associate circuit judge cases shall be filed with the clerk of the division in which the case is pending.

Adopted 6/17/16  
Effective 7/15/16

#### **4.2 - FILING OF CIVIL CASES**

1. Civil cases may be filed either at Kansas City or Independence, with the exception of cases listed in Rule 6.2.2. Cases shall be assigned to the location specified in Rule 6.2.2.

2. Circuit Court Form 4 - Civil Filing Information Sheet - shall be completed and attached to all initial pleadings filed. Form 4 shall contain all the information

requested therein. The Department of Judicial Records shall refuse to accept for filing all initial pleadings filed that are not accompanied by a completed Form 4.

3. Circuit Court Form 4 shall also be completed and attached to all initial responsive pleadings filed if the information contained in the Form 4 attached to the initial pleading of the plaintiff is incomplete or inaccurate.

4. Each party shall have a continuing duty to update Form 4 with any changes in the information contained therein until the case has been concluded.

Adopted 5/20/16  
Effective 6/17/16

#### **4.2.1 - Centralized Filing and Assignment-Associate Circuit Judge Divisions**

1. There shall be centralized filing in the Departments of Civil and Criminal Records of all actions falling within those classes of cases enumerated in Section 517.011 RSMo.

2. The Presiding Judge shall assign one or more associate circuit judges to sit separately in Kansas City and Independence for the trial and disposition of civil, criminal and traffic cases. The term civil as used herein shall include small claims cases.

3. Civil cases shall be assigned by the Court Administrator's Office, under the supervision of the Presiding Judge, to associate circuit judge divisions in as nearly equal numbers as practicable.

4. Except as otherwise provided herein, associate circuit judges shall hear and dispose of actions as assigned by the Presiding Judge.

5. All cases filed at Independence, including civil, small claims, and criminal, shall be heard at Independence, and all such cases filed at Kansas City shall be heard at Kansas City, unless transferred in accordance with these rules.

Adopted 06/18/99  
Effective 07/18/99

#### **4.3 - Probate Cases**

1. All matters pertaining to probate business shall be filed in the probate division, except that pleadings and other matters in a case transferred to another division of the circuit court shall be filed with the Department of Civil Records.

Adopted 06/18/99  
Effective 07/18/99

#### **4.4 - Juvenile Cases**

No Local Rule

#### **4.5 - Small Claims Cases**

No Local Rule

#### **4.6 - Municipal Cases**

No Local Rule

#### **4.7 - Domestic Relations Cases**

Dated 8/26/83 - REPEALED BY COURT EN BANC AUGUST 29, 1985

#### **4.8 - Electronic and Facsimile Transmission Filing of Adult Abuse & Child Protection Orders**

1. Facsimile or electronic transmission of petitions and other necessary pleadings filed pursuant to Chapter 455 RSMo are authorized in accordance with Supreme Court Rules and procedures established by the Court Administrator's Office. These facsimile filings shall have the same effect as the filing of the original, verified documents. A document filed by facsimile or electronic transmission constitutes a paper for the purpose of applying these rules.

2. Facsimile or electronic transmission of orders of protection issued pursuant to Chapter 455 are authorized in accordance with Supreme Court Rules. Any order of protection issued by the Court via facsimile or electronic transmission shall have the same effect as the original order.

3. A facsimile or electronically generated signature shall have the same force and effect as an original signature for purposes of pleadings and orders in these matters. Use of a unique log-on identifier issued by the Court and a password to electronically file a pleading, affidavit or other document constitutes the filer's signature for all purposes. Any pleading, affidavit or other document that requires a signature shall indicate that a signature has been authorized by the petitioner on the electronically filed document, e.g., "Jane Doe/s."

4. Chapter 455 RSMo facsimile or electronically transmitted pleadings shall be deemed filed on the date and at the time the last page of the document is accepted at the office of the clerk. If a document is not received or if it is illegible, it is not deemed filed. Risk of loss in facsimile or electronic transmission, receipt or illegibility is upon the party transmitting and filing by facsimile or electronic transmission.

5. Any pleadings, orders or documents, sent via facsimile or electronic transmission, which are received after 4:30 p.m. will be deemed received and

filed on the following business day, except pleadings, orders or documents received by the court or issued in accordance with emergency filing procedures.

Adopted 3/5/99  
Effective 4/4/99

#### **4.9 - Procedure for Special Appointment of Process Servers**

1. Any party seeking to have the Court specially appoint a person to serve process in accordance with applicable Supreme Court rules shall file a written motion with the Court, requesting approval and/or appointment of a named individual, which shall be accompanied by a proposed order approving the individual to serve process. Any approval or appointment of a process server shall be valid only for the case in which the order is issued.

2. Individuals wishing to be specially appointed by the Court to serve process by motion as provided in paragraph 1 above shall file a notarized affidavit with the motion stating the information required in section(a) below, and stating that the individual meets all of the qualifications as set out in section (b) below.

a. The individual's information shall include:

- (1) Legal name
- (2) Current address
- (3) Occupation and employer, and
- (4) Telephone number.

b. The individual must meet the following qualifications:

- (1) Be at least eighteen (18) years of age
- (2) Be a citizen of the United States
- (3) Have a high school diploma or equivalent
- (4) Not have plead guilty or been convicted of a felony or a misdemeanor involving moral turpitude
- (5) Not be a fugitive from justice or currently charged with a felony or a misdemeanor involving moral turpitude
- (6) Not be related to or employed by a party in the action
- (7) Be of good moral character
- (8) Not have been disqualified to act as a process server within the preceding twelve (12) months, and



(9) If service is to be made outside the State of Missouri, authorized to serve process in the jurisdiction in which it is to be served.

3. For those who perform service of process within the regular course of their business, the Court Administrator shall maintain a list of qualified process servers who have been approved as such by the Presiding Judge. To be eligible for the "Approved List" an individual shall submit to the Presiding Judge a notarized application and affidavit, containing the information required by section (2)(a) above, and setting out their qualifications (including those items listed in section (2)(b) above), their experience, and verifying that service of process is in the regular course of their employment or business. Approval by the Presiding Judge shall be good for the calendar year in which the approval is granted and shall remain effective until December 31st of that year. Applications and accompanying documentation shall be maintained by the Court Administrator's Office for three years, at which time they will be destroyed. Placement on the Approved List shall allow said individual to be approved or appointed to serve process without submitting an affidavit stating the prerequisites of section (2) above, in every case. When a party requests that a pre-approved process server be approved or appointed to serve process in a particular case, and verifies that the information contained in the qualifying affidavit is still accurate, the Court Administrator or any Deputy Court Administrator may approve or appoint such person to serve process for that case, so long as the named individual is on the Approved List. If any information in the qualifying affidavit has changed, such information must be updated with the filing of the motion, which must then be submitted to the court for a ruling. All individuals placed on the Court's Approved List will receive a registration number. That number should be included, with the individual's name, on all subsequent motions for approval or appointment.

4. A person will not be appointed to serve process if said person is deemed to be ineligible by a judge of this circuit. A person may be deemed ineligible and disqualified for:

- a. Making a false return of service
- b. Serious and purposeful improper service of process
- c. Failing to meet the criteria set out in section (3)
- d. Misrepresentation of duty or authority, or
- e. Other good cause.

5. Appointment as a special or private process server does not confer the Court's authority to carry a concealed firearm.

6. Appropriate forms for the Motion/Order and Affidavits are available on the Court's website at [www.16thcircuit.org](http://www.16thcircuit.org).

Revision -Effective 10/21/2022

## **Rule 5 - Fees & Costs**

### **1.1 - Filing Fees and Cost Deposits**

Filing fees and cost deposits shall be set by schedules approved by the Presiding Judge. The schedules shall be published on the Court's website. Filing fees and cost deposits shall be deposited at the time proceedings are instituted or requested.

Adopted 12/19/14 ----- Effective 1/15/15 ----- Revised 10/21/2022

### **1.2 - Costs**

No Local Rule

### **1.3 - Witness Fee**

No Local Rule

### **1.4 - Waiver of Deposit for Fees and Costs**

1. All applications to proceed in forma pauperis in a civil proceeding, involving an applicant who is confined, with the exception of those filed in connection with Supreme Court Rules 24.035 and 29.15 proceedings and habeas corpus proceedings, shall be accompanied by a Motion and Affidavit in Support of Request to Proceed As a Poor Person.

2. All applications to proceed in forma pauperis shall be presented for consideration to the judge assigned to the case.

3. If an application to proceed in forma pauperis is granted, filing fees and publication costs, if any, shall be paid by Jackson County, unless specifically excepted from the order granting leave to proceed in forma pauperis.

4. The municipal judge or associate circuit judge from whose decision an application for trial de novo is made may, in his discretion, if satisfied that appellant is indigent, waive all or any part of the deposit for fees and costs on such application.

Adopted 5/20/16  
Effective 6/17/16

### **1.5 - Motion for Security**

1. All motions for security for costs shall be filed pursuant to Supreme Court Rule 77.02.

Adopted 10/15/99  
Effective 11/15/99

### **1.6 - Collection of Deposits**

1. The Department of Civil Records shall receive, but shall not process for further action, any cause until a deposit for fees and costs has been paid, as required by these rules.

Adopted 5/20/16  
Effective 6/17/16

### **1.7 - Fees for Interpreters**

1. Interpreters and translators may be appointed by the various divisions, to interpret the testimony of witnesses (either language interpretation or hearing-impaired interpretation) or to translate any writing, as authorized by law. In cases involving hearing impaired interpretation, the fees and expenses of the interpreter are payable from funds appropriated to the Office of the State Courts Administrator. In criminal cases, all fees and expenses of all interpreters, are payable from funds appropriated to the Office of the State Courts Administrator.

Adopted 8/19/16  
Effective 9/16/16

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

### **6.1 - Assignment of Associate Circuit Judges**

1. Assignment of associate circuit judges to hear civil, criminal, or family court cases may be for indefinite or fixed periods as determined by the Presiding Judge.

Adopted 5/20/94  
Effective 6/19/94

#### **6.1.1 - By Local Court Rule or Order**

No Local Rule

#### **6.1.2 Special Assignment**

1. A Senior Judge of the Sixteenth Judicial Circuit may sit in any case, or otherwise be appointed by the court to participate in any case, if the case is

- a. criminal case, or
- b. a post-conviction proceeding challenging a conviction or sentence, or
- c. a juvenile case, and the Judge may sit thereon while upholding the highest standards of conduct so that the integrity and independence of the

judiciary will be preserved, especially as set out in Supreme Court Rule 2.03, Canon 3 (E) & (F), and Canon 4 (D).

2. (a) A senior judge may not sit in a case if any of the parties to that case or a lawyer or law firm representing them have employed that judge for compensation within the prior six months, unless all of such parties are advised of that fact on the record and agree in writing to waive any potential conflicts arising from it.

(b) For a period of six months after the case is finally decided, a senior Judge may not be retained for compensation, directly or indirectly, by a party or a lawyer or law firm that has appeared before the judge pursuant to this rule.

3. In no event may a senior judge, while sitting for the Court pursuant to this rule, discuss any matter regarding employment of that judge, directly or indirectly, by a party, a lawyer or a law firm involved in any case before that judge.

Adopted 1/23/04  
Effective 2/23/04

### **6.1.3 - Assignment of Circuit Judge Cases to Associate Circuit Judges**

(3/23/84) - REPEALED BY COURT EN BANC ON AUGUST 29, 1985

## **6.2 Assignment of Circuit Judges**

See Rules 6.2.1 thru 6.2.3

Adopted 6/17/16  
Effective 7/15/16

### **6.2.1 - Judge Assignment**

1. Assignment of circuit judges shall be made by the presiding judge, on a calendar year basis, except when circumstances warrant a change in assignment at other times during the year. Initial assignments shall be made at least six months in advance of the effective date of the assignments. The Presiding Judge shall have the discretion to determine the allocation of judges between the civil/criminal and family court assignments. All assignments by the presiding judge shall be posted on the court's website within five days of the date of the scheduling order.

2. The Presiding Judge shall enter an initial administrative order which may be amended if necessary, by July 1 of each even-numbered year scheduling twelve-week cycles for the following two calendar years. Each week shall be numbered one through twelve, with the exception of the week of the Judicial Conference, Thanksgiving week, and Christmas week. The Presiding Judge will designate which division(s) are authorized to schedule civil, domestic and criminal trials

each week. A division must not schedule a type of case for trial unless authorized to do so pursuant to the schedule adopted by the Presiding Judge or unless specifically authorized to do so pursuant to a written exception granted by the Presiding Judge, provided, however, each division may be given an optional week during which either civil, domestic or criminal cases may be scheduled for trial, at the division's discretion.

3. The Presiding Judge shall designate one judge as the Family Court Administrative Judge at least six months in advance of the effective date of the assignment. The Family Court Administrative Judge shall perform those duties specified in Local Rule 6.2.5 or as otherwise assigned by the Presiding Judge, by statute or by local rule.

4. The Presiding Judge shall assign a judge as the Criminal "A" judge in Kansas City for a designated period. The judges assigned as the Criminal "A" judges shall conduct arraignments and supervise the assignment of cases to all circuit judges with combined assignments for disposition. The Presiding Judge shall also designate a judge or judges in Independence to conduct arraignments and supervise the assignment of cases. The Presiding Judge may also designate a judge or commissioner in Kansas City and a judge in Independence to preside over drug cases.

Adopted 6/17/16  
Effective 7/15/16

#### **Rule 6.2.2 - Case Assignment**

1. Civil and domestic relations cases shall be assigned to trial divisions in accordance with these rules. Assignment may be made by the Court Administrator or his or her deputies in a manner approved by the Presiding Judge.

2. Petitions in civil and domestic relations cases carrying the caption "In the Circuit Court of Jackson County, Missouri, at Kansas City" shall be assigned to a Kansas City division as provided below. Petitions in civil and domestic relations cases carrying the caption "In the Circuit Court of Jackson County, Missouri, at Independence" shall be assigned to an Independence division as provided below. If a petition fails to specify the location where venue is appropriate, such case shall be assigned to a division at the location where the case is filed.

3. The Court Administrator shall assign cases randomly to the available trial divisions in Kansas City or Independence as provided in paragraph 2 above.

4. The following are exceptions to the method of assignment as provided in paragraphs 2 and 3 of this rule:

- (a) The following actions shall be filed in Kansas City and assigned to a Kansas City division:

(1) Applications for a trial de novo from the Kansas City Municipal Division which shall be assigned as provided by the Presiding Judge.

2) Applications for hearing on a refusal to submit to a chemical test and petitions for trial de novo, filed pursuant to Section 302.535 RSMo where the proceeding arises out of an arrest made in Jackson County and within the city limits of Kansas City.

(3) All suits for enforcement of mechanic's liens on real estate situated in Kaw township.

(b) The following actions shall be filed in Independence and assigned to an Independence division:

(1) Applications for a trial de novo in cases in the Municipal Division of Independence or any municipality other than the City of Kansas City Municipal which shall be assigned as provided by the Presiding Judge.

(2) Applications for hearing on a refusal to submit to a chemical test and petitions for trial de novo, filed pursuant to Section 302.535 RSMo where the proceeding arises out of an arrest made in Jackson County and outside the city limits of Kansas City.

(c) Post-conviction motions filed pursuant to Supreme Court Rules 24.035 and 29.15 shall be given a civil case number and be assigned to the division which imposed sentence. The case shall remain in that division until disposed of unless the judge of that division is disqualified. In such event, the case will be reassigned to another division and that division shall retain the case in division until it is disposed of.

(d) Petitions for Writs of Habeas Corpus shall be assigned as follows:

(1) All such petitions involving a petitioner who is incarcerated at the time of filing shall be assigned to Criminal "A" and will be assigned to a trial division at the location specified in paragraph 2, above.

(2) All such petitions involving a minor whose custody is either at issue or has been determined in a domestic action filed in the 16th Judicial Circuit shall be assigned randomly to a family court division at the location specified in paragraph 2, above.

(3) All such petitions involving a juvenile and not governed by (d)(2) above shall be assigned to the Administrative Judge of the Family Court for reassignment as deemed appropriate.

(e) Petitions alleging medical neglect by a parent of a child under eighteen (18) years of age shall be assigned to the Administrative Judge of the Family Court for reassignment as deemed appropriate.

(f) Adoption cases shall be assigned to the Administrative Judge of the Family Court for reassignment as deemed appropriate and shall be heard at the location where venue is appropriate.

5. After a civil or domestic case has been assigned in accordance with the foregoing provisions of this rule, it shall remain on that division until tried or otherwise disposed of, unless it is transferred to another division or docket in accordance with these Rules.

6. The Court Administrator shall have the responsibility of transmitting the file to the division to which the case is assigned.

Adopted 6/17/16 Effective 7/15/16

#### **Rule 6.2.2.4 - Case Assignment**

4. The following are exceptions to the method of assignment as provided in paragraphs 2 and 3 of this rule:

(a) The following actions shall be filed in Kansas City and initially assigned to a Kansas City division, and are subject to reassignment by the Presiding Judge upon an order granting a change of venue or as provided for by 478.461.2(4):

(1) Applications for a trial de novo from the Kansas City Municipal Division and The City of Grandview Municipal Division which shall be assigned as provided by the Presiding Judge.

(2) Applications for hearing on a refusal to submit to a chemical test and petitions for trial de novo, filed pursuant to Section 302.535 RSMo where the proceeding arises out of an arrest made in Jackson County by the Kansas City Police Department or The City of Grandview Police Department. All applications filed under this subsection shall include the name of the police agency involved in the arrest.

(3) All suits for enforcement of mechanic's liens on real estate situated in Kaw township.

(b) The following actions shall be filed in Independence and initially assigned to an Independence division, and are subject to reassignment by

the Presiding Judge upon an order granting a change of venue or as provided for by 478.461.2(4):

(1) Applications for a trial de novo in cases in the Municipal Division of Independence or any municipality other than the City of Kansas City Municipal Division or the City of Grandview Municipal Division which shall be assigned as provided by the Presiding Judge.

(2) Applications for hearing on a refusal to submit to a chemical test and petitions for trial de novo, filed pursuant to Section 302.535 RSMo where the proceeding arises out of an arrest made in Jackson County by any police agency other than the Kansas City Police Department or The City of Grandview Police Department. All applications filed under this subsection shall include the name of the police agency involved in the arrest.

Effective 08/26/2024

#### **6.2.3 - Duties of Family Court Administrative Judge**

In addition to administering the Family Court Division and handling cases assigned to the Administrative Judge of the Family Court Division, said judge shall have the authority without further order to:

(1) hear and rule on requests for temporary orders in family court cases;

(2) supervise and/or enforce local requirements relating to mandatory parental education and mediation in individual cases; and

(3) perform such additional functions as in his or her discretion are reasonably necessary to perform the responsibilities of the Family Court Administrative Judge.

Adopted 6/17/16

Effective 7/15/16

#### **6.2.4 - Case Assignment**

1. Civil and domestic relations cases shall be assigned to trial divisions in accordance with these rules, as directed by the Presiding Judge. Assignment may be made by the Court Administrator or his or her deputies in a manner approved by the Presiding Judge.

2. Petitions in civil and domestic relations cases carrying the caption “In the Circuit Court of Jackson County, Missouri, at Kansas City” shall be assigned to a Kansas City division as provided below. Petitions in civil and domestic relations cases carrying the caption “In the Circuit Court of Jackson County, Missouri, at



Independence” shall be assigned to an Independence division as provided below. If a petition fails to specify the location where venue is appropriate, such case shall be assigned to a division at the location where the case is filed.

3. The Court Administrator shall assign cases randomly and in equal numbers to the available trial divisions in Kansas City or Independence as provided in paragraph 2 above.

4. The following are exceptions to the method of assignment as provided in paragraphs 2 and 3 of this rule:

(a) The following actions shall be filed in Kansas City and assigned to a Kansas City division:

(1) Applications for a trial de novo from the Kansas City Municipal Division which shall be assigned as provided by the Presiding Judge.

(2) Applications for hearing on a refusal to submit to a chemical test and petitions for trial de novo, filed pursuant to Section 302.535 RSMo where the proceeding arises out of an arrest made in Jackson County and within the city limits of Kansas City.

(3) All suits for enforcement of mechanic’s liens on real estate situated in Kaw township.

(b) The following actions shall be filed in Independence and assigned to an Independence division:

(1) Applications for a trial de novo in cases in the Municipal Division of Independence or any municipality other than the City of Kansas City Municipal which shall be assigned as provided by the Presiding Judge.

(2) Applications for hearing on a refusal to submit to a chemical test and petitions for trial de novo, filed pursuant to Section 302.535 RSMo where the proceeding arises out of an arrest made in Jackson County and outside the city limits of Kansas City.

(c) Post-conviction motions filed pursuant to Supreme Court Rules 24.035 and 29.15 shall be given a civil case number and be assigned to the division which imposed sentence. The case shall remain in that division until disposed of unless the judge of that division is disqualified. In such event, the case will be reassigned to another division and that division shall retain the case in division until it is disposed of.

(d) Petitions for Writs of Habeas Corpus shall be assigned as follows:

(1) All such petitions involving a petitioner who is incarcerated at the time of filing shall be assigned to Criminal “A” and will be assigned to a trial division at the location specified in paragraph 2, above.

(2) All such petitions involving a minor whose custody is either at issue or has been determined in a domestic action filed in the 16th Judicial Circuit shall be assigned randomly to a family court division at the location specified in paragraph 2, above.

(3) All such petitions involving a juvenile and not governed by (d)(2) above shall be assigned to the Administrative Judge of the Family Court for reassignment as deemed appropriate.

(e) Petitions alleging medical neglect by a parent of a child under eighteen (18) years of age shall be assigned to the Administrative Judge of the Family Court for reassignment as deemed appropriate.

(f) Adoption cases shall be assigned to the Administrative Judge of the Family Court for reassignment as deemed appropriate and shall be heard at the location where venue is appropriate.

5. After a civil or domestic case has been assigned in accordance with the foregoing provisions of this rule, it shall remain on that division until tried or otherwise disposed of, unless it is transferred to another division or docket in accordance with these Rules.

6. The Court Administrator shall have the responsibility of transmitting the file to the division to which the case is assigned.

Adopted 11/18/05  
Effective 12/18/05

#### **6.2.5 - Duties of Family Court Administrative Judge**

In addition to administering the Family Court Division and handling cases assigned to the Administrative Judge of the Family Court Division, said judge shall have the authority without further order to:

(1) hear and rule on requests for temporary orders in family court cases;

(2) supervise and/or enforce local requirements relating to mandatory parental education and mediation in individual cases; and

(3) perform such additional functions as in his or her discretion are reasonably necessary to perform the responsibilities of the Family Court Administrative Judge.

Adopted 9/1/94

**6.3 - Certification To Circuit Division**

No Local Rule

**6.4 - Trial De Novo**

No Local Rule

**6.5 - Disqualification of Judge**

See Rules 6.5.1 through 6.5.3

**6.5.1 - Disqualification of Judge in Civil Cases**

1. If a circuit judge is disqualified to preside over a civil case in accordance with applicable Supreme Court Rules, such circuit judge shall transfer the case to the Presiding Judge, who shall re-assign said case to another civil docket.

8/26/83

**6.5.2 - Disqualification of Judge on Criminal Assignment**

1. In the event any circuit judge serving on criminal assignment is disqualified or is otherwise unable to make up the issues in or to try any cause pending before him such case may be transferred between the dockets by agreement of the judges or shall be reassigned to another criminal docket by the judge of Criminal Docket "A."

2. Any transfer of a case pursuant to this rule shall observe the venue requirements of §478.461, RSMo. Cases arising in the eastern venue shall be transferred to another division in the eastern venue of the county, and cases arising in the western venue shall be transferred to another division in the western venue of the county unless the parties agree or unless the presiding judge determines that transfer of the case between the eastern and western venues is necessary because one or more divisions in either portion of the county has a disproportionate number of cases pending.

Adopted 6/23/95  
Effective 7/24/95

**6.5.3 - Disqualification of Judge on Family Court Assignment**

1. In the event one of the judges or commissioners serving on family court assignment is disqualified, or is otherwise unable to take up the issues in or to try

any cause pending before him, he shall either transfer, by agreement, such cause to another judge or commissioner serving on family court assignment or request the Family Court Administrative Judge to reassign said cause.

Adopted by Court en banc 11/22/96  
Effective 12/22/96

#### **6.6 - Absence of Judge**

(2/1/88) - REPEALED BY COURT EN BANC JUNE 24, 1988

#### **6.7 - Absence of Presiding Judge**

1. In the absence of the Presiding Judge, or his inability to act, or when he may deem it necessary or expedient, he, or, in the event of his failure to do so, the Court en banc by a majority vote shall designate another circuit judge as Acting Presiding Judge.

12/19/80

#### **6.8 - Transfer and Reassignment of Civil Cases**

1. Notwithstanding the following paragraphs, cases shall not be transferred from a Kansas City division to an Independence division or vice versa unless ordered by the Presiding Judge and (1) the lawyers and/or litigants agree in writing to the transfer, or (2) the case is one of the top three cases which are ready for trial on the weekly trial docket and no division is available at the courthouse where the case is set for trial.

2. Cases may be transferred between judges by agreement of the judges.

3. 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 circuit judge handling the lowest numbered case upon motion shall request the judge or judges having the later filed case or cases to transfer the same to the division of such requesting judge so that said judge shall dispose of all preliminary motions and try, hear and determine all issues presented in the case.

4. A judge before whom related cases are pending may consolidate the cases for trial if, in his judgment, consolidation is authorized by the Missouri Rules of Civil Procedure.

5. In situations not governed by the enumerated paragraphs above, the transfer and reassignment of cases shall conform to the following procedures:

- a. Any judge, sua sponte and for cause, may transfer a case to the Presiding Judge for reassignment.

b. Any attorney seeking a transfer of a case to another division must make application to the judge from which the transfer is sought, and if that judge is satisfied that the request is reasonable he may transfer the case to the Presiding Judge for reassignment.

c. The Presiding Judge shall, upon receipt of the case from the transferring judge, reassign the case to another civil division.

6. Any party challenging venue pursuant to Section 478.462 on the ground that the case was reassigned to the wrong portion of the circuit must do so by filing a written application for change of venue within ten days of the reassignment. Failure to file a timely application hereunder shall waive any allegation of improper venue. Nothing in this rule shall be construed to diminish the power of the Presiding Judge to equalize the docket or reassign cases pursuant to Rule 6.8.1.

7. In a motion or request to transfer a civil action from an associate division of the circuit court to a circuit division by any plaintiff(s), movant(s) must deposit with the Court Administrator an additional filing fee in an amount equal to the current filing fees for circuit court actions, minus any filing fees previously deposited on such case.

Adopted 9/20/07  
Revised 8/18/23  
Effective 10/22/07

#### **6.9 - Transfer and Reassignment of Criminal Cases**

1. If a judge is disqualified from presiding over a case for any reason, the case shall be forwarded to the presiding judge for reassignment.

2. Cases may be transferred between judges by agreement of the judges.

3. Any party challenging venue pursuant to Section 478.462 on the ground that the case has been filed in the wrong portion of the circuit must file a written application for change of venue within ten days after the initial plea is entered. If, after the case is filed in the correct portion of the circuit, the case is reassigned to the wrong portion of the circuit, a written application for change of venue must be filed within ten days of the reassignment. Failure to make a timely application hereunder shall waive any allegation of improper venue.

Adopted 5/22/15  
Effective 6/5/15

#### **6.10 - Visiting Judges**

All requests for visiting judges or senior judges from any division shall be directed to the Presiding Judge who shall coordinate with the Court Administrator

for courtroom space, staff and other arrangements. Any request for a visiting judge or senior judge which is not directed to the Presiding Judge shall not be processed.

Adopted 9/15/95  
[Effective 10/15/95]

## **Rule 7 - Withdrawals of Papers from Courts Administrator's Office and Probate Division**

### **7.1 - When Allowed**

1. No pleadings or documents filed in any case, or any case file, shall be withdrawn from the office of the Court Administrator, by other than court employees, without an order signed by the judge handling the docket to which that case is assigned, or the Presiding Judge.
2. No pleadings or documents filed in any case, or any case file, shall be withdrawn from the probate division, by other than an employee of the probate division, without an order signed by the judge of the probate division or the commissioner of the probate division, or the Presiding Judge.

12/19/80

### **7.2 - Duplicating Policy**

1. The following fees shall be paid by persons requesting copies of court records in civil and criminal proceedings:

#### Attested and Unattested Copies

##### a. Certified

- |                     |        |
|---------------------|--------|
| 1. first page       | \$4.00 |
| 2. additional pages |        |
| by photocopy        | \$0.30 |

##### b. Authenticated:

- |                     |        |
|---------------------|--------|
| 1. first page       | \$6.00 |
| 2. additional pages |        |
| by photocopy        | \$0.30 |

##### c. Photocopy

- |  |        |
|--|--------|
| 1. from an electronic file, or a paper file located at a Jackson County courthouse | \$0.30 |
|--|--------|

##### d. Copy from Microfilm/Archive

1. first page	\$5.00
2. additional pages	\$0.50

There will be no charge for copies of records if the request is incident to the proceedings.

2. No charge shall be made for attested, certified or authenticated copies of documents furnished to any department of Jackson 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 pauperis.

Adopted 3/20/15  
Effective 4/17/15

## **Rule 8 - Publication of Dockets**

### **8.1 - Trial Docket**

No Local Rule

#### **8.1.1 - Civil Trial Calendar**

REPEAL OF RULES BY COURT EN BANC JANUARY 31, 1997

REPEALED BY COURT EN BANC 01/31/97  
EFFECTIVE 03/02/97

#### **8.1.2 - Criminal Trial Calendar**

REPEAL OF RULES BY COURT EN BANC JANUARY 31, 1997

REPEALED BY COURT EN BANC 01/31/97  
EFFECTIVE 03/02/97

### **8.2 - Dismissal Docket**

(No Local Rule)

12/19/80

## **Rule 9 - Courtrooms**

### **9.1 - Assignment of Courtrooms**

(No Local Rule)

12/19/80

**9.2 - Place of Hearing**  
(No Local Rule)

12/19/80

**9.3 - Use of Counsel Table**

1. While examining witnesses, counsel shall stand or sit at the counsel table, and when addressing the Court they shall stand at the counsel table.
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 Court.

12/19/80

**9.4 - Courtroom Decorum and Dress**

Counsel shall be expected to dress appropriately and shall inform the parties and any prospective witness that appropriate dress shall be required.

Adopted 5/19/06  
Effective 6/19/06

**9.5 - Who is Permitted Within Bar of Court**

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. Persons without the bar shall not disturb the order of the Court.

12/19/80

**9.6 - Examination of Witness and Conduct of Counsel**

1. But 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; and this rule shall also apply where cases are consolidated for trial, but shall not apply in criminal cases where there are several defendants represented by different counsel.
2. Attorneys shall not lean upon the bench nor appear to engage the Court in a confidential manner.

12/19/80



### **9.7 - Spoken Formality in Proceedings**

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 argument, no juror shall be addressed individually, or by name.

12/19/80

### **9.8 - Procedure for Swearing of Witnesses**

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

12/19/80

### **9.9 - Cameras in Courthouses and Courtrooms**

1. Pursuant to §§ 478.240 R.S.Mo., and Missouri Supreme Court Operating Rule 16, and with the approval of the Judicial/Media Task Force on Cameras in the Courtroom, videotaping or photographing by the media shall not be permitted in courthouse hallways except as provided in this rule.
2. Kansas City Courthouse - Videotaping or photographing will be allowed on floors with courtrooms only in the elevator areas, in an available witness room, or, with a judge's approval, in an empty courtroom. Videotaping or photographing is permitted on floors with no courtrooms.
3. Eastern Jackson County Courthouse - Videotaping or photographing will be allowed in the alcove areas in the hallways between the courtrooms, in an available witness room or, with a judge's approval, in an empty courtroom.
4. Criminal Justice Center - Videotaping or photographing shall take place outdoors in front of the lobby, in an available witness room, or, with a judge's approval, in an empty courtroom. In the event of bad weather, cameras will be allowed in the first-floor hallway.
5. Family Court – Videotaping or photographing may only take place outdoors on county property and away from entrances to the building. Videotaping or photographing individuals who are under the jurisdiction of the Family Court without the prior approval of a judge or commissioner is prohibited. Videotaping or photographing of specifically identified persons may be allowed in a courtroom or conference room with the prior approval of a judge or commissioner or deputy court administrator.

Adopted eff. 9/15/95  
Amended eff. 6/17/16

## **9.10 - Technologically-Enhanced Computer Network Presentation System**

Repealed by Court en banc 3/27/09.

Adopted 3/27/09

Effective 4/24/09

## **Rule 10 - Court Reporters and Compensation for Same**

### **10.0 - Court Reporters and Compensation for Same**

(No Local Rule - See Rule 23.1)

12/19/80

### **10.1 - Chief Court Reporter - Duties**

The Chief Court Reporter appointed by the Court en banc shall:

1. Obtain a substitute reporter for any division when needed.
2. Schedule the swing reporters (under the supervision of the Presiding Judge).
3. Compile and distribute the monthly transcript report.
4. Supervise the indexing and storage of the court reporter notes by the division reporters so as to ensure compliance with the foregoing rules.
5. Maintain a file of resumes of qualified reporters seeking employment.

Adopted 08/11/00

Effective 09/11/00

## **Rule 11 - Recording of Judicial Proceedings**

### **11 - Recordings of Judicial Proceedings**

(a) Definitions. As used in this Rule:

- (1) "Courtroom" is defined as any room in which a judicial proceeding may be conducted. This includes rooms that may or are also used for other purposes—such as city council or committee meetings—by state or municipal governments or any other entities.
- (2) "Restricted court facilities" includes any area of the court not accessible to the public without authorization by court personnel including—but not limited to—judicial offices, administrative offices, and records departments.

(3) “Judicial proceeding” or “proceeding” includes any trial, hearing, or other case-related matter open to the public in any circuit court division, including a municipal division.

(4) “Judge” means a commissioner, municipal division judge, associate circuit judge, circuit judge, visiting judge, or appellate judge presiding in a judicial proceeding.

(b) Recording and Photography Prohibited in Courtrooms. No person or organization may take photographs or make audio or video recordings of any judicial proceeding in a courtroom unless otherwise provided for in this rule.

(c) Exceptions to Prohibition of Recording and Photography. Photography and/or audio or video recording is allowed of a judicial proceeding in a courtroom only when:

(1) Expressly permitted by the Presiding Judge or the judge assigned to that division or municipal court; or

(2) Conducted by a person authorized by the Court for purpose of keeping a record of the proceedings; or

(3) Related to ceremonial proceedings such as weddings, investitures, or other public events; or

(4) Otherwise permitted under Local Rule 9.9 and/or authorized under Supreme Court Operating Rule 16.

(d) Recording and Photography Prohibited in Court Facilities. No person or organization may take photographs or make audio or video recordings within restricted court facilities without prior authorization from court personnel.

Adopted 2/21/2020  
Effective 3/27/2020

## **Rule 12 - Monies Paid Into Court**

### **12.1 - Bond in Civil Cases**

1. Original bonds in all civil actions pending or to be commenced in the Circuit Court shall be filed with the Court Administrator and shall be kept in a safe place which is not accessible to the public.

2. The Court Administrator shall cause a true copy of such bond to be placed in the original file of the cause with an appropriate notation thereon from which the original bond can readily be located.

3. There shall be a record entry made of the filing of each original bond.

4. Bonds, other than appeal bonds, should be approved in writing by the obligee or his or her attorney. Otherwise, the principal on the bond must bring the security before the Court for examination as to the sufficiency of such security, unless excused from doing so by the Court.

Adopted 08/11/00

Effective 09/11/00

## **12.2 - Money Paid Into the Court For Deposit in an Interest-Bearing Account**

Repealed by Court en banc, 9/25/87. See RULE 21.12.

9/25/87

## **Rule 13 - Communication with Court**

### **13.1 - Oral Communication with the Court**

(No Local Rule - See Rule 2.1)

12/19/80

### **13.2 - Written Communication with the Court**

(No Local Rule)

12/19/80

## **Rule 14 - Rulings and Decisions by the Court - Civil and Domestic**

### **14.0 - Rulings and Decisions by the Court - Civil and Domestic**

1. All matters submitted for decision to a division shall be promptly decided. Decisions shall be rendered from the bench, if possible, and in all other cases shall be made as follows:

a. Rulings on pre-trial motions shall be made no later than thirty (30) days after final submission of the motion, provided, rulings on complex pre-trial motions, such as motions to dismiss and/or for summary judgment, may be made up to ninety (90) days after final submission. Submission shall be considered final when the last brief is filed in support of either party.

b. In all cases tried to the court without a jury, a decision shall be rendered no later than ninety (90) days after completion of evidence in the case.

2. The above time limits may be extended by the judge at his or her discretion.

Adopted 08/11/00

## **Rule 17 - Supreme Court Time Standards**

### **17.0 - Supreme Court Time Standards**

1. Pursuant to Supreme Court Administrative Rule 17, the following standards for disposition of cases are adopted, effective January 1, 1997:

- a. Fifty percent (50%) of Circuit Civil cases shall be disposed of within 12 months after the case is filed.
- b. Fifty percent (50%) of Domestic Relations cases shall be disposed of within 4 months after the case is filed.
- c. Fifty percent (50%) of Associate Civil cases shall be disposed of within 4 months after the case is filed.
- d. Fifty percent (50%) of Circuit Felony cases shall be disposed of within 4 months after the information or indictment is filed, from the date a motion for new trial is sustained, a plea of guilty is withdrawn or the defendant fails to complete a court ordered program prior to plea, such as in drug court.
- e. Fifty percent (50%) of Associate Criminal cases shall be disposed of within 3 months after the felony complaint or affidavit is filed, a misdemeanor information is filed, or from the date a motion for new trial is sustained, a plea of guilty is withdrawn, or the defendant fails to complete a court ordered program prior to plea.

2. When determining when a case was “filed” or “resolved”, definitions set forth in Supreme Court Administrative Rule 17 shall be consulted.

Adopted by Court en banc 11/22/96  
Effective 12/22/96

## **Rule 21 - Attorneys**

### **21.1 - Resolution of Conflicting Trial Settings**

1. Whenever the same attorney is scheduled to appear for trial or hearing in more than one division at the same time, the trial or hearing of the earlier filed case shall have precedence. In criminal cases, the determination of precedence shall be based on when the defendant was arraigned rather than when the case was filed. Further, criminal cases in which the defendant is in custody shall have precedence over cases in which the defendant is not in custody.

2. If trial or hearing in a division is delayed because an attorney is engaged, said cause shall be tried or heard at the earliest possible time after such attorney becomes available.

3. In these rules the term "engaged" means the actual necessary participation of any attorney in the trial or hearing of a case in any court of general or appellate jurisdiction. However, no attorney shall be considered as so engaged unless that attorney provides notice, in writing, to the judge of the division in which the case is to be postponed, that the attorney is so engaged, and includes the court in which he or she is so engaged, the name and case number of the case in the court in which he or she is so engaged and, as nearly as possible, the time needed to complete the engagement.

4. Furthermore, any notice of engagement shall state whether the counsel notifying the court of a conflicting engagement is lead counsel in the conflicting case and, if so, the date on which counsel filed a designation of lead counsel in such case. Any notice of engagement shall further state whether the attorney filing it is lead counsel in the case in which the notice of engagement is being filed and the date on which the designation of lead counsel was filed in that case.

5. When discussing potential trial or hearing dates at a case management or other conference, counsel shall advise the court of any prior settings for a particular date assigned at a previous case management or other conference in order for the court to make an informed decision on setting a case for trial or hearing on a date for which counsel may already be engaged.

Adopted 4/23/10  
Effective 5/24/10  
Revised 2/17/23

## **21.2 - Entries of Appearance**

1. Attorneys retained in civil and domestic cases shall, before securing any order, file an entry of appearance for the parties they represent within three (3) days after their employment. Employment of counsel after trial setting shall not be grounds for delay of trial.

2. Attorneys retained or appointed in criminal cases shall file a written entry of appearance prior to filing any motion and prior to making any court appearance. In all cases counsel shall file an entry of appearance within three (3) days after being retained or appointed.

Effective 06/01/22  
Adopted 05/27/22

## **21.3 - Conduct of Attorneys** (No Local Rule)

**21.4 - Withdrawal of Attorney**

1. Subject to the other requirements of this Rule 21.4, an attorney may withdraw from a civil or criminal case without leave of Court: (A) By filing a pleading entitled “Memorandum of Withdrawal” accompanied by the entry of appearance of another attorney, or otherwise demonstrating that the attorney’s client continues to be represented by other counsel of record; (B) When the case is completed, upon filing a pleading entitled “Memorandum of Withdrawal” demonstrating that there are no pending claims or issues in the matter; or (C) In a civil or domestic case, upon the filing of a pleading entitled “Termination of Limited Appearance” by an attorney who has previously filed an entry of limited appearance. The “Termination of Limited Appearance” shall demonstrate that the attorney has completed the duties set out in the entry of limited appearance. Any “Memorandum of Withdrawal” and “Termination of Limited Appearance” shall include the full address of the client and shall be served on the client in addition to all others required to be served.

In all other instances, such withdrawal may only be allowed with leave of Court, and upon a showing of compliance with Supreme Court Rule 4-1.16 and this Rule 21.4

2. Any attorney seeking leave to withdraw shall file a written motion for leave to withdraw, containing the full address of the client. Such motion shall set forth the specific grounds for the relief sought. If the motion does not contain the written consent of the client, it must be served on the client along with a notice that there will be a hearing on the motion, and the date, time and place of such hearing. No attorney will be permitted to withdraw unless the client has been given written notification of the motion to withdraw and has been granted reasonable time to retain or have another attorney appointed.

3. Any attorney seeking leave to withdraw from a criminal case in which a warrant has been issued for the client for failing to appear shall certify that all reasonable efforts have been made to establish contact with the client and that the attorney is unable to locate the client. Under such circumstances the attorney may serve the notice required by Rule 21.4.2 by mailing a copy of the notice to the last address the client provided to the Court and any additional address provided by the client to the attorney. The Court may grant leave to withdraw subject to the provisions of Rule 21.4.4.

4. When a client whose attorney was granted leave to withdraw under Rule 21.4.3 is rearrested, the attorney upon notification of the arrest shall without delay meet with the client to ensure compliance with Supreme Court Rule 4-1.16. The attorney shall certify to the Court that the requirements of that rule have been met.

If the attorney who was granted leave to withdraw was a public defender, the District Defender shall, within three days of the defendant being taken into custody, screen the client and determine if the client is still indigent. If the client is indigent, the District Defender shall immediately enter an appearance. If the client no longer qualifies for services, the District Defender shall notify the Court.

The Court may hold a hearing to determine compliance with this rule and may make such orders as the Court deems appropriate.

5. Withdrawal of an attorney of record in a criminal case will not be permitted on the sole ground that fees have not been collected.

6. When an attorney seeks leave to withdraw after a verdict of guilty in a criminal case, such leave shall not be granted until the attorney handling the trial has filed the motion for new trial (or other appropriate after-trial motion), and has filed the notice of appeal (accompanied by the appropriate filing fee or poor person order). When the notice of appeal has been filed, the Court may grant leave to withdraw and may allow such substitution of counsel, including appointment of counsel in indigent cases, as the Court deems appropriate.

ADOPTED 12/13/13  
REVISED 11/20/20  
EFFECTIVE 12/18/20

## **21.5 - Failure of Attorney to Answer Docket Call**

(No Local Rule)

12/19/80

## **21.6 - Appointment of Attorneys**

12/19/80

### **21.6.1 - Appointment of Counsel in Court Proceedings - Procedure - Termination - Fees**

APPOINTMENT:

FAMILY COURT - JUVENILE

1. Whenever a juvenile is indigent (or the parent or custodian is unable or unwilling to obtain counsel) and representation by counsel is required by law or Supreme Court rule, the Court will appoint an attorney to represent the juvenile. In the event that the parent or parents are not indigent the Court may assess costs against such parent(s) for attorney's fees.



2. Whenever a parent or custodian is indigent and representation is required by law or Supreme Court rule, the Court will appoint an attorney to represent the parent or custodian.

3. The Court shall, in its discretion, appoint the Public Defender for the Sixteenth Judicial Circuit to represent indigent juveniles in delinquency proceedings and may appoint other counsel to represent such juveniles. The Court, in its discretion, shall appoint the Office of Guardian ad Litem, the attorneys for the CASA Project, or other appropriate counsel as guardian ad litem for children in abuse/neglect actions.

4. All counsel appointed in a Family Court matter pursuant to this rule, other than the Office of Public Defender, the Office of Guardian ad Litem and the CASA Project, shall be appointed from a current alphabetical list of attorneys registered with the Missouri Supreme Court in Category, (1), (2), or (3) as defined in Supreme Court Rule 6.01(j) and by whose office is located in Jackson County, Missouri or who reside within Jackson County, Missouri.

#### CRIMINAL COURT – DEFENDANT

5. Private attorneys may be appointed to represent indigent defendants in criminal and post-conviction proceedings. In every case, before appointment of the Public Defender or Court-appointed attorney, the Court may require an affidavit of indigence to be filed by the defendant.

6. All counsel appointed to represent a defendant in a criminal case pursuant to this rule, other than those from the Office of the Public Defender, shall be appointed from a current alphabetical list of attorneys registered with the Missouri Supreme Court who are in Category (1), (2), or (3), as defined in Supreme Court Rule 6.01(j) and whose office is located in Jackson County, Missouri or who reside within Jackson County, Missouri.

#### RELIEF FROM APPOINTMENT

7. The Court may allow the appointed attorney to provide, at the attorney's expense, an acceptable alternate attorney to handle the appointment.

8. An attorney will be relieved from his or her appointment if the attorney files a motion with the appointing court demonstrating that:

- a. The attorney has served on two or more separate cases pursuant to an appointment under this rule within the current calendar year;

- b. The attorney is 70 years of age or older or is retired from practice and in the opinion of the court the appointment would impose an undue hardship on the attorney;
- c. The attorney does not practice law because of ill health;
- d. A conflict of interest exists that precludes the attorney from serving in that particular case;
- e. The party whom the attorney was appointed to represent has ceased to be indigent;
- f. The attorney has ceased the practice of law and has changed his/her/license status to inactive and is no longer licensed in Category (1), (2), or (3) of Supreme Court Rule 6.01(j) or the attorney is no longer authorized by the Missouri Supreme Court to practice law under Rule 6.
- g. The attorney has elected “inactive” status on the Missouri Minimum Continuing Legal Education-Attorney Annual Report of Compliance. Verification that the attorney is not authorized to practice law in the State of Missouri by the Supreme Court is required.
- h. The attorney is a sitting judge, commissioner, full-time prosecutor or assistant prosecutor, or is an attorney employed by the Court, Legal Aid, the Public Defender’s Office, or the CASA Project of Jackson County, Missouri.
- i. The attorney is otherwise prohibited by law from serving as appointed counsel.
- j. Other good cause exists for granting the attorney relief from the appointment.

#### TERMINATION OF APPOINTMENT

Termination of the appointment shall occur only by court order, by operation of a court rule or statute, or by administrative order. See also, Local Rule 21.4

#### ATTORNEY’S FEES - EXPENSES

At the conclusion of the proceeding, or at any other time, if appropriate, counsel may by written motion request the Court to assess a reasonable attorney’s fee and any reasonable and necessary expenses as costs. In the discretion of the Court, the Court may adjudge such costs as provided by law.

**21.6.2 - Advisory Panel - Appointment Qualifications - Duties**

1. The judge of the juvenile division shall appoint for each calendar year a panel of at least twelve and not more than twenty-four attorneys to serve on the Juvenile Court Advisory Panel.

2. Qualifications:

a. Members shall possess that level of knowledge and experience to fulfill the duties of panel members.

b. Appointment shall be only by consent and agreement by the attorney to provide, without compensation advice and consultations to attorneys who are appointed pursuant to local court Rule 21.6.1.

Adopted 3/22/13  
Effective 4/19/13

**21.7 - Agreement of Attorneys**

(No Local Rule)

12/19/80

**21.8 - Advice to Clients on Courtroom Procedure**

(No Local Rule - See Rule 9.4)

12/19/80

**21.9 - Change of Address/Facsimile Number**

1. Every pleading shall state the signer's address, Missouri bar number, telephone number, facsimile number and e-mail address, if any.

2. Whenever an attorney changes the location of his or her office, telephone number, facsimile number or e-mail address, the attorney shall immediately file an appropriate pleading, in each of the cases in which the attorney is the attorney of record, showing the attorney's bar number, office address, telephone number, facsimile number and e-mail address. The same information shall also be delivered to the Court Administrator's office.

3. Attorneys practicing in this circuit shall regularly review case.net and immediately provide the Court Administrator's office with any changes in address, phone number, facsimile number and e-mail address.

## **21.10 – Preparation - Order of Publication of Notice**

### **RULE 21.10 - PREPARATION - ORDER OF PUBLICATION OF NOTICE**

1. In any action in which a party desiring service by publication files a verified statement showing why service cannot be obtained under Rules 54.12(b), 54.13, 54.14 or 54.16, 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 subparagraphs (c) (3) of Supreme Court Rule 54.12.

Adopted 12/19/07  
Effective 1/18/08

## **21.11 - Return of Documents**

1. Copies of pleadings stamped "filed", receipts, notices, authenticated, certified, and attested copies of pleadings, orders and judgments, and other documents will be returned to attorneys upon request if a self-addressed stamped envelope is furnished the court at the time the request is made.
2. Copies of items referred to above not returned pursuant to paragraph 1 will be destroyed if they are not picked up from the department of Judicial Records within 10 days.

3/27/81

## **21.12 - Responsibility to Deliver Pleadings, Orders, Judgments and Documents to Court Administrator**

1. The party or his/her attorney filing the following pleadings, or in whose favor an order or judgment is rendered, shall immediately deliver a copy of the following to the Director of the Department of Civil Records in Kansas City or the Supervisor over Civil Records in Independence.
  - a. A petition which is filed pursuant to Section 407.025 R.S.Mo.
  - b. A petition which is filed pursuant to Section 473.083 R.S.Mo., to contest a will.
  - c. An order which establishes a record of the date and place of birth and parentage, under Section 193.115 R.S.Mo.

d. A judgment which remains unsatisfied after sixty days, as provided by Section 303.090 R.S.Mo.

e. An order directing that funds paid into the Court be deposited into an interest-bearing account. A copy of such order shall also be attached to any deposit made in compliance therewith.

Adopted 3/27/09  
Effective 4/24/09

## **Rule 22 - Appointment of Guardian Ad Litem**

### **22.0 - Appointment of Guardian Ad Litem** (No Local Rule)

12/19/80

## **Rule 23 – Transcripts**

### **23.1 - Records on Appeal (Transcripts and Legal Files) [Repealed]**

REPEAL OF RULE 23.1 BY COURT EN BANC MARCH 5, 1999

REPEALED BY COURT EN BANC 03/05/99  
EFFECTIVE 04/04/99

## **Rule 24 – Exhibits**

### **24.1 - Exhibits During Trial**

1. Unless otherwise allowed by the court, all exhibits shall be numbered consecutively, irrespective of the party offering the same. Counsel shall be responsible for the safekeeping of their respective exhibits during and after the trial.

2. Exhibits, whenever possible, shall be marked for identification by the party offering them, 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.

Adopted 5/20/16  
Effective 6/17/16

### **24.2 - Exhibits: Removal from Custody of Court** REPEALED

Adopted 5/20/16  
Effective 6/17/16

## **Rule 25 - Early Dispute Resolution**

### **25.1 - Early Dispute Resolution**

Repealed 6/19/06

Repealed at Court en banc 05/19/06

Effective 6/19/06

## **Rule 32 – Discovery**

### **32.1 - Use of Discovery and Certification to Circuit Divisions**

(No Local Rule)

12/19/80

### **32.2 - Interrogatories**

1. Except as provided in Rule 32.2.1, no party shall serve on any other party, without leave of Court or consent of opposing counsel more than two (2) sets of interrogatories, which shall total no more than thirty (30) interrogatories in the aggregate. Each interrogatory shall have no more than two (2) subparts and the subparts of any interrogatory must relate directly to the subject matter of that interrogatory.

2. Any party desiring to serve interrogatories in addition to those permitted by section 1 of this rule shall first serve the proposed additional interrogatories on opposing counsel along with a written explanation of the need for the additional interrogatories. If the parties do not reach agreement as a result of such communication, a party may file a written motion which shall set forth the proposed additional interrogatories and the reasons establishing good cause for the additional interrogatories. The motion shall be in affidavit form, and shall recite the effort made to reach agreement on the additional interrogatories.

Adopted 08/11/00

Effective 09/11/00

#### **32.2.1 - Form 801**

[Form 801](#)

## **Rule 32 - Discovery**

### **Rule 32.2.1 - Form 802**

[Form 802](#)

**32.2.1 - Standard Discovery Interrogatories for Use in Vehicular Negligence, Personal Injury or Property Damage Case Only (Including Forms Cirt 801and 802)**

1. Court en banc approved standard sets of opening discovery interrogatories [CIRCT 801 and 802] shall be answered by all parties in vehicular negligence injury or property damage cases and the answered interrogatories shall be served on the opposing party within thirty days from the date of the request. After the time for answering the standard set of interrogatories has expired, an additional five interrogatories may be served. Subparagraphs of any interrogatory shall relate directly to the subject matter of the interrogatory and shall not exceed two in number.
2. Any party desiring to serve interrogatories in addition to those permitted by section 1 of this rule shall first serve the proposed additional interrogatories on opposing counsel along with a written explanation of the need for the additional interrogatories. If the parties do not reach an agreement as a result of such communication, a party may file a written motion which shall set forth the proposed additional interrogatories and the reasons establishing good cause for the additional interrogatories. The motion shall be in affidavit form, and shall recite the effort made to reach agreement on the additional interrogatories.

Adopted 08/11/00

Effective 09/11/00

**32.2.2 - Form of Interrogatories: Form and Procedure in Civil and Domestic Actions**

1. a. The scope of interrogatories is governed by Rules 56.01(b) and 57.01(b) of the Missouri Rules of Civil Procedure.
- b. Interrogatories are properly used, for example, to (1) identify experts expected to testify at trial and the general nature of the subject matter on which such experts are expected to testify; (2) identify persons who have witnessed or who have knowledge about relevant events or the subject matter of claims or defenses asserted in the action; (3) identify the custodian of documents that are relevant to claims or defenses asserted in the action; (4) identify specific documents which are themselves the bases of claims or defenses asserted in the action; (5) identify photographs and other likely trial exhibits; (6) provide counsel for the parties an opportunity to determine facts supporting claims or defenses asserted in the action as provided by law; and (7) for other purposes authorized by Supreme Court Rules 56.01 and 57.01, as more fully discussed in Missouri Sources of Proof, The Missouri Bar, Chapter 10 and Missouri Civil Procedure, The Missouri Bar, Rule 57.
2. Any party propounding interrogatories in civil or domestic relations actions shall leave an appropriate space for the answer to each

interrogatory or provide a computer disc for use by opposing counsel in responding to the interrogatories.

3. The original interrogatories shall be served upon adverse counsel. Interrogatories are not to be filed with the Court except as provided by Rule 32.6.

4. The answer to each interrogatory shall be typewritten or printed directly under the corresponding question. In the event an answer is too lengthy to be placed in the space provided, it may be attached as an appendix and clearly identified.

5. The adverse party shall prepare an affidavit to be signed by the appropriate party and attach it as the last page of the interrogatories, mailing a copy to each party.

6. The use of prefatory statements, definitions of terms and other directive language submitted with the interrogatories shall not be binding on the party to whom the interrogatories are propounded and therefor is discouraged. The use of such statements does not alter the duties of the respective parties set forth in Local Rule 32 and Missouri Rule 57.01 as they relate to the manner in which the interrogatories shall be answered, by whom, or in what form.

Adopted 08/11/00  
Effective 09/11/00

### **32.2.3 - Objections to Interrogatories**

1. Objections to interrogatories shall be stated with factual specificity and shall concisely set forth the reasons wherein and why the interrogatory is objectionable. Setting out abstract objections, such as, but not limited to, "burdensome", "overboard", "irrelevant", "privileged", "work product", with no further discussion of wherein and why the interrogatory is objectionable on such grounds is not in compliance with this rule and Such objections will not be considered by the Court.

10/23/87

### **32.2.4 - Failure to Answer Interrogatories**

1. A failure to fully answer interrogatories shall be directed to the Court's attention by filing a Motion for Enforcement of Discovery pursuant to Supreme Court Rule 61.01. Compliance with the Golden Rule, as set forth in Circuit Court Rule 33.5, must accompany such motion.



2. The Court may grant additional time for a party to answer interrogatories prior to the imposition of costs, attorney fees, and/or additional sanctions. If additional time is granted pursuant to a Motion for Enforcement of Discovery, the Court shall, in the same order, establish penalties to be imposed if the interrogatories are not answered within the time allowed. Such penalties may include costs and attorney fees for failure to answer interrogatories or for filing evasive answers, and other sanctions authorized by Supreme Court Rule 55.03 and 61.01.

3. All suggestions regarding the Motion for Enforcement of Discovery shall be filed in accordance with the provisions of Circuit Court Rule 33.5.1, whether or not the Motion for Enforcement of Discovery requests penalties. When the Court orders penalties upon its own motion, the Court order shall include a hearing date, to be scheduled prior to final imposition of the stated sanction(s), to allow the parties an opportunity to present evidence in support of and in opposition to the imposition of such penalties.

Adopted 8/18/17  
Effective 9/15/17

### **32.2.5 - Suggestions in Support of or in Opposition to Discovery Requests**

1. All suggestions in support of or in opposition to motions relating to discovery requests shall be limited to five (5) pages in length and shall be organized in compliance with the following format, unless leave of Court is otherwise granted:

- I. Statement of case (type and status)
- II. Prior discovery disputes
- III. Discovery sought
- IV. Issues raised by discovery dispute
- V. Citations and argument supporting or opposing discovery
- VI. Sanctions, attorney fees, and costs sought, if any

2. Suggestions that are not in compliance with the above format shall be disregarded by the Court. See sample suggestions, attached hereto as Exhibit "A".

10/23/87

### **SAMPLE**

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

Jane Doe,

Plaintiff.

vs.

CV87-99999

John Roe,

Defendant

SUGGESTIONS IN SUPPORT OF PLAINTIFFS MOTION FOR  
ENFORCEMENT OF DISCOVERY

STATEMENT OF THE CASE

This is a negligence suit filed on September 30, 1987, arising from an automobile accident which occurred at 12th and Main, Kansas City, Missouri. The amount sought is \$10,000 actual damages and \$100,000 punitive damages.

PRIOR DISCOVERY DISPUTES

There have been no discovery disputes or problems regarding discovery in this case prior to those raised in the within motion and suggestions.

DISCOVERY SOUGHT

Plaintiff filed interrogatories on the same date the lawsuit was filed, which were served on the Defendant with the summons on October 5, 1987. Plaintiff seeks, among other information, disclosure of the names and addresses of all persons and companies which have performed work or service on Defendant's 1970 Chevrolet in the last six (6) months.

CIRCUIT COURT RULE 32.2.5

EXHIBIT "A" ISSUES

Defendant objects to the propounded interrogatories on the basis that the information sought is a) irrelevant and b) burdensome.

CITATIONS AND ARGUMENT

A. The burden for supporting an objection to an interrogatory is on the defendant. Defendant cites no factual reasons nor legal authority for stating that the request is irrelevant. In fact, the state of repair of his automobile is of utmost relevance in this case as Plaintiff intends to prove as alleged, that the automobile was not in a safe driving condition at the time of the accident and that the Defendant was aware of this fact. See Smith v. Jackson, 999 S.W.2d 110 (Mo. 1987).

B. In order for a discovery request to be burdensome it must be "unduly oppressive." White v. Blair, 999 S.W.2d 221 (Mo. 1987). Certainly the number of persons and companies who have worked on or repaired Defendant's automobile in the last six (6) months cannot be so great that it would "unduly oppress" the Defendant to disclose them.

#### SANCTIONS SOUGHT

In light of the foregoing, Plaintiff moves that the Court order Defendant to comply with Discovery sought, by answering the interrogatories submitted to him within thirty (30) days and, upon a failure to do so, order the Defendant to pay the sum of \$200.00 for attorney fees and costs to Plaintiff as supported by the statement attached hereto and incorporated herein as Exhibit "A".

### **32.3 - Depositions**

(No Local Rule)

12/19/80

### **32.4 - Motions for Sanctions**

(No Local Rule - See Rule 33)

12/19/80

### **32.5 - Criminal Discovery**

REPEALED

Adopted 2/2/12  
Effective 3/5/12

### **32.6 - Retention of Discovery Documents**

1. The following documents shall not be filed with the Court, except upon order of the Court or in connection with discovery disputes.

a. Interrogatories propounded and answered, pursuant to Supreme Court Rule 57.

b. Requests for Production of Documents and Things and responses, pursuant to Supreme Court Rule 58.

c. Requests for Admissions and responses, pursuant to Supreme Court Rule 59.

2. The foregoing shall be served upon opposing counsel and/or parties as required by Supreme Court Rules and a certificate of such service shall be filed with the Court.

10/18/91  
(Effective 11/17/91)

## **Rule 33 - Hearing Pre-Trial Motions**

### **33.1 - Hearing Dates**

(No Local Rule)

12/19/80

### **33.2 - Briefs in Support of Motions, When Required**

(No Local Rule - See Rule 33.5)

12/19/80

### **33.3 - Oral Arguments - When Desired and How Requested**

(No Local Rule - See Rule 33.5)

12/19/80

### **33.4 - Motions in Limine**

(No Local Rule)

12/19/80

### **33.5 - Motions, How Filed and Considered**

1. A party filing any motion, except motions for new trial, shall serve and file at the same time brief written suggestions in support thereof together with authorities relied upon and any affidavits to be considered in support of the motion. Failure to file clear concise suggestions shall be grounds for refusing the relief requested. Within ten (10) days following service and filing of such motion, any party opposing the motion shall serve and file suggestions in opposition with citation of authorities and affidavits to be considered in opposition to the motion. Any party wishing to file reply suggestions shall do so within five (5) days following service and filing of suggestions in opposition. No further briefing on any motion shall be allowed without leave of Court.

Upon the filing of suggestions 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, and when the Court rules on same, counsel for the parties shall be notified. The Court may extend or shorten the time for filing suggestions on application of either party. Any party may request or the Court on its own motion may direct that a hearing or oral argument be conducted on a motion covered by this paragraph but the granting or refusal of the same shall be a matter for the discretion of the Court. Any request for a hearing or oral argument shall be filed with the suggestions of the party requesting the same. Suggestions shall be filed pursuant to this rule even though a hearing or oral argument is granted.

2. No request for an extension of time to plead shall be entertained except on written application signed by the attorney requesting such extension.

3. Under Supreme Court Rules 57.01 and 61.01 (b), the burden is now on the interrogating party to move under Supreme Court Rule 61.01 (b) for an order compelling answers to interrogatories in situations where objections have been filed by the interrogated party. Accordingly, the practice of filing suggestions with objections to interrogatories is no longer required and, in the absence of a motion and suggestions as required in subsection 1 hereof, the Court will no longer rule on objections to interrogatories.

4. Any motion made pursuant to, or to enforce, the provisions of Supreme Court Rules 56 through and including 61 will not be considered by the Court unless the movant files with such motion an affidavit of movant or his counsel stating:

a. That he has communicated in writing with the opposing party or his counsel in a sincere attempt to resolve the differences relating to such motion, but without reaching an agreement.

or

b. That he has made a sincere attempt to communicate in writing with the opposing party or his counsel without success, setting forth in detail the particulars of such attempt.

A copy of the written communication relied upon shall be attached to the affidavit.

5. Failure to comply with this rule shall be sufficient ground, in the discretion of the Court, for overruling the motion so filed.

6. All motions except those in which a hearing is requested shall be accompanied by a proposed order.

7. If courtesy copies of pleadings are delivered to the Court, they shall be clearly marked as "Courtesy Copy" on the upper right-hand side of the pleading, below the case number and the division number.

Adopted 8/18/17  
Effective 9/15/17

### **33.6 - Request for Jury Trial - Associate Circuit Division**

1. Any request for trial by jury in a case pending before an associate circuit judge must be made by a separate written request, apart from another pleading, clearly designated Request for Jury Trial or by oral motion in open court before the judge presiding over the docket to which the case is assigned.

3/27/81

### **33.7 - Matters for Immediate Resolution**

1. When a case is filed in Kansas City and assigned to an Independence docket, any matter of an emergency nature and requiring immediate action, such as, temporary restraining orders or the approval of a bond, may be presented to and ruled on by the Presiding Judge. If such a case is filed in Independence and assigned to a Kansas City docket such matters may be presented to and ruled on by the Designated Judge or a judge appointed by him in Independence.

2. Where proper venue lies in the portion of Jackson County other than the location of the Courthouse where an adult abuse or child abuse petition is filed, the judge handling such actions where the petition is filed is authorized to grant or deny the requested ex parte order. When exercising such authority, the judge is acting temporarily for the judge to whom the case shall be transferred for disposition.

9/25/87

## **Rule 34 - Continuances**

### **34.1 - Civil Cases**

1. All applications for continuance in civil cases shall conform to Supreme Court Rule 65 and be presented to the court no later than the Wednesday before the trial date except for causes arising thereafter. Applications for continuances shall be filed with the Department of Civil Records (as provided in Local Rule 3.4). In addition, a copy shall be hand-delivered, emailed or faxed by the applicant to the clerk of the division assigned to the docket on which the case is pending. All applications shall contain the following information: (a) the date the case was initially filed with the Court, (b) the number of prior continuances requested, and on whose behalf the request(s) were filed, and (c) the nature of the cause(s) of action. Such pleadings shall not exceed three (3) pages collectively.

2. Attorneys shall be notified whether their applications for continuances have been granted by the division clerks no later than the Thursday before the trial date.

3. This rule does not apply to continuances requested in the probate division and juvenile division cases.

Adopted 4/19/13  
Effective 5/17/13

### **34.2 - Applications for Continuances-Domestic Relations**

Applications for continuances in all cases involving domestic relations shall be filed with the Department of Civil Records as provided in Local Rule 34.1 and shall also comply with the following:

a. Applications shall be in writing and shall show good cause for granting a continuance. All applications shall contain the following information:

(1) The date the matter under consideration was initially filed;

(2) The nature of the proceeding i.e. petition for dissolution, motion to modify, motion for contempt, etc.;

(3) The number of prior continuances requested, and on whose behalf the request(s) were filed.

b. Such pleadings shall not exceed three (3) pages collectively.

c. Applications shall be accompanied by an affidavit of the applicant setting forth the facts upon which the application is based, unless all other parties' consent to the granting of the continuance in which case applicant shall submit an affidavit setting forth the fact of each party's consent.

d. Applications shall be filed and served no later than 5 days prior to the hearing date, except for cause arising thereafter which could not have been known or discovered in the exercise of reasonable diligence.

e. A copy of the applications, suggestions in support and opposition, and supporting affidavits must also be hand-delivered or sent by email or facsimile transmission to the division to which the application is directed, provided:

(1) Any such pleadings received after 4:30 p.m. will be deemed received and filed on the following business day.

(2) Emails and facsimile numbers for each division are published on the Court's website. Applications must be hand-delivered, emailed or faxed to the number specified for the division to which the application is directed. If the application is transmitted to another division, the application will be routed to the appropriate division in the ordinary course of business. Such application will not be deemed received until actually delivered to that division.

### **34.3 - Application for Continuance - Juvenile Division**

1. Applications for continuances and rulings thereon in all cases before the Juvenile Division shall comply with the following:

a. Applications shall be in writing and shall show good cause for granting a continuance.

All applications shall contain the following information:

- 1) the date the matter under consideration was initially filed,
- 2) the nature of the proceeding i.e. petition -abuse/neglect; petition - delinquency; motion to modify - status; motion for attorney's fee; disposition, etc,
- 3) the number of prior continuances requested, and on whose behalf the request(s) were filed; the place and duration of the juvenile's detention or current placement.

b. Applications shall be accompanied by an affidavit of the applicant setting forth the facts upon which the application is based, unless all other parties' consent to the granting of the continuance in which case applicant shall submit an affidavit setting forth the fact of each party's consent.

c. Applications shall be filed and served no later than 12:00 Noon on the Wednesday of the week preceding the hearing date, except for cause arising thereafter which could not have been known or discovered in the exercise of reasonable diligence.

d. An order granting or denying the application shall be rendered, and attorneys shall be notified by the Judge/Commissioner's clerk of the ruling by phone, no later than 12:00 Noon on the Thursday before the trial date.

9/29/89  
(Effective 10/29/89)

### **34.4 - Criminal Cases**

Applications for continuances in all criminal cases shall comply with Supreme Court Rule 24, and the following:

a. Unless filed pro se, applications shall be filed electronically. All such applications shall be made by filing a written motion showing good cause for granting the continuance, accompanied by the affidavit of the applicant or some other credible person, setting forth the facts upon which the



application is based. All written applications and accompanying documents shall also be emailed, sent by facsimile transmission, or hand-delivered to the division in which the case is pending.

b. Suggestions in support and opposition, and supporting affidavits shall be filed in the same manner as the motion and affidavit, as provided above.

c. Applications shall be filed and served no later than 3:30 p.m. on the Wednesday before the trial date, except those filed for cause arising thereafter which could not have been known or discovered in the exercise of reasonable diligence.

d. All applications shall contain the following information: (i) the week the case is set for trial, (ii) the date the charge was initially filed with the Court, whether by information or indictment, (iii) the number of prior continuances requested, and on whose behalf the request(s) were filed, (iv) the nature of the charge(s), (v) whether or not agreed to by opposing counsel, and (vi) whether or not Defendant is incarcerated.

Adopted Sept. 19, 2014  
Effective Oct. 24, 2014

### **34.5 - State Traffic Cases**

#### **1. Time for Filing**

All applications for a continuance of state traffic cases shall be filed at least five (5) days prior to the scheduled court date.

#### **2. Attorney Represented Cases:**

All applications for continuance of state traffic cases filed by an attorney shall be eFiled. Each application shall contain:

- a. The Case Number(s);
- b. The name of the Defendant;
- c. The date and time of the setting for which the continuance is sought;
- d. The specific facts justifying the continuance. If the purpose of the application is to resolve a conflict with a setting in another court, the application shall also comply with Local Rule 21.1, including that it contain the Style and Case Number of the conflicting case, as well as the time of the conflict;

### 3. Self-Represented Cases:

Applications for continuances of state traffic cases by Self-Represented Defendants may be filed by completing the application approved by the division to which such cases are assigned. Such application shall be filed by one of the following approved means:

a. Via fax at the following number, which is checked between 8:00 am and 5:00 pm on business days: Criminal Records Independence 816-881-4691

b. Via email at the following email address: Criminal Filings:  
criminalrecords@courts.mo.gov

c. Via mail or hand-delivery to the following address:

Department of Criminal Records-IN

308 W. Kansas, 1st Floor

Independence, MO 64050

d. Via delivery to the following drop box (between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday):

In Independence:

Eastern Jackson County Courthouse, 308 West Kansas, 1st Floor,  
Independence, MO 64050. (Inside front glass doors)

ADOPTED 9/19/14  
REVISED 11/20/20  
EFFECTIVE 12/18/20

### **34.6 - Municipal Trials de Novo**

An application for a continuance of a trial de novo that arose as an appeal from a municipal division shall comply with the following:

a. Unless filed pro se, applications shall be filed electronically. All such applications shall be made by filing a written motion showing good cause for granting the continuance, accompanied by the affidavit of the applicant or some other credible person, setting forth the facts upon which the application is based. All written applications and accompanying documents shall also be emailed, sent by facsimile transmission, or hand-delivered to the Division in which the case is pending.

b. Applications shall be filed and served no later than 3:30 p.m. on the Wednesday before the trial date, except those filed for cause arising thereafter, which could not have been known or discovered in the exercise of reasonable diligence.

c. All applications shall contain the following information: (i) the week the case is set for trial, (ii) the date the request for the trial de novo was initially filed with the Court, (iii) the number of prior continuances requested, and on whose behalf the request(s) were filed, (iv) the nature of the charge(s), and (v) whether or not agreed to by opposing counsel.

Adopted 9/19/14  
Effective 10/24/14

## **Rule 35 - Pre-Trial Conferences**

### **35.1 - Pre-Trial Conferences**

Repealed 5/19/06

Repealed by Court en banc 05/19/06  
Effective 06/19/06

## **Rule 36 - Setting Cases for Trial**

### **36.1 - Request for Trial**

(No Local Rule)

12/19/80

### **36.2 - Date of Calendar Call**

(No Local Rule)

12/19/80

### **36.3 - Assignment of Jury Trials By the Presiding Judge**

Division personnel shall notify the Presiding Judge, by 9:30 AM of the day on which trials are scheduled to begin, if the division has any cases ready for trial that cannot be tried by the division. Such cases shall be transferred among other divisions by the Presiding Judge for trial as judges become available and until all of those cases are disposed of.

Adopted 11/18/05  
Effective 12/18/05

### **36.4 - Calendar Call**

(No Local Rule)

12/19/80

### **36.5 - Removal and Inactive Calendar**

(No Local Rule)

12/19/80

### **36.6 - Revision and Removal from Prepared Calendar**

(No Local Rule)

12/19/80

### **36.7 - Special Assignments**

(No Local Rule)

12/19/80

### **36.8 - Civil Trial Calendar**

1. Cases not continued, settled or disposed of shall be ready for trial on Monday morning at 9:30 a.m. the week of the trial setting or as soon as the case can be heard by the court that week.

2. It shall be the responsibility of each attorney of record to keep advised of the position of the case on the trial calendar and to advise the court and the attorneys on the case immediately following his case of any continuances, settlement or disposition of the case.

12/19/80

### **36.9 - Priority in Civil Trials**

1. Priority shall be given in the setting and trial of civil cases to the following matters, and in the following order of priority:

- a. Petition alleging medical neglect of a child under eighteen (18) years of age (L. 1985 S.B.5).
- b. Election contests (Sec. 115.535 RSMo).
- c. Unemployment compensation appeals (Sec. 288.210 RSMo).
- d. Public assistance appeals (Sec. 208.110 RSMo).
- e. Request for review of revocation of driver's license based upon refusal to take chemical breathalyser test (Sec. 577.041 RSMo).
- f. Zoning appeals (Sec. 89.110 RSMo).

2. For good cause shown, the court upon application of any party, may accelerate a cause on the docket.

10/18/85

## **Rule 37 - Dismissals**

### **37.1 - Dismissal Docket**

(No Local Rule)

12/19/80

### **37.2 - Reinstatement of Cause**

(No Local Rule)

12/19/80

### **37.3 - Dismissal of Civil Actions**

Any civil action may be dismissed:

- a. Prior to the introduction of evidence at trial, with or without prejudice, by plaintiff at plaintiff's costs;
- b. At any time during the course of proceedings, including through trial of the cause, with or without prejudice, at plaintiff's or defendant's costs, by filing a Stipulation of Dismissal signed by both parties, designating the appropriate party's responsibility for costs.

Adopted 6/17/16  
Effective 7/15/16

### **37.4 - Civil Case Dismissal for Failure to Prosecute**

1. If a party shall fail to prosecute an action with reasonable diligence, the court may on its own motion enter a judgment dismissing the action for want of prosecution with or without prejudice.
2. Failure of a party to appear for trial after a cause has been regularly calendared for trial shall be grounds for dismissal either with or without prejudice without further notice.

Adopted 11/18/05  
Effective 12/18/05

#### **37.4.1 - Dismissal of Associate Circuit Division Cases for Failure to Prosecute**

Dismissal without prejudice for failure to prosecute shall be entered without further notice in any associate circuit division case in which the summons has not been served within nine (9) months from the date of filing.

Adopted 8/21/09

Effective 9/21/09

#### **37.5 - Dismissal of Domestic Actions**

Any domestic action may be dismissed:

- a. Prior to the introduction of evidence at trial, with or without prejudice, by petitioner at petitioner's costs:
- b. At any time during the course of proceedings, including through trial of the cause, with or without prejudice, at petitioner's or respondent's costs, by filing a Stipulation of Dismissal signed by both parties, designating the appropriate party's responsibility for costs.

Adopted 6/17/16

Effective 7/15/16

#### **37.6 - Dismissal of Criminal Cases by State**

1. A criminal cause may be dismissed by the State only by electronic filing of a written dismissal signed by the Prosecuting Attorney or his or her assistant.

Adopted 5/25/18

Effective 6/22/18

#### **37.7 - Stipulation for Dismissal of Civil Actions on Trial Calendar**

REPEALED

Adopted 6/17/16

Effective 7/15/16

#### **Rule 41 - Settlement**

##### **41.1 - Notice of Settlement**

(No Local Rule - See Rule 37.8)

12/19/80

#### **Rule 42 - Default**

##### **42.0 - Default**

(No Local Rule)

12/19/80

## **Rule 51 - Court Tried Cases**

### **51.1 - Default and Uncontested Matters**

(No Local Rule)

12/19/80

### **51.2 - Contested Matters**

(No Local Rule)

12/19/80

### **51.3 - Preparation of Finding of Fact and Conclusions of Law**

(No Local Rule)

12/19/80

## **Rule 52 - Selection of Jury**

### **52.1 - Jury List and Questionnaires**

1. All prospective jurors shall complete the online informational questionnaire available to them through eJuror as directed by their summons. The prospective jurors forming a petit jury panel in any case shall have the bioforms resulting from their completed questionnaires compiled by court personnel, who shall print three copies of the panel's bioforms. The Court shall retain one copy and give one copy to the attorney representing the plaintiff and one copy to the attorney representing the defendant. The prospective jurors forming a grand jury panel shall have the bioforms resulting from their completed questionnaires compiled by court personnel, who shall print two or three copies of the panel's bioforms. The Court shall retain one copy and give one or two copies to the attorney(s) representing the state.

2. Upon conclusion of the trial, the Court's original jury panel list shall be placed in the court file and the Court's copy of the jury bioforms for the entire panel shall be placed in a sealed envelope, that is labeled with the case name, case number, division and dates of trial and shall be returned to the Jury Room for retention. Upon the selection of the grand jury, the originals of the jury bioforms for the entire panel shall be placed in a sealed envelope and returned to the Jury Room for retention. All jury bioforms shall be maintained as a closed record and shall not be disclosed to anyone except upon order of the court and for just cause.

3. Upon the selection of a petit jury, the copies of the jury bioforms provided to the attorneys shall be returned to court personnel and shall be destroyed. Upon the selection of a grand jury, the copies of the jury bioforms provided to the attorney(s) for the state shall be returned to court personnel and shall be destroyed.

4. The Presiding Judge is authorized to enter an order, pursuant to Supreme Court Operating Rule 8, ordering destruction of juror bioforms delivered to the Jury Room for retention as closed records, upon the expiration of ten years after the trial date or grand jury selection, without further order of the Court.

Adopted 10/20/06  
Revised 01/22/19  
Effective 03/15/19

## **52.2 - Juror Nondisclosure of Litigation History**

Repealed

Approved 2/24/12

## **Rule 53 - Jury Trials**

### **53.1 - Instructions**

(No Local Rule)

12/19/80

### **53.2 - Closing Arguments**

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 will be considered as thereby waiving his privilege of closing the same, and shall not be allowed to do so. But the defendant shall nevertheless have the privilege of making his argument. Before the argument begins, the Court 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 to him between his opening and closing argument as he may choose, provided he shall not consume more than one half of this time in his closing argument. In those cases in which the Court decides that the defendant has the affirmative of the issues, he 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 Court may in its discretion change the order of argument as above prescribed in a particular case where the circumstances in the opinion of the Court require it and where it is so ordered before the argument begins. The Court may in its 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 Court render it proper to do so.

12/19/80

## **Rule 54 - Judgment Entry**

### **54.1 - Contested Cases**

(No Local Rule)

12/19/80

### **54.2 - Default for Uncontested Cases**

(No Local Rule)

12/19/80

## **Rule 55 - Victim Testimony by Video Conference-Civil Cases**

### **55.1 - Victim Testimony by Video Conference-Civil Cases and forms**

1. A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of such offense.
2. In order to testify by video conferencing under this rule, a written Application to Testify by Video and a Video Testimony Information form shall be filed with the Court ten (10) or more days prior to the date of trial.
3. All exhibits to be offered at trial by a person appearing by video conference must be filed with the Court or hand delivered to the division assigned to the trial three (3) days before the date of trial.
4. Any objections to an Application to Testify by Video shall be filed with the Court three (3) or more days prior to the trial date.
5. The Court may modify any of the filing deadlines contained in this rule for good cause shown.
6. Any person requesting to appear at trial by video under this rule must provide all required information contained on the Court's Application to Testify by Video and Video Testimony Information forms.
7. Video Testimony Information forms filed with the Court shall not be available to the public absent an order from the Court.

8. The Court shall provide notice of any approval of an Application to Testify by Video to the named parties in the case. This notice shall include filing requirements for any objections to such approval.
9. The Court shall provide Application to Testify by Video and Video Testimony Information forms on the Court's website and in hard copy at the Kansas City and Independence Courthouses.
10. The Court shall post a written notice of this rule and instructions for this rule on the Court's website and in the appropriate public area of the Kansas City and Independence Courthouses.
11. The notice and instructions for a victim to testify under this rule shall be posted as follows:

#### NOTICE TO THE PUBLIC

#### VIDEO TESTIMONY IN CIVIL TRIAL

Sixteenth Judicial Circuit Court Local Rule 55.1. Victim Testimony by Video - Civil Cases (Recite the complete language of the Rule)

#### INSTRUCTIONS FOR LOCAL RULE 55.1.

For those who desire to testify by video conferencing, you must comply with the following instructions PRIOR TO the hearing. Failure to comply with these instructions could result in your testimony not being received and/or your case being dismissed:

1. In order to testify by video conferencing under this rule, a written Application to Testify by Video and a Video Testimony Information form shall be filed with the Court ten (10) or more days prior to the date of trial.
2. Any person requesting to appear at trial by video under this rule must provide all required information contained on the Court's Application to Testify by Video and Video Testimony Information forms. Information contained on the Video Testimony Information Form is confidential and will not be disclosed to the public.
3. The information set forth in the Application to Testify by Video shall contain the reasons why you believe you qualify to testify by video conferencing under Missouri Revised Statute Section 546.263.
4. Forms for the Application to Testify by Video under Local Rule 55.1. may be found on the Court's website ([16thcircuit.org/forms](http://16thcircuit.org/forms)) and in hard copy at the Civil Records Department in Kansas City and Independence Courthouses.

5. The Court's Video Testimony Information Form may be found on the Court's website ([16thcircuit.org/forms](http://16thcircuit.org/forms)) and in hard copy at the Civil Records Department in the Kansas City and Independence Courthouses.
6. You will receive a notice from the Court via email and/or U.S. Mail of the approval or denial of your application. You may also check Missouri CaseNet ([www.courts.mo.gov/casenet](http://www.courts.mo.gov/casenet)) for the status of your application.
7. If your application is approved, you will receive a URL (internet address), a meeting ID, and a password. You will use this information to connect to the Webex® court hearing through an internet browser or Webex® app;
8. Participation in video conferencing requires a device that supports the application ("app") or software Webex®. Supported devices include computers, tablets, and smart phones, running the latest Apple iOS or Android operating systems. In order to use Webex®, your device must have a camera, microphone and speaker in good working order.
9. You are strongly encouraged to download the Webex® app on your device as soon as possible to best ensure your testimony can be received by the Court;
10. You are encouraged to use a separate headset with microphone to reduce feedback and improve audio quality. However, it is not required that you use a headset. You may reduce feedback and improve audio quality by muting the microphone on your device until you wish to speak or are asked a question by the Court, or other person;
11. You should join your Webex® video hearing at least 30 minutes prior to the scheduled hearing time to ensure your equipment and connection are operational;
12. After entering the meeting ID, you may be given the option to "Test Computer Audio." If this option appears, click on the "Test Computer Audio" button to test your audio. Upon confirmation that your audio is working properly, click the button to join the meeting to complete your connection to the hearing;
13. You must activate your video camera and audio options so the Court can see and hear you. Failure to do so will exclude your testimony at the hearing;
14. The person testifying must be located in a quiet place with no other individuals in the room. The person testifying cannot read from any notes, messages, reports, or other recordings while they are testifying, unless they receive express permission from the Court;

15. The person testifying must identify themselves by saying their full name before they begin speaking. This is essential to making a good court record;

16. NO PERSON MAY RECORD OR PHOTOGRAPH THE PROCEEDINGS WITHOUT EXPRESS AUTHORITY GIVEN BY THE COURT. A VIOLATION OF THIS RULE MAY BE PUNISHABLE AS AN ACT OF CONTEMPT. The only recording of the hearing will be through the court system.

FOR ASSISTANCE ON APPEARANCES BY VIDEO CONFERENCING,  
PLEASE CALL (816) 881-3920, Monday through Friday, 8:30 A.M. to 4:30 P.M.

Adopted: 3/17/2023

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

\_\_\_At Kansas City \_\_\_At Independence

\_\_\_\_\_, )

)

Petitioner/Plaintiff, )

v. ) Case No. \_\_\_\_\_

)

\_\_\_\_\_, ) Division No. \_\_\_\_\_

)

Respondent/Defendant. )

#### APPLICATION TO TESTIFY BY VIDEO

1. My name is \_\_\_\_\_. I am the Petitioner/Plaintiff  
Respondent/Defendant (circle or underline one) in the above styled case.

2. Pursuant to Missouri Revised Statute 546.263, I am requesting that I be allowed to  
provide my testimony by video/virtual platform for my trial scheduled for  
\_\_\_\_\_(insert date and time) in Division  
\_\_\_\_\_(insert division number).

3. This case involves a domestic assault as defined by Missouri Revised Statutes 565.072 through 565.076 and I am a victim of such assault in that :

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Note: If a law enforcement agency was involved or investigated your assault, include the name of the agency and the law enforcement agency number assigned to your case. If charges have been filed in your assault case, include the name of the court and court case number.

I affirm that the information contained in this Application to  
Testify by Video is true.

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Date

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Signature of Applicant

**IN THE 16<sup>TH</sup> CIRCUIT COURT OF JACKSON COUNTY, MISSOURI**  
at Kansas City at Independence

In Re the Matter of:	Case Number
Petitioner/Plaintiff	
Respondent/Defendant	

**VIDEO TESTIMONY INFORMATION SHEET**

	PETITIONER/PLAINTIFF	RESPONDENT/DEFENDANT
Name		
Residential Address		
Mailing Address		
Email Address		
Phone Number		
Employer Name		
Employer Address		
Employer Phone No.		

List all unemancipated children who are subjects of this proceeding:

Name (last, first, middle)	DOB		Children Reside with: Petitioner Respondent	

Date: Signature of Applicant:

**CONFIDENTIAL DOCUMENT COURT ACCESS ONLY**

Adopted: 3/17/2023

## **Rule 61 - Adoption**

### **61.1 - Filing Requirements**

No petition for adoption will be accepted for filing unless it is accompanied by the original and one copy of the Certificate of Decree of Adoption which is to be submitted to the Missouri Division of Health. The form shall be completed by petitioner in full, with the exception of Section "A" - Data Needed to Locate Original Birth Certificate, to the extent such information is unavailable to petitioner.

04/30/82

### **61.2 - Home Study**

(No Local Rule)

12/19/80

## **Rule 62 - Drivers' Cases**

### **62.1 - Applications for Hardship Driving Privileges**

1. An Application for Hardship Driving Privileges shall be filed together with an affidavit, proof of financial responsibility as required by Chapter 303, RSMo and the applicant's complete driving record, certified by the Missouri Director of Revenue. (Refer to forms CIRCT 451 and CIRCT 452.)
2. Applications for hardship will be set for hearing within 7 days following the filing.
3. No summons shall be issued in this cause. A copy of the application and exhibits mentioned in paragraph (1) above shall be delivered by the Court Administrator to the Prosecuting Attorney, the attorney of record for said agency, and proof of such delivery shall be filed in the cause. A copy shall also be served upon the Missouri Director of Revenue, by certified mail, return receipt requested, and the returned certified mail receipt filed in the cause.
4. Notwithstanding the foregoing, applications for hardship driving privileges submitted under the provisions of section 302.309.3(6)(a), RSMo or 302.309.3(6)(b), RSMo must also comply with the requirements therein.

Adopted 5/20/94  
Effective 6/10/94

#### **62.1.1 - Applications for Driving Privileges - Generally**

1. Applications for driving privileges based upon hardship, hearings on refusal to submit to chemical test, petitions for review of director's order suspending or

revoking license for excessive points and petitions for review under Safety Responsibility Act will require the payment of the regular filing fee. No bond or extra deposit fee will be required on any of the foregoing applications or petitions.

2. Petitions for review of director's order suspending or revoking license for excessive points and petitions for review under the Safety Responsibility Act shall be filed only as circuit judge cases.

11/18/88 (Effective 12/18/88)

#### **62.2 - Petition for Review**

1. A Petition for Review must be filed within thirty (30) days of notice of suspension or revocation or the Circuit Court does not have jurisdiction.

2. The Director must be a party and service must be made as per Supreme Court Rule 100.01 (Chapter 536, RSMo).

3. These cases will be set for hearing within ten (10) days after the expiration of thirty (30) days of the filing.

4. If a stay of the Director's order is requested, an application for stay will be filed with the petition and service as above.

a. The stay order will be granted without hearing if the application is accompanied by an approved SR22 or DOR 1938 form (a standing waiver by the Prosecuting Attorney).

b. Any other application for a stay of the suspension must be accompanied by a notice of hearing on such stay and served on the Prosecuting Attorney not less than three (3) days prior to said hearing.

c. A stay of the Director's order will not be granted unless the petitioner files an approved SR22 form by the date of the hearing set for the application for a stay.

5. An application for hardship may be joined with a Petition for Review as a separate count, but must conform to the prerequisites listed under the hardship application provisions or that count will be dismissed by the Court.

11/18/88  
(effective 12/18/88)

#### **62.3 - Application for Hearing Under Section 577.041 RSMo for Refusal to Submit to Chemical Test**

1. The Petitioner must include in the caption the name of the officer filing the affidavit of refusal and the officer's department. The Director of Revenue must be



named as Respondent. The Court Administrator will deliver a copy of the petition to the Prosecuting Attorney.

2. Petitions for hearing will be set within thirty (30) days of the filing.

3. The Court may stay the Director's order of revocation pending the hearing. The Order serves as proof of the privilege to operate a motor vehicle in this state. (Refer to form CIRCT 459.)

4. An Application for Hardship may be joined with a Petition for Hearing Under Section 577.041, RSMo in a separate count.

5. An attested copy of final orders must be sent to the Director of Revenue by the division clerk.

Adopted 5/20/94  
Effective 6/19/94

**62.3.1 - Form 451**

[Form 451](#)

**62.3.2 - Form 452**

[Form 452](#)

**62.3.3 - Form 453**

DELETION OF FORM 453 IN ITS ENTIRETY:

ORDER SETTING HEARING ON APPLICATION FOR HARDSHIP DRIVING  
PRIVILEGES

8/17/90  
(Effective 9/16/90)

**62.3.4 - Form 454**

[Form 454](#)

**62.3.5 - Form 455**

[Form 455](#)

**62.3.6 - Form 456**

[Form 456](#)

**62.3.7 - Form 457**

[Form 457](#)

**62.3.8 Form 458**

[Form 458](#)

**62.3.9 - Form 459**

[Form 459](#)

**Rule 63 - Associate Division Cases**

**63.0 - Associate Division Cases**

(No Local Rule)

12/19/80

**63.1 - Associate Division Cases - Return on Service of Summons**

All returns on service of summons in Associate Circuit Judge Division cases shall be filed with the Department of Civil Records no later than three (3) days prior to the return date.

10/18/91

(Effective 11/17/91)

**63.2 - Landlord-Tenant Cases - Statement of Business Entity Status**

In all landlord-tenant cases, the plaintiff shall set forth in the body of the petition a statement of the plaintiff's business status, e.g., sole proprietorship, partnership, corporation, etc. If the plaintiff is a corporation, the petition must be signed by an attorney licensed to practice law in the State of Missouri. Any petition presented on behalf of a corporate plaintiff which is not signed by an attorney licensed to practice law in the State of Missouri shall not be filed by the Court Administrator's office.

Adopted by Court en banc 3/22/96 Effective 4/22/96

**Rule 64 - Cases Arising Under Chapter 207 and 208 RSMo 1978**

**64.0 - Cases Arising Under Chapter 207 and 208, RSMo 1978**

(No Local Rule)

12/19/80

**Rule 65 - Civil Commitment**

**65.0 - Civil Commitment**

(No Local Rule)

12/19/80

**Rule 66 - Condemnation**

**66.1 - Filing and Assignment**

1. All condemnation cases shall upon filing receive a civil case number and be forwarded to the Presiding Judge for assignment, equally and in rotation within the appropriate venue, to the judges assigned to hear civil cases. Such assignments shall be subject to the provisions of Section 478.461.4 R.S.Mo., and the Court Administrator is directed to keep a record of condemnation filings and to advise the Presiding Judge in writing of any imbalance in the division assignments.

2. Exceptions to a report of the commissioners must be filed in the Department of Civil Records. Each exception shall be filed in a new case file folder and shall receive the original condemnation case number plus a numerical suffix commencing with the number "01" for the first exception filed; provided, however, that all exceptions concerning an individual tract will be filed together in the same case file. Exceptions will remain throughout the proceedings with the judge to which the condemnation action was originally assigned unless reassigned as provided by these rules.

Adopted 8/11/00

Effective 9/11/00

**66.2 - Commissioner's Fees**

1. Commissioners in condemnation cases shall be compensated for their services at a rate not to exceed \$150.00 per hour or in such amount as the parties may agree upon, subject to approval by the court.

Adopted 05/21/04

Effective 06/21/04

## **Rule 67 - Criminal Cases**

### **67.0.1 - Warrants for Arrest**

1. For purposes of this rule, a warrant for arrest shall be considered to have issued "pre-trial" if it is issued prior to a verdict or finding of guilty, or acceptance of a guilty plea. If issued subsequent to the foregoing, it shall be considered to have issued "post-trial".
2. A warrant for arrest issued pre-trial shall:
  - a. If issued by an associate circuit judge, be returned to the associate circuit judge assigned to hear criminal matters at the time the return is made.
  - b. If issued by a circuit judge, designate the docket letter to which the issuing judge is currently assigned, and shall be returned to the judge assigned to that docket at the time the return is made.
3. A warrant for arrest issued post-trial, whether issued by an associate circuit judge or a circuit judge, shall designate the division out of which the warrant is issued and be returned to that division.
4. A warrant for arrest issued by a judge temporarily assigned to hear matters for another division shall designate the docket letter or the division to which the case is assigned, as directed in paragraphs 2 and 3 above, and the return shall be made to such docket or division.
5. No warrant for arrest shall be issued by an associate circuit or circuit judge or by the Court Administrator's Office unless the conditions of release are stated therein.

4/27/84

### **67.0.5 - Search Warrants**

1. Search Warrants To Be Maintained as Closed Records: All Court records pertaining to Applications/Affidavits for Search Warrants and Search Warrant issued pursuant thereto shall be maintained as closed records unless and until a return is made thereon.
2. Search Warrant Forms: Form CIRCT 4009 is the recommended form for use in issuing search warrants. This form or a form substantially similar shall be used in issuing Search Warrants.

Adopted 6/17/16  
Effective 7/15/16

### **67.1 - Pre-Trial Release**

The Circuit Judges and Associate Circuit Judges who are designated from time to time by the Presiding Judge for criminal case assignment shall be available at all times for the purpose of admitting persons to bail.

09/02/82

#### **67.1.1 - Motions to Set Bond & for Bond Reduction**

(No Local Rule)

12/19/80

#### **67.1.2 - Deposit of Operator's License**

1. In lieu of requiring bail or other security for appearance in Circuit Court, law enforcement officers in Jackson County, Missouri may accept the chauffeur's/operator's license issued by this State of any person arrested and charged with violating a traffic law of the State of Missouri, except when the charge involves one of the following offenses:

- a. Driving while intoxicated.
- b. Driving while under the influence of intoxicating liquor or drugs.
- c. Leaving the scene of a motor vehicle accident.
- d. Driving with a suspended or revoked license.
- e. Any charge made because of a motor vehicle accident in which a death has occurred.

2. Whenever a license is accepted in lieu of bail such fact shall be noted on the Complaint and Information and the license shall be attached to the original thereof which is filed with the Court.

12/19/80

#### **67.1.3 - Implementation of Supreme Court Rule 33 Relating to Bail and Sureties**

[REPEALED]

Adopted 3/20/15  
Effective 4/17/15

#### **67.1.4 - Bail Bond Practices Before Associate Circuit Judges**

REPEALED

Adopted 6/17/16

Effective 7/15/16

#### **67.1.5 - Judgment on Bond Forfeiture**

1. When a motion for judgment on the bond forfeiture against the obligor is not filed prior to the entry of judgment on the criminal case, the order of forfeiture shall be deemed set aside, and any bond monies shall be released to the obligor after payment of fines and costs.

2. When the final dispositional judgment results in probation, and the court declares a forfeiture of the bond while the defendant is on probation, if the motion for judgment on the bond forfeiture against the obligor is not filed prior to the entry of an order (1) revoking the probation, (2) reinstating the probation or (3) discharging the defendant from probation, the prior order of forfeiture shall be deemed set aside and any bond monies shall be released to the obligor after payment of fines and costs.

Adopted 5/22/15

Effective 6/5/15

#### **67.1.6 - Bond Assignments**

Any person seeking a bond assignment shall file a motion with the court to which the criminal case is assigned and only upon presentment of an order from said court shall the bond be released to that person.

Adopted 5/22/15

Effective 6/5/15

#### **67.2 - Preliminary Hearing**

(No Local Rule)

12/19/80

**67.3 - Grand Juries**

1. Effective September 1, 2001, a grand jury shall be summoned during March and September of each year by the judge assigned to Criminal Docket AA@. Each such grand jury summoned shall serve continuously for a period of six months and until a new grand jury is summoned and sworn.

Adopted May 18, 2001  
Effective June 18, 2001

**67.4 - Attorneys**

(No Local Rule)

12/19/80

**67.4.1 - Appointment and Compensation of Private Attorneys in Criminal Cases and Post Conviction Proceedings**

Repealed 10/22/10 – Effective 11/19/10

**67.5 - Arraignments**

(No Local Rule)

12/19/80

**67.5.1 - In General**

(No Local Rule)

12/19/80

**67.5.2 - Dates**

(No Local Rule)

12/19/80

**67.6 - Discovery**

(No Local Rule)

12/19/80

**67.7 - Motions in Criminal Cases**

1. All motions filed in criminal cases, excluding motions for continuances filed pursuant to Rule 34, shall contain the following information:

- a. The nature of the charge.
- b. Circuit court arraignment date.
- c. The trial date, if the case has been set on a docket.
- d. If unopposed, a statement confirming such fact.
- e. Brief written suggestions in support thereof together with authorities relied upon.

2. If opposed, suggestions must be filed and served within 10 days of the date the motion was filed.

Adopted 6/17/16  
Effective 7/15/16

**67.8 - Plea Bargaining**

(No Local Rule)

12/19/80

**67.9 - Guilty Plea**

(No Local Rule)

12/19/80

**67.9.1 - Where Entered**

(No Local Rule)

12/19/80

**67.9.2 - Petition to Enter Plea of Guilty**

(No Local Rule)

12/19/80



**67.10 - Calendar**  
(No Local Rule)

12/19/80

**67.11 - Probation and Parole**  
REPEALED

Adopted 6/17/16  
Effective 7/15/16

**67.11.1 - Probation After Commitment - Notice of Motion**

1. Any motion for release on probation pursuant to §558.046, RSMo, as amended, shall recite:
  - a. That the offense for which the movant seeks probation did not involve violence or the threat of violence;
  - b. That the offense for which the movant seeks probation did involve alcohol or drugs;
  - c. That the movant has successfully completed a program of detoxification or rehabilitation (and shall be accompanied by evidence of such completion from the sponsor of the program);
  - d. That the movant is not a prior, persistent, or dangerous offender nor a persistent misdemeanor offender as defined in §558.016, RSMo, as amended;
  - e. That the movant is not a persistent sexual offender as defined in §558.018, RSMo, as amended; and
  - f. That the movant is not a prior, persistent, or class "X" offender as defined in §558.019, RSMo, as amended.
2. Such motions shall contain a certification that a copy has been served upon the Office of the Prosecuting Attorney for Jackson County, Missouri. Motions pursuant to §558.046, RSMo, as amended, will not be ruled until such certification has been provided to the court.
3. Such motions will not be ruled until at least thirty days after service of the motion upon the Office of the Prosecuting Attorney for Jackson County, Missouri, unless that office advises the court that it has no opposition to the motion in which case the motion may be ruled immediately.

Adopted 11/17/95  
Effective 12/18/95

## **67.12 - Sentencing Council**

### **RULE 67.12 - SENTENCING COUNCIL**

1. The judges assigned to the criminal divisions of the Court may meet periodically to discuss sentences to be imposed so as to provide as nearly as possible uniformity of sentences within the circuit.

12/19/80

## **67.13 - Applications for Writ of Habeas Corpus Ad Testificandum or Prosequendum**

1. No Application for a Writ of Habeas Corpus Ad Testificandum or Prosequendum shall be granted less than five (5) days prior to the date the witness is requested to appear. Provided, upon a showing of good cause arising within five (5) days prior to the date the witness is requested to appear, the Court may order a Writ to issue upon less than five (5) days notice.

Adopted 01/31/97

Effective 03/02/97

## **67.14 - Discharge From Probation**

Upon termination of probation for any reason other than revocation, an Order of Discharge shall be entered discharging the defendant from probation.

Adopted 01/30/98

Effective 03/02/98

## **Rule 68 - Dissolution of Marriage**

### **68.0.3 - Ex Parte Requests**

[REPEALED]

Adopted, eff. prior to 4/22/96.

Repealed 01/17/03, eff. 02/28/03

### **68.0.4 - Pendente Lite Orders - Appointment of Master; Hearing**

1. Upon the filing of a verified application of any party, after reviewing pleadings, including each party's Statement of Income and Expenses (Form 1402B), the Asset Statement in Support of Application for Pendente Lite Order (Form 6804D), and if child support is requested, the Child Support Worksheet (Form 14), the court may enter an order pendente lite, without the necessity of a formal hearing, for temporary child support, maintenance, attorney's fees and costs. However, when an application is filed, the movant or movant's attorney shall first certify and file proof of service of the following which shall be in the form and contain the content of the forms specified herein: (1) written notice of intent to

file the application on a certain day (Form 6804A); (2) a copy of the application (Form 6804B) with forms 1402B, 6804D and Form 14, if applicable, attached; and (3) movant's suggestions and affidavits in support thereof (Form 6804E) on all other parties at least ten days before the day on which the movant files proof of service (Form 6804C) and the application.

2. Suggestions and affidavits in opposition (Form 6804F) with Forms 1402B, Form 6804D, and Form 14 (if applicable) attached to the application shall be filed on the day specified in the notice as the day on which the application will be filed. If the notice is given by mail, the provisions of Missouri Rules of Civil Procedure pertaining to notice by mail shall apply.

3. An oral hearing may be requested (Form 6804H) on the order pendente lite (Form 6804G), or other relief requested in the application, but any request will not suspend or delay commencement of the rights and obligations under the order pendente lite. Any modification of the order pendente lite after an oral hearing shall be retroactive to the effective date of the original order.

4. Any request for an oral hearing on an order pendente lite may, in the sole discretion of the court, be submitted to a master, who shall be an attorney licensed to practice law in this state and shall be appointed by the court (Form 6804I) within ten days of the filing of the request for oral hearing.

5. The hearing before the master, which shall be held no later than fifteen days after appointment of the master, shall be limited to three hours, which shall be divided equally between the parties, and shall be conducted on the record only if one party arranges for the attendance of a court reporter, in which event said party shall bear the cost of attendance of the reporter and preparation of the original transcript for filing with the court. The master shall be paid a reasonable fee, as determined by the court, for one hour of preparation before and after the hearing and for each hour of hearing, which shall be paid by the party requesting the hearing no later than immediately prior to commencement of the hearing. However, the court may later enter a judgment assessing the fee paid to the master as recoverable against any other party.

6. The master shall submit his report to the court (Form 6804J) within 7 days of the hearing after which the court shall issue its judgment on the matters raised in the hearing.

Adopted by Court en banc 3/22/96  
Effective 4/22/96

### **68.1 - Filing Requirements - Family Court Proceedings**

1. Circuit Court Form 17 - Family Court Information Sheet - shall be completed and attached to all initial pleadings filed in the Family Court Division. The pleading shall contain all the information requested in Form 17 including, to the

extent known, the style and case number of any case pending or previously adjudicated in any court related to dissolution of marriage, custody, visitation, paternity, guardianship, adoption, child support, maintenance, abuse, neglect or delinquent behavior (by the minor child(ren)), or adult abuse of or by any parties to this action. The Form 17 shall also state all other names by which any party has been known.

2. Circuit Court Form 17 shall be completed and attached to all initial responsive pleadings filed in the Family Court Division only when the information contained in the Form 17 attached to the initial pleading is incomplete or inaccurate.

3. Each party shall have a continuing duty to update Form 17 as necessary until the case has been concluded.

4. Due to issues of confidentiality, in any pre-judgment dissolution case in which paternity of one or more children must be established, a separate case shall be filed to establish paternity with no filing fee required. The paternity case and the dissolution case shall automatically be assigned to the same judge for disposition. In order to avoid a separate filing fee, the party filing the paternity case shall be responsible for advising the Department of Civil Records of the companion dissolution case and its case number.

5. Unchallenged acknowledgments of paternity in any pre-judgment dissolution case for a child born prior to the marriage do not require the establishment of paternity if both parties to the dissolution are listed on the child's birth certificate. Under such circumstances no separate paternity action shall be filed. §§ 210.822, 210.823 RSMo.

Adopted 3/22/13  
Effective 4/19/13  
Revised 8/15/25

## **68.2 - Separation Agreement**

REPEALED

Adopted 11/18/16  
Effective 12/16/16

## **68.3 - Forms of Decree**

### **68.3.1 - Entry of Judgment Upon Affidavit Requirements**

Revised - Effective 11/12/2021

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 may be entered upon the affidavit of either or both parties when:

(a) There are no minor children of the mother and father involved in the

action and the mother is not pregnant, 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.

2. Affidavit - Filing. If one party desires to submit the matter for entry of final judgment or orders upon an affidavit, the submitting party shall file an affidavit containing, at a minimum, the information in Form 1499, 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 (if children are involved), a completed Form 1402A and Form 1402B, 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.

3. Notice of Request. Notice of the intention of either party to request the entry of judgment upon affidavit must be given in writing not less than 10 days prior to the filing of the affidavit, unless the request for such relief is by agreement of the parties. Notice shall be given to legal counsel for the opposing party or to the opposing party, personally, if not represented, with a copy of the notice being filed with the court. No notice shall be required to be given to a party who is in default unless otherwise required by law.

4. Hearing Required - When. The court shall not be bound to enter a final judgment or order upon the affidavits of either or both parties, but the court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

Revised 10/15/2021  
Effective 11/12/2021

#### **68.4 - Filing of Financial Statements**

1. In all actions for Dissolution of Marriage or Legal Separation, a Statement of Marital and Nonmarital Assets and Debts (Form 1402A) and a Statement of Income and Expenses (Form 1402B) shall be completed by each party, executed under oath, filed with the Court and served on the opposing party within sixty (60) days from the date of service of the Petition.

2. In all Motions to Modify Child Support, Alimony or Maintenance, a Statement of Income and Expenses (Form 1402B) and a Modification Statement of Assets and Debts (Form 1402E) shall be completed by each party, executed under oath,

filed with the Court and served on the opposing party within sixty (60) days from the date of service of the Motion.

3. If any changes occur prior to the trial date, the information provided on Forms 1402A, 1402B and 1402E shall be updated immediately and served on the opposing attorney with a Certificate of Service of same to the Court.

4. If a party fails to timely file or update Forms 1402A, 1402B or 1402E, the judge may, at his or her discretion, order sanctions against that party such as the party so failing being prohibited from presenting affirmative evidence as to the values of the property, income or expenses which were not provided to opposing counsel.

5. If all actions designated on the uncontested track, Forms 1402A, 1402B or 1402E must be submitted no later than the date of the uncontested hearing.

6. In all actions designated on the contested track, Forms 1402A, 1402B or 1402E must be submitted no later than the date of the case management conference.

Adopted 1/23/04  
Effective 2/23/04

#### **68.4.1 - Standard Discovery for Use in contested Domestic Actions**

1. In all actions for Dissolution of Marriage or Legal Separation, the court en banc approved standard sets of opening Interrogatories (Form 1402D) and Document Request (Form 1402F) shall be first used and automatically answered by both parties unless both parties stipulate in writing the case is not contested.

a. Within sixty (60) days of the date of service of the Petition, each party shall serve a copy of the answers to the Form 1402D Interrogatories and provide a response to the Form 1402F Document Request with the documents to the other party and a certificate of service to the court without either party being required to have actually served a copy of said Interrogatories or Document Request on the other party. The original Interrogatory Answers and original written Response to the Request for Production of Documents shall be maintained by the party.

2. In all Motions to Modify Child Support, Alimony and Maintenance, the court en banc approved standard sets of opening Interrogatories (Form 1402E) and Document Request (Form 1402G) shall be first used and automatically answered by each party and served on the other party unless both parties stipulate in writing the case is not contested.

a. Within sixty (60) days of the date of service of the Motion, each party shall serve a copy of the answers to the Form 1402E Interrogatories and provide a response to the Form 1402G Document Request with the documents to the other party and file a certificate of mailing with the court without either party being required to have actually served a copy of said

interrogatories or document request on the other. The original Interrogatory Answers and original written Response to the Request for Production of Documents shall be maintained by the party.

3. In all actions for Dissolution of Marriage and Legal Separation, each party shall (unless both parties stipulate in writing that the case is not contested) within sixty (60) days of the date of service of the Petition execute and serve on the other party:

a. An original Authorization to Release Employee Benefits to the other party and that party's attorney (Form 1402H) directed to each current employer and to each former employer from whom the party is entitled to receive any employment or retirement benefits; and

b. An original Authorization to Disclose Financial Institution Records to that party and the party's attorney (Form 1402I) to each financial institution at which the party has maintained an account within the last 24 months or at which the party has an outstanding loan balance.

4. All standard discovery must be completed by the date of the case management conference.

5. All information requested in the above interrogatories and document requests shall be updated within 15 days prior to trial if any changes occur prior to the trial date except significant changes such as employment, income or expert witnesses which should be updated immediately.

6. Failure to timely comply with this rule shall at the discretion of the judge result in sanctions including but not limited to the noncompliant party being prevented from presenting affirmative evidence as to the matters inquired into in the interrogatories, document requests and releases.

Adopted 1/23/04 Effective 2/23/04

#### **68.4.2 - Preparation and Filing of Property Ledger**

A property ledger (Form 1402J) shall be completed in all contested dissolution of marriage cases. The property ledger shall include all property and debts, present values, present possession, and requested disposition as set forth by each party. Petitioner shall prepare the ledger in even numbered cases, and Respondent shall complete the ledger in odd numbered cases. The ledger shall be prepared and sent to the other party no later than 10 business days before trial, and the non-preparing party shall supplement the ledger if necessary and return to the preparing party no later than three business days before trial. The ledger shall be submitted to the Court at the commencement of trial, and shall not be electronically filed. The parties may opt out of this requirement only if counsel



file notice to the Court confirming that there has been a resolution of all property and debt issues.

Adopted 11/18/16  
Effective 12/16/16

**68.5 - Modification of Decree**  
REPEALED

Adopted 11/18/16  
Effective 12/16/16

**68.6 - Decrees Affecting Real Estate**  
REPEALED

Adopted 11/18/16  
Effective 12/16/16

**68.7 - Certificate of Dissolution of Marriage**

No petition for dissolution of marriage, legal separation or declaration of invalidity of marriage will be accepted for filing unless it is accompanied by the original and one copy of the Missouri Division of Health Certificate of Dissolution of Marriage. The form shall be prepared by petitioner in full, with the exceptions of provisions 15, 17, 18, 19, 22 and 23. No Petition for Dissolution of Marriage, Legal Separation, or Declaration of Invalidity of Marriage may be docketed for hearing for final determination unless and until all other numbered paragraphs and sub-paragraphs of the original and copy of the Certificate of Dissolution of Marriage are completed in full. Upon termination of the proceedings, the prevailing party shall be responsible for completing provisions 15, 17, 18, and 19.

6/23/89  
(Effective 7/23/89)

**68.8 - Contested Domestic Relations Settings**  
REPEALED

Adopted 11/18/16  
Effective 12/16/16

**68.9 - Income Withholding**

1. This paragraph applies to child support or maintenance orders which require income withholding to be initiated on the effective date of the order. In such cases, the Department of Civil Records will send a Notice to Withhold Income to

the employer or other payor, without application of any party, when the following conditions are met:

- (a) Circuit Court Form 1418, entitled "Notice to Withhold Income," shall be prepared by the person entitled to support under the order, and filed with the Department of Civil Records, and
- (b) In any action in which the Court enters an order that maintenance or support be made to the Court Administrator as trustee, Circuit Court Form 1408 must be completed, as required by Circuit Court Rule 100.5.1.1, or
- (c) In IV-D cases, written notice is given to the Department of Civil Records by Circuit Court Form 1408 or letter directed to the Supervisor of the Domestic Relations Financial Section, Department of Civil Records, of the following: (1) Jackson County Circuit Court case number, (2) identification of case as IV-D case, (3) name and address of obligor's employer, (4) amount of arrearage due, and (5) date order entered or modified.

2. This paragraph applies to orders entered or modified in IV-D cases and to orders for child support or maintenance entered or modified by the Court on or after January 1, 1994, in which the income of the obligor is not to be withheld as of the effective date of the support order. In such cases, on the date the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation, such obligor's income becomes subject to withholding without further exception. Upon application by the obligee or the division of child support enforcement on Circuit Court Form 1469, the Department of Civil Records will mail a Notice to Withhold Income to the obligor's employer listed on the application.

3. This paragraph applies to orders for child support or maintenance entered or modified by the Court prior to December 31, 1993 and to orders entered or modified in IV-D cases prior to November 1, 1990. In such cases, upon application by the obligee on Circuit Court Form 1469, the Department of Civil Records will mail a Notice to Withhold Income to the obligor's employer if the provisions required under prior section 452.350 R.S.Mo. 1986 are included in the decree or order. If the provisions required under prior section 452.350 R.S.Mo. 1986 are not included in the decree or order, the following conditions must first be met:

- (a) The Department of Civil Records shall mail advisory notices to the obligor and obligee, as required by section 452.345 R.S.Mo., at least fifteen (15) days prior to mailing the Notice to Withhold Income, upon application of the obligee on Circuit Court Form 1469, or as required when the Court Administrator is trustee, and

(b) The obligee applies, on Circuit Court Form 1469, for an income withholding after the expiration of fifteen (15) days from the date of mailing the foregoing advisory notices.

4. The fee deposit required for certified mailing, set forth in Circuit Court Rule 5.1, must be paid prior to the mailing of a notice of income withholding to the employer, except in those cases brought by the Missouri division of child support enforcement, or any attorney bringing action pursuant to a referral by the Missouri division of child support enforcement.

Adopted 9/24/93  
(Effective 1/1/94)

**68.10 - Notice of Lien**  
REPEALED

Adopted 11/18/16  
Effective 12/16/16

**68.11 - Filing of Child Support Worksheet**  
REPEALED

Adopted 11/18/16  
Effective 12/16/16

**68.12 - Mediation of Contested Issues in Domestic Relations and Paternity cases**

1. In an effort to encourage the resolution of all contested issues in domestic relations and paternity cases, the Court establishes the requirement that parties use mediation as a means of resolving these issues. The Court may order mediation of any contested issue, including, but not limited to, child custody, parenting time, parenting plans, child support, maintenance, and property division in domestic relations cases, and custody and child support in paternity cases at any time, upon the motion of a party or the Court's own motion.

2. All matters covered by Chapter 452, and non-prosecutor initiated paternity actions brought pursuant to chapter 210 which involve issues of custody and child support, are subject to this rule and S. Ct. Rule 88.02 - 88.08. This rule may be complied with in one of two ways:

- a. The parties may jointly and voluntarily select any mediator qualified under S. Ct. Rule 88.05 and thereafter undertake mediation.
- b. If the parties cannot jointly and voluntarily select a mediator and voluntarily participate in mediation, the Court may select a mediator either from the court mediator panel or a mediator qualified under S. Ct. Rule 88.05, and order the parties to participate.

3. All adult parties to any proceeding governed by this rule shall participate in a minimum of two hours of mediation, unless waived by court order upon a showing of good cause.

#### Voluntary Mediation

4. The mediator selected by the parties for voluntary mediation shall, at a minimum, have those qualifications set forth in S. Ct. Rule 88.05.

5. To assist in the selection of a mediator chosen by the parties, the Director of Family Court Resource Services will maintain a list of persons qualified under S. Ct. Rule 88.05 who wish to act as mediators under this rule. This list shall constitute the court maintained master list of mediators referred to in S. Ct. Rule 88.05 (b). The court-maintained list shall indicate the name, office address, mailing address, telephone number, e-mail address, qualifications and current hourly rates of each mediator listed. The list shall be updated as the Director of Family Court Resource Services deems appropriate. The Family Court Committee may establish a fee scale for appointments from the court-maintained list of mediators, including a sliding fee scale.

#### Court-Ordered Mediation

6. In the event that the parties have not voluntarily engaged in two hours of mediation or have not selected a mediator prior to the first case management conference, the Court may appoint a mediator from either the court maintained master list of mediators or any other person qualified under S. Ct. Rule 88.05.

7. Upon receipt of an order appointing a mediator to conduct mediation, the parties may file, within five business days, notification of voluntary compliance setting forth their intent to voluntarily mediate under a S.Ct. Rule 88.05 qualified mediator within 30 days of the date of the notification. Receipt of such notification will serve to set aside the appointment of a mediator and the order to mediate. A party may, for good cause shown, file a motion to extend the time to waive mediation, select their own mediator or extend the time for compliance with this rule.

8. At any time, following assignment of a mediator, a party may file a written application to disqualify the mediator for cause. A service copy of the application and a notice of the time when it will be presented to the Court must be provided to all interested parties. Within 10 days of the application being filed, any adverse party may file a denial of the cause or causes alleged in the application. If a denial is filed, the Court may hear evidence and determine the issues. If the Court finds in the applicant's favor or no denial is filed, reassignment of a mediator shall be done in accordance with the procedures for appointment of a mediator as set out under this rule.

9. If a mediator is disqualified from mediating a case, an order shall be entered setting forth the name of a new mediator. Nothing in this provision shall limit the discretion of a mediator to refuse any assignment.

10. The Court believes that confidentiality is the essence of mediation and integral to the process. The mediator, the parties and their counsel shall at all times act in accordance with S. Ct. Rule 88.08. The mediator has a duty to be impartial and to advise all parties of any circumstances bearing on bias, prejudice or impartiality, including any past or present relationships with either party or persons related to them.

11. The mediator shall emphasize to the parties that any mediation beyond the initial two-hour session shall only proceed by the mutual agreement of both parties and the mediator. After the completion of two hours of mediation, the mediator or either party can request at any time, without prejudice, that mediation cease.

#### 12. Confidentiality and Settlement

a. Mediation proceedings shall be regarded as settlement proceedings. With the exception of information released pursuant to S. Ct. Rule 88.06(a)(6), any communication relating to the subject matter of such disputes made during the mediation by any participant, mediator, or other person present at the mediation shall be a confidential communication. No admission, representation, statement, or other confidential communication made in setting up or conducting a mediation shall be admissible as evidence or subject to discovery except that no fact independently discoverable shall be immune from discovery by virtue of having been disclosed in such confidential communication.

b. No person who serves as a mediator, nor any agent or employee of that person, shall be subpoenaed or otherwise compelled to disclose any matter disclosed in the process of setting up or conducting the mediation.

c. All mediations shall be non-binding unless the parties enter into a written agreement as provided in S. Ct. Rule 88.08(d). A written agreement shall be binding to the extent not prohibited by law.

d. Settlement shall be by a written document setting out the essential terms of the agreement executed after the mediation's termination.

e. An individual or organization providing mediation services pursuant to S. Ct. Rule 88, or any agent or employee of the individual or organization, may be called in an action to enforce the written settlement agreement reached following the mediation conclusion for the limited purpose of describing events following the mediation's conclusion.

13. Subject to the parameters set forth in S. Ct. Rule 88.06 through 88.08, the mediator shall at all times be in control of the mediation and the procedures to be followed in the mediation. With the consent of all parties and in the discretion of the mediator, counsel for each party, and a guardian ad litem, may attend the mediation conference and actively participate in the mediation process. Counsel for each party shall at any time be permitted to privately communicate with their client concerning the mediation process.

14. Where the parties cannot agree upon the method or allocation of the mediator's payment, the Court retains the authority to determine a final, equitable allocation of the costs of the mediation process. If a party fails to pay for the mediator, the Court may, upon motion, issue an order for the payment of such costs and impose appropriate sanctions. If a party is determined indigent by the Court and free or low-cost mediation services are not available, the Court may waive the mediation requirement, and the case shall proceed otherwise.

15. If either party fails to appear for any court ordered mediation session without reasonable notice, the Court may, on motion, or by request of the mediator, award attorney's fees and/or costs or mediator fees and/or costs or impose any other appropriate sanction provided by law.

Effective 06/01/22  
Adopted 05/27/22

#### **68.13 - Education and Awareness Program**

1. The court finds that dissolution, post-dissolution, and paternity proceedings may have a detrimental effect on the emotional well-being of children.
2. The court believes that participation in an awareness program by the parties to dissolution, post-dissolution, and paternity proceedings and their children will assist them in identifying such effects and thereby benefit the parties and more particularly their children.
3. In all cases which have matters involving custody and/or visitation, all parties shall be required to attend the awareness program, except for good cause shown.
4. The petitioner/movant, respondent, and any child/children between the ages of 5 and 17 inclusive that are the subject of the action shall attend said program within forty-five (45) days of the date of service of process. The custodial parent shall ensure the attendance of any child/children.
5. The awareness program will be held several times per month. Each party shall be required to schedule their attendance at this program and to file with the Department of Judicial Records/Domestic Relations Section a certificate of completion (Circuit Court Form 16).

6. If either party fails to attend the awareness program, the court may, on motion, award attorney's fee and/or costs or impose any other appropriate sanction provided by law.

7. In all actions designated on the contested track, the awareness program must be completed no later than the date of the case management conference.

8. In all actions designated on the uncontested track, the awareness program must be completed no later than the date of the uncontested hearing.

Adopted 1/23/04  
Effective 2/23/04

#### **68.14 - Responsibility for Providing Family Court Information**

1. Information regarding this Court's mediation and education programs as set forth in Circuit Court Rules 68.12 and 68.13 shall be provided to the parties as follows:

a. A notice summarizing the requirements of Rules 68.12 and 68.13 shall be attached by the Court Administrator's Office to each summons issued in a dissolution, post-dissolution, or other proceeding in which custody or visitation is an issue, for service on the responding party.

b. The Court Administrator's Office shall provide a copy of such notice summarizing the requirements of Rules 68.12 and 68.13 to each person filing a dissolution, post-dissolution, or other proceeding in which custody or visitation is an issue, pro se.

c. An attorney representing a party who files the initiating pleading in a dissolution, post-dissolution, or other proceeding in which custody or visitation is an issue shall provide such notice summarizing the requirements of Rules 68.12 and 68.13 to his or her client, prior to the filing of the initial pleading.

d. In such actions in which service of process is waived or accepted by an attorney on behalf of a party, the attorney for the party shall provide such notice summarizing the requirements of Rules 68.12 and 68.13 to his or her client, no later than the date on which the responsive pleading is due.

Adopted 9/16/94  
Effective 10/3/94

#### **Form 16 - Certificate of Attendance**

REPEALED

Adopted 11/18/16  
Effective 12/16/16

**Form 1473 - Calculation of Presumed Child Support Worksheet**  
REPEALED

Adopted 11/18/16  
Effective 12/16/16

**Form 1402A - Statement of Marital and Non-Marital Assets and Debts**

Form 1402A - Statement of Marital and Non-Marital Assets and Debts is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402B - Income and Expense Statement**

Income and Expense Statement - Form 1402B is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402C - Standard Modification Interrogatories**

Form 1402C - Standard Modification Interrogatories is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402D - Standard Dissolution Interrogatories**

Form 1402D - Standard Dissolution Interrogatories is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402E - Modification Statement of Assets and Debts**

Form 1402E - Modification Statement of Assets and Debts available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402F - Standard Dissolution Request for Production of Documents and Things**

Form 1402F - Standard Dissolution Request for Production of Documents and Things is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402G - Standard Modification Request for Production of Documents and Things**

Form 1402G - Standard Modification Request for Production of Documents and Things is available in both [Microsoft Word format](#) and [Adobe PDF format](#)



**Form 1402H - Authorization to Release Employee Benefit Information**

Form 1402H - Authorization to Release Employee Benefit Information is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 1402I - Authorization to Disclose Financial Records**

[Form 1402I](#)

**Form 1402J - Property Ledger Grid**

[Form 1402J](#)

**Form 1469 - Application for Income Withholding**

[Form 1469](#)

**Form 1499 - Affidavit of Petitioner/Respondent Requesting Dissolution of Marriage Pursuant to Rule 68.3.1**

Affidavit of Petitioner/Respondent Requesting Dissolution of Marriage Pursuant to Rule 68.3.1 – Form 1499 is available in both [Microsoft Word format](#) and [Adobe PDF format](#)

**Form 15 - Petitioner's/Respondent's Response to Rule 68.12 Notification of Child Custody and Related Parenting Issues**

[Form 15](#)

**Form 17 - Family Court Information Sheet**

Form 17 is available in both [Microsoft Word format](#) and [Adobe Acrobat format](#)

**Form 6804A - Notice of Intent to File Application for Pendente Lite Orders**

[Form 6804A](#)

**Form 6804B - Application for Pendente Lite Orders RE Child Support, Maintenance, Attorney Fees and Costs**

[Form 6804B](#)

**Form 6804C - Certificate of Mailing**

[Form 6804C](#)

**Form 6804D - Asset Statement in Support of Application for Pendente Lite Order**

[Form 6804D](#)

**Form 6804E - Suggestions and Affidavit in Support of Application for Pendente Lite Orders**

[Form 6804E](#)

**Form 6804F - Suggestions and Affidavit in Opposition to Application for Pendente Lite Orders**

[Form 6804F](#)

**Form 6804G - Judgment of Temporary Child Support, Temporary Maintenance/Temporary Attorney Fees and Temporary Costs**

[Form 6804G](#)

**Form 6804H - Request for Oral Hearing on Pendente Lite Orders**

[Form 6804H](#)

**Form 6804I - Order Appointing Special Master Concerning Pendente Lite Orders**

[Form 6804I](#)

**Form 6804J - Master's Report**

[Form 6804J](#)

**Form 6804K - Judgment Regarding Oral Hearing to Review Pendente Lite Orders**

[Form 6804K](#)

**Notice of Intent to Request Dissolution of Marriage/Paternity/Motion to Modify Judgment by Affidavit**

[Notice](#)

**Form 1407 - Request to File Copy of Decree of Dissolution of Marriage**  
**REPEALED**

Adopted 11/18/16  
Effective 12/16/16

**Rule 69 - Municipal Divisions**

**69.1 - Purpose**

The purpose of these rules is to establish a "general" set of local circuit court rules applicable to all municipal divisions in the 16th Judicial Circuit. Municipal divisions may adopt such additional local rules consistent with these rules and Rule 37 of the Supreme Court Rules necessary for the efficient operation of the individual municipal divisions.

**69.1 - Revised - Effective Date 9/13/19 - Operation of Municipal Divisions**

**Part I – Courtroom, Clerk’s Office, Records, Separation of Powers**

**A. Courtroom – Physical Requirements**

1. All courtrooms shall be suitable for all court attendees and meet due process requirements. § 479.060.1 RSMo.
2. All courtrooms shall be open to the public of all ages and large enough to reasonably accommodate the public, parties, and attorneys—unless the court orders otherwise in a particular circumstance for good cause shown.
3. The court facility’s exterior and interior signage, design, functionality, and other factors shall convey an appearance to the public that it is a separate and independent branch of government.
4. The violation bureau schedule of fines and costs shall be prominently posted at the place where fines are to be paid. Rule 37.49(d).
5. The courtroom facility shall be sufficient for the purpose of a courtroom. The facility chosen for court shall take into consideration the safety and comfort of the public, parties, and lawyers. The facility chosen shall uphold the integrity and independence of the judiciary as a separate branch of government.

6. Members of the public and the news media have access to open municipal division records in accordance with Court Operating Rules (COR) 2 and 4 and other relevant law.

#### B. Clerk's Office – General

1. The municipal division shall have a functional clerk's office that organizes and preserves the judicial records of the court in a prudent and organized manner and in compliance with applicable laws and Supreme Court Rules. Rule 37.04 Appendix B.

2. The court shall have a municipal court clerk available at least 30 hours per week during regular business hours and court sessions to whom the person can pay fines and from whom the person can obtain information about charges, payments, and court operations pursuant to Missouri Supreme Court Rule 37.04 Minimum Operating Standard #8. The clerk should be available in person during these hours in an office open and accessible to the public and may perform other functions for the municipality that do not constitute an actual or apparent conflict with the impartial performance of judicial duties. In the event the court does not have sufficient staff to have a clerk available for all of the 30 hours in person, the clerk may instead be made available for up to 15 of the 30 hours to provide information about charges, payments, and court operations through live communication by telephone, email, or other means of electronic communication.

#### C. Open Records, Recordkeeping

Each municipal court shall:

1. Maintain complete and accurate records of court proceedings, including warrants outstanding, bonds posted, case files, and dispositions.

2. Ensure proper documentation of dispositions in all cases on the court dockets or backer sheets and ensure that all court dockets or backer sheets are signed by the municipal judge—if required by law.

3. Ensure that information signed by the prosecuting attorney is filed for each ordinance violation to be prosecuted. In addition, the court shall ensure that the prosecuting attorney signs all tickets and reviews and approves all amended and dismissed tickets.

4. Document proper disposition of cases in manual and electronic records and ensure that sufficient documentation is maintained to support all case actions.
5. Maintain procedures to generate monthly reports of court activity. The court shall submit these reports timely to OSCA and to the city in accordance with state law, COR 4.28, COR 4.29, and § 479.080.3 RSMo.
6. Maintain regular computer data backup procedures and ensure such data is stored in a secure off-site location and also test its recovery on a regular, predefined basis.
7. Ensure unique user identifications and passwords are required for each employee. Ensure passwords are confidential and periodically changed. Ensure user access is periodically reviewed and unnecessary access, including that of terminated users, is timely removed. Review user access to data and other information resources to ensure access rights are commensurate with current user job responsibilities.
8. Segregate accounting duties to the extent possible. If not possible to segregate duties, the court shall ensure that documented periodic independent or supervisory reviews of court records are performed.
9. Maintain accurate records to account for all payments received and deposited, that receipts are posted accurately and timely, that the method for payment is indicated on all receipts, and that all checks and money orders are endorsed immediately upon receipt. If manual receipts are used, the court shall ensure that manual receipt slips are timely entered in the computerized system and the numerical sequence of manual receipt slips is accounted for properly. The court shall ensure that voided transactions are properly documented and approved.
10. Perform reconciliation of the composition of receipts to the composition of deposits and deposit all monies intact and timely.
11. Perform monthly bank reconciliations, resolve reconciling items, and make timely appropriate documented adjustments to accounting records.

12. Prepare monthly lists of liabilities and reconcile the lists to the bank account and/or city fund balance, and promptly investigate and resolve differences. The court shall establish procedures to review the status of liabilities to determine the appropriate disposition of funds held.

13. Develop procedures to ensure the monthly distributions are properly calculated and disbursed timely.

14. Establish procedures to routinely generate and review the accrued costs list for accuracy and properly follow up on all amounts due.

15. Obtain signed payment plans from all defendants granted such plans. Ensure that payment plans are incorporated in the case management system in accordance with court operating rules where applicable.

16. Notify the circuit clerk of the court's existence. § 479.030.1 RSMo.

17. Provide sufficient non-judicial personnel to ensure proper functioning of the court. § 479.060.1 RSMo.

18. Ensure all fines and costs collected shall be paid into the municipality's treasury at least monthly. § 479.080.1 RSMo.

19. Provide a monthly list of cases with required detail within 10 days of the end of each month to the municipality.

20. Adopt a written policy for reporting intoxication-related offenses to the central repository and provide the same policy to OSCA and the highway patrol. The municipal court may use §§ 479.172.1, 479.172.2 RSMo and Court Operating Rule 4 for this purpose.

21. Provide a semiannual disposition report of intoxication-related traffic offenses to the circuit court en banc. § 479.172.3 RSMo.

22. Maintain adequate documentation to support all adjustment transactions and ensure documentation and performance of an independent review and approval.

23. Maintain a change fund at an established amount and periodically count and reconcile the monies on hand to the authorized balance.

24. Maintain bond coverage for all personnel with access to municipal division monies.

25. Ensure all bond receipts are intact and recorded and deposited timely.

26. Develop procedures and maintain records to identify applicable violations and the associated fines and court cost revenues for purposes of the revenue calculations required by § 479.359 RSMo et seq., and provide this information to the city.

27. Maintain physical custody of records until destruction is authorized. Each municipality shall maintain custody of municipal court records even if court operations are transferred to the circuit court.

#### B. Separation of Powers

Each court shall comply with the following requirements:

1. In the performance of court-related functions, administrators, clerks of court, and other non-judicial personnel shall work solely under the direction and supervision of the municipal judge, the circuit clerk, or another officer of the judicial branch as to the work performed and the manner in which it is to be done.

2. Clerks and other non-judicial personnel shall not perform any functions that could constitute an actual or apparent conflict of interest with the impartial performance of their duties.

3. Judges, clerks of court, and other non-judicial personnel shall not be subject to informal pressure, formal discipline, termination, or threats of non-retention or non-reappointment at the conclusion of a term by officers and administrators of the municipal government resulting from the performance of judicial duties in a manner that upholds the independence of the judiciary.

4. Judges, clerks of court, and other non-judicial personnel shall not be subject to informal pressure, formal discipline, termination, or threats of non-retention or non-

reappointment at the conclusion of a term of office by officers and administrators of the municipal government that are designed to encourage or require the court to operate in such a way to maximize the municipal revenues derived from municipal division operations or to meet specified revenue targets without regard to whether such goals or targets are communicated formally or informally to court personnel.

## Part II – General Courtroom Procedures

### A. Rights of Defendants

Each court shall comply with the following requirements:

1. Establish standardized procedures to assure that defendants are given advice of rights pursuant to Rules 37.47, 37.48, 37.50, and 37.58.
2. Provide a “Notice of Rights” in a form approved by—or substantially similar to that approved by—the Supreme Court to all defendants. This notice of rights shall be displayed prominently wherever the clerk of the court transacts business with the public and in the facility where court proceedings are held. This notice of rights shall be made available as a handout for those appearing before the court and is displayed on each public information website operated by the court or on behalf of the court.
3. Ensure announcements by the judge intended for the benefit of all present are made in such a manner that they can be heard throughout the courtroom or are communicated adequately in other ways. Such announcements shall also be communicated to those waiting outside the courtroom or otherwise made available to them when they come into the courtroom.
4. Utilize a written “Waiver of Counsel” form substantially in the form set out in Form 37.C. Rule 37.58(d).

### B. Other General Rules

Each court shall comply with the following requirements:

1. Provide a schedule of fines and costs to the accused under Rule 37.33(b).



2. Process only authorized charges and not impose any additional charges for failure to appear.
3. Ensure any violation bureau established by the court processes only those violations authorized under Rule 37.49(c).
4. Ensure no additional charges shall be issued for failure to appear for a minor traffic offense.

### Part III – Arraignment, Pleas, Financial Condition Inquiries, Indigency, Payment Plan, Online Payment

#### A. Fines, Costs, Surcharges, Indigency

Each court shall comply with the following requirements:

1. Fines and costs assessed on minor traffic violations (MTV) as set forth in § 479.353.1(a) RSMo shall not exceed \$225.00. Fines and costs assessed on “municipal ordinance violations” as defined in § 479.350.4 RSMo shall not exceed the mandatory maximum schedule of § 479.353.1(b) RSMo. Other ordinance violations shall not exceed the maximum amount authorized by state law and/or city codes.
2. Only court costs authorized by statute—including fees, miscellaneous charges, and surcharges as defined in § 488.010 RSMo—shall be assessed. The OSCA bench card on municipal court costs shall be used as a reference. §§ 479.260.1, 479.360.5, and 488.012 RSMo; COR 21.01.
3. “Dismissal on Payment of Costs” (DPC) shall not be permitted. § 479.353.5 RSMo, COR 21.01(c).
4. Court costs shall not be assessed against indigent defendants. § 479.353.4-5 RSMo.
5. No fee shall be assessed to the defendant for the use of community service in compliance with the requirements of § 479.360.1 RSMo.

#### B. Defendant’s Right to Present Evidence of Inability to Pay

Each court shall comply with the following requirements:

1. Procedures shall be established for the judge to inquire of defendants and allow them to present evidence about their financial condition in order to assess the ability the

defendant to pay and establishing payment requirements. Appendix D. The court shall ensure the indigency form provided by the Missouri Supreme Court is used in the determination of indigency. See Supreme Court Model Local Rule 69.01.

2 Ensure procedures are in place whereby defendants may pay fines and costs within a specified period of time or make installment payments. Rule 37.65(b)(1)-(2).

#### C. Alternative Payment, Community Service, Probation, Payment Plans

Each court shall comply with the following requirements:

1. Alternative payment plans shall be available for utilization. Rule 37.65(b)(1)-(2).
2. The granting of probation shall not be conditioned upon the payment of anything other than authorized fees. Probation shall not be denied because of the inability of the defendant to pay authorized probation fees and surcharges.
3. Any probation fees assessed shall be in compliance with §§ 549.525.2, 559.604, and 559.607 RSMo—including consideration of factors exempting a probationer from part or all of the standard monthly probation fee of \$30.00 to \$50.00 per month. The court shall advise offenders of the right to request individualized consideration of exemption from paying probation fees and surcharges under these statutes.

#### D. Online Payment

Each court shall comply with the following requirements:

1. Ensure procedures exist to allow payments online. The court shall make available to the defendant free online access to information about his or her pending cases, outstanding warrants, and scheduled court dockets;

OR

2. Actively pursue court automation to achieve compliance with allowing payments online and making available to the defendant free online access to information about his or her pending cases, outstanding warrants, and scheduled court dockets.

#### E. Trial De Novo, Jury Trial, Change of Judge

Each Court shall comply with the following requirements:

1. The judge shall follow rules cutting or limiting his or her authority to act in a case if the defendant files a motion to disqualify, motion for jury trial, or motion for trial de novo.
2. All notices of application for trial de novo shall be filed in writing with the municipal division within 10 days after the date of judgment. If no application for the trial de novo is filed with the municipal division within 10 days of the judgment, the right to trial de novo shall be deemed waived and the municipal division shall execute the judgment and sentence.
3. If a defendant files an application for trial de novo, the fee for trial de novo shall be \$30.00 and shall be deposited with the municipal division. When an application for trial de novo is made without the deposit of the trial de novo fee, the defendant shall also complete and file a Statement of Financial Condition in the form provided by the Missouri Supreme Court in Model Local Rule 69.01. The judge assigned to hear the trial de novo shall be bound by the procedures established in Model Local Rule 69.01, Part III, Sections A, B, and C.
4. When a trial de novo request has been filed, the court shall certify the file to the circuit court within 15 days. The court shall ensure that when a case record is certified to the circuit court upon filing of a request for trial de novo—including all funds received in connection with the case, any bonds, and the record—shall be transferred within 15 days.
5. If the defendant requests a jury trial, the case shall be transferred to the circuit court.
6. Once a case has been certified or transferred to circuit court, the court shall not act on that case unless and until the case is remanded to that court.
7. Upon successful change of judge request and recusals, the procedural requirements of Rule 37.53(d) and § 479.230 RSMo shall be followed.

8. While hearing a trial de novo, the Court shall be bound by Part III, Sections A, B, and C as set out above.

#### Part IV – Defendants in Custody, Bonds, Warrants, and Sentencing

##### A. Defendants in Custody

Each court shall comply with the following requirements:

1. Procedures shall exist to prevent defendants from being held longer than 48 hours on minor traffic violations and 72 hours on other violations without being heard by a judge in person, by telephone, or via videoconferencing.
2. The court shall make reasonable efforts to communicate to local law enforcement the 24-hour rule: “Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest.” § 544.170.1 RSMo.
3. Confinement may, after compliance with Rule 37.65, be utilized if the defendant is found in contempt of court for nonpayment of fines and costs.
4. There shall be a duty judge available at all times to rule promptly upon warrants, bail and conditions of pretrial release, and other matters, without undue delay.

##### B. Bond Schedules

Each court shall comply with the following requirements:

1. The municipal division shall ensure bond schedules be utilized only for persons arrested without a warrant and held no longer than 24 hours pursuant to § 479.360.1(2), 544.170.1 RSMo, and Rule 37.17.

##### C. Warrants

Each court shall comply with the following requirements:

1. Warrants shall be issued only upon a finding that reasonable grounds exist to believe that the defendant will not appear upon a summons or that the accused poses a danger to a crime victim, the community, or any other person. Rule 37.43(b).
2. All warrants shall be signed only by judges except for specific exceptions in which a clerk may sign the warrant. Rule 37.45(b)(6).

3. When a case is dismissed by the prosecuting attorney or otherwise resolved, or when the circumstances that justified issuance of a warrant no longer exist, the judge shall recall and cancel any outstanding warrants in that case as soon as practicable.

4. The recall and cancellation of outstanding warrants shall be communicated to law enforcement by the clerk without delay.

5. Due process procedures of Rule 37.65 shall be strictly followed before confining defendants for failure to pay fines and costs. § 479.353.3 RSMo.

#### D. Sentencing

Each court shall comply with the following requirements:

1. No person shall be sentenced to confinement on “minor traffic violations” or “municipal ordinance violations” with the exception of violations involving alcohol or controlled substances; endangering the health or welfare of others; or eluding or giving false information to a law enforcement officer. § 479.353.2 RSMo.

### Part V – Judges’ Qualifications, Regulations, and Duties

#### A. Qualifications

Each court shall comply with the following requirements:

1. All judges serving in a court municipality—whether full-time, part-time, substitute, or provisional—shall be selected pursuant to the municipality’s ordinance or charter before serving. § 479.020.1 RSMo.

2. A judge may serve as a judge in no more than five municipalities. § 479.020.9 RSMo.

3. A judge shall not be more than 75 years of age. § 479.020.7 RSMo.

4. All lawyer judges shall obtain the following required training and continuing education; and provide documentation to the presiding circuit judge showing completion of:

a. Orientation course completed within 12 months after beginning service. Rule 18.05(d).

- b. Five hours of judicial CLE completed annually. Rule 18.05(a).
- c. Two hours of judicial ethics CLE completed annually. Rule 18.05(a).
- d. CLE compliance form is submitted to the circuit court presiding judge.
- e. If substitute/provisional judges preside, names and CLE compliance form have been provided to the circuit court presiding judge.
- f. Instruction on laws related to intoxication-related traffic offenses. § 479.172.1 RSMo.

#### B. Duties of Judge, Generally

Each court shall comply with the following requirements:

- 1. The court shall have a mechanism in place to check for judicial conflicts prohibited by Rule 37.53(b)(2) to allow the judge to recuse himself or herself in all instances when required to do so by this rule.
- 2. If holding administrative hearings, the court shall be authorized by law to do so. § 479.011.1 RSMo.

#### C. Compliance with Minimum Standards

- 1. By September 1 of each year, each judge of a municipal court shall certify to the presiding judge of his or her compliance with MOS by completing the Minimum Operating Standards Form and submitting it along with qualifying CLE credits to the presiding judge.

ADOPTED 12/21/90  
REVISED 7/19/19  
EFFECTIVE 9/13/19

### **69.2 Revised - Effective Date 9/13/19 - Registration of Municipal Judges**

Each municipal judge shall, within 30 days of his or her appointment to office, register with the Director of Judicial Administration at the Circuit Court and shall set forth his or her full name, address, telephone number, term of office, and name of the municipality.

ADOPTED 12/21/90  
REVISED 7/19/19  
EFFECTIVE 9/13/19

## **69.2 - Violations Bureaus**

### **1.1 - GENERAL VIOLATIONS BUREAU MAY BE ESTABLISHED**

A general and/or a traffic violations bureau may be established by each Municipal division to accept appearances of parties charged with ordinance violations in designated cases of "traffic" and general ordinance violations where guilty pleas may be received on waiver of trial and payment of designated fines and costs. The Municipal Court's Administrator/Clerk is hereby designated violations clerk of such Violations Bureaus, and it shall be the violations clerk's function to cause to be processed therein such designated ordinance violation charges in accordance with the schedule of fines and costs established by the Municipal Court. In addition, the violations clerk shall perform the following duties:

- (1) Receive, and issue receipts for, bail from persons who must or wish to be heard in court and enter the time of their appearance.
- (2) Keep records which shall contain all pertinent data relative to the original procedure and ultimate disposition of each case and make such reports as may be required by the Municipal Court.
  - (a) Any person charged with a payable ordinance violation at the Violations Bureau may appear in person or by attorney or by any member of his immediate family before the violations clerk and pay the fine established for the ordinance violation charged and costs. In the alternative, the fine and costs may be paid by mail.

ADOPTED 12/21/90

## **69.3 - Qualifications of Sureties**

All sureties posting bonds in municipal divisions shall be approved by the presiding judge.

Adopted 5/19/06  
Effective 6/19/06

## **69.3 - Revised - Effective Date 9/13/19 - Jury Trials - Municipal Division**

1. Where authorized by law, the defendant may demand trial by jury.
2. All demands for trial by jury shall be in writing, and shall be filed with the municipal division in accordance with Missouri Supreme Court Rules.

3. Within 15 days after a demand for trial by jury is granted, the municipal judge shall cause all original papers filed in the case, including any bail or appearance bonds and any cash or other property given as security upon any such bond to be filed with the clerk of the Circuit Court.

4. Upon receipt of the original papers by the clerk of the Circuit Court, the clerk shall open a file and assign the case a uniform number.

5. In any case, the Circuit Court may assess costs and fees as provided by law against the defendant—including, but not limited to: jury fees, clerk fees, service fees, and witness fees.

6. The costs, fees, and any fine assessed may be collected in any action allowed by law, and shall be paid into the registry of the Circuit Court. After collection, the clerk of the Circuit Court shall disburse the monies collected to the municipal division and other recipients according to applicable statutes.

ADOPTED 12/21/90  
REVISED 7/19/19  
EFFECTIVE 9/13/19

## **69.4 - Attorneys**

### **1.2 - ENTRIES OF APPEARANCE**

Any attorney retained in behalf of a defendant to appear in court on any case pending, shall promptly file either a written entry of appearance on the form approved, adopted, and furnished by the Municipal Court or an appropriate letter so advising the court. Entry of counsel after trial setting shall not be grounds for delay of trial, except for cause shown.

(1) Non-resident attorneys in good standing in their state of residence, not licensed to practice law in this state, may be recognized as attorneys by the municipal judge and may be allowed to participate in a particular case, but only if such attorney first associate with a local attorney authorized to practice law in this state, who shall file an entry of appearance for the particular defendant.

### **4.2 - FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL**

When a defendant appears at his scheduled court hearing, but his attorney of record, absent prior written notice to the court, appears not, the court may continue said case or upon defendant's request, permit the defendant to voluntarily execute a "Waiver of Counsel and Demand for Immediate



Disposition" of such case(s). Upon such waiver, the court may proceed with the case.

- (1) The court may impose appropriate sanctions upon any attorney of record for his failure to answer a docket call, except for good cause shown.

ADOPTED 12/21/90

#### **69.4 - Revised - Effective Date 9/13/19 - Disqualification of Judge**

1. A municipal judge that is disqualified under Missouri Supreme Court Rule 37.53 shall inform the presiding judge of the disqualification within 10 days of the disqualification.
2. Upon notice of the disqualification, the presiding judge shall transfer the case to another municipal judge—who will then have authority to hear and determine the case.
3. In a municipality that has appointed a provisional judge to hear and determine cases in those when the sitting municipal judge is unable to hear and determine a case, the provisional judge shall be immediately assigned to hear and determine the case from which the sitting municipal judge has been disqualified. The municipal judge is excused from informing the Presiding Judge of his or her disqualification when the appointed provisional judge is assigned to a case upon disqualification of the sitting judge.

ADOPTED 12/21/90  
REVISED 7/19/19  
EFFECTIVE 9/13/19

#### **69.5 - Procedures Prior to Entry of Plea**

##### **5.1 - DISQUALIFICATION OR UNAVAILABILITY OF JUDGE**

- (1) If the judge before whom a case is pending is related to any defendant or has an interest in, or has been counsel in the case he shall disqualify himself.
- (2) If any party timely files a written application for change of judge pursuant to Supreme Court Rule 37.53 a change of judge shall be ordered. No party shall be allowed more than one change of judge pursuant to subdivision (c) of Rule 37.53.
- (3) When a change of judge is granted or a judge disqualifies himself, the judge shall transfer the case to another judge within the division in multi--judge divisions or to another municipal judge within the circuit who is available and consents to hear the case, or notify the presiding judge of the

circuit who shall designate a judge to hear the case or request the Supreme Court to transfer a judge to hear the case.

## **5.2 - EXPLANATION OF RIGHTS**

The court shall advise, inform and explain to those defendants present their rights as provided by law.

### **69.5 - Revised - Effective Date - Agreement to Share Municipal Courtroom**

1. Municipal divisions may hold hearings of municipal court violations outside the boundaries of the municipality and inside the boundaries of another municipality within Jackson County if the municipalities enter into a written cooperative agreement regarding the operations of the courtroom to be utilized.
2. Any municipality that enters into an agreement to hold court outside its municipal boundaries shall file a copy of the agreement with the Office of the State Courts Administrator. The agreement shall include the name of the municipal judge who is assigned to hear cases for the municipality.
3. Municipalities that do not share a common boundary may not hold court outside municipal boundaries without approval of the presiding judge of the circuit.

ADOPTED 12/21/90  
REVISED 7/19/19  
EFFECTIVE 9/13/19

### **69.6 - Guilty Pleas**

#### **6.1 - DEFENDANTS PRESENCE REQUIRED - WAIVER**

No person shall either be tried or permitted to enter a plea of guilty and be sentenced or be granted probation unless he is personally present or the judge, defendant and prosecutor consent to such trial or plea and sentence in the defendant's absence, except:

- (1) In furtherance of the above rule, a defendant's attorney of record or a member of the defendant's immediate family, in the discretion of the judge, may consent to defendant's absence and enter a plea of guilty in open court to any charges pending therein.

ADOPTED 12/21/90

- (2) In furtherance of the foregoing, defendants desiring to plead "not guilty" to an alleged ordinance violation, but who are located at such physical distance from the court as to make their

appearance a great hardship and who desire their case be heard and determined in their absence on evidence presented, may have such case heard when authorized by the division judge before whom docketed. Such defendant, or the local attorney appearing on the defendant's behalf may file defendant's "Affidavit of Defense", in substantial form as shown in Appendix "B", setting out any and all facts supporting all defenses available, and the same may be received by the court and considered with all other evidence presented at the hearing.

## **6.2 - GUILTY PLEA - WHERE ENTERED**

Guilty pleas may be entered either in the courtroom to which summoned or assigned on the date designated or, if permitted, in the court's traffic violations bureau or general violations bureau, or by mail delivered to such violation's bureau. The traffic and general violations bureau is established to accept appearance of parties charged in designated traffic ordinance or general ordinance violation cases without the need of such parties to appear in a courtroom. Guilty pleas may be received from such parties on payment of designated fines and costs as established by the respective municipal divisions.

## **69.6 - Revised - Effective Date - 9/13/19 - Incorporation of Operating Rule #4**

1. The attached operating Order #4 (which is incorporated herein and made a part of this rule) is effective with the adoption of these rules by the circuit court en banc. Operating Order #4 compiles the applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and operating standards – including relevant sections of Supreme Court Rule 37.4 and its appendices. This template – marked “Attachment 1” shall be adopted by every municipal division as Court Operating Order #4 to supersede any previous municipal court orders delineated or identified as Court Operating Orders #1, #2, or #3. Any previous municipal court orders identified as Court Operating Orders #1, #2, or # are hereby rescinded.

ADOPTED 12/21/90  
REVISED 7/19/19  
EFFECTIVE 9/13/19

## **69.7 - Probation**

### **7.1 - PROBATION AGREEMENT**

Only the defendant, personally, may accept or reject probation and if accepted, execute an agreement and promise, in writing, to comply with

the court's condition(s) of probation imposed, including attendance at "driver improvement" or other schools or educational and rehabilitation programs. Defendant shall be given a certificate explicitly stating the conditions of probation.

ADOPTED 12/21/90

## **7.2 - PROBATION AGREEMENT - FAILURE TO EXECUTE**

When a defendant has been lawfully convicted of an ordinance violation and ordered placed on probation but departs the court premises before completing the probation "intake" processing, a notice shall be sent to the defendant's last known address advising the defendant to report to the court or probation office for such "intake" processing by a certain date. Said notice shall advise probationer that his probation has been suspended and that upon failure to appear in accordance with such notice, that an arrest warrant may be ordered by the court. Should probationer thereafter fail to appear in compliance with the notice sent, a warrant of arrest shall be ordered and upon the probationer's apprehension, the probationer shall be brought before the court for hearing to determine whether he should be continued on probation or his probation should be revoked and execution of the earlier penalty or sentence should be ordered.

## **69.8 - Trial De Novo**

### **8.1 - APPLICATIONS**

An application for trial de novo (rehearing) before a Circuit or Associate Circuit Judge within the 16th Judicial Circuit from decisions of Municipal Divisions must be filed and perfected within ten (10) days from entry of judgment. Such application shall be filed together with appropriate bond set by the court and the "additional fee" required by section 479.260(5), section 485.120, RSMo 1986 and 16th Circuit Court Rule 5.1. A form for such application shall be provided by the Administrator/Clerk's office.

### **8.2 - RELEASE CONDITIONS**

Upon application for trial de novo (rehearing) after conviction and judgment, the court may release defendant upon his written promise to appear at the time and place the trial de novo is scheduled, if the court believes the defendant will appear.

(1) If the court determines that such release will not reasonably assure defendant's scheduled court appearance, it shall impose one

or more of the following conditions for the accused's release that will reasonably assure his appearance:

- (a) place the person in the custody of a designated person or organization agreeing to supervise him;
- (b) place restrictions on the travel, association, or place of abode of the person during the period of release;
- (c) require the execution of a bond in a stated amount with sufficient solvent sureties, or the deposit with the court of the sum in cash or negotiable bonds of the United States or of the State of Missouri or any political subdivision thereof;
- (d) require the person to report regularly to some officer of the court or peace officer, in such manner as the judge directs;
- (e) require the execution of a bond in a stated amount and the deposit with the Court of ten percent, or such lesser sum as the judge directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof.
- (f) impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.
- (g) have no contact with any complaining party or victim.

(2) In determining which conditions of release will reasonably assure appearance of such defendant making application for a trial de novo, the judge shall consider the following information to the extent available:-

- (a) nature and circumstances of the violation(s) for which convicted;
- (b) weight of the evidence against the accused;
- (c) the accused's family ties;
- (d) employment;
- (e) financial resources;
- (f) character;
- (g) mental condition;

- (h) the duration of his residence in the community;
- (I) his record of convictions;
- (j) his record, of appearances at court proceedings;
- (k) his flight to avoid prosecution;
- (l) his failure to appear at court proceedings;
- (m) his escape from prior confinement;
- (n) warrants or probation/parole "holds" outstanding from any jurisdiction;
- (o) likelihood of additional contact with any complaining party or victim.

### **8.3 - BOND LIMITS**

Except for good cause shown and after hearing no trial de novo bond shall exceed one thousand dollars (\$1,000.00) per charge.

### **8.4 - TRIAL DE NOVO - FEES**

Circuit trial de novo fees and costs shall be collected upon the filing of an application for trial de novo unless waived by the trial judge upon a finding of indigence, pursuant to section 485.120, section 479.260(5) RSMo 1986, and 16th Circuit Rule 5.1.

ADOPTED 12/21/90

## **69.9 - Records**

### **9.1 - WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE**

No official court file shall be removed from the office of the Administrator/Clerk of the municipal division or any division clerk except in the custody of employees of the court.

### **9.2 - EXAMINATION OF RECORDS**

(Reserved)

## **69.10 - Amendments**

### **10.1 - BY WHOM MADE**

These rules may be amended by a majority of the circuit judges of the court en banc of the Sixteenth Judicial Circuit.

ADOPTED 12/21/90

## **Rule 70 - Partition**

### **70.0 - Partition**

No Local Rule

12/19/80

## **Rule 71 - Administrative Review**

### **71.0 - Administrative Review**

No Local Rule

12/19/80

## **Rule 72 - Probate**

### **72.1 - Docket Numbering**

1. Any matter filed in the probate division to which a number was assigned prior to January 2, 1979, shall carry that number. Any file opened on or after January 2, 1979, shall be numbered under the numbering system in effect in the probate division on January 2, 1979, as such numbering system may be changed from time to time.

2. All pleadings pertaining to probate shall be filed in the probate division in either Independence or Kansas City pursuant to R.S.Mo. §478.473. All cases filed in the Independence probate division shall bear the prefix of the last two digits of the year the matter was filed and "P9". All matters filed in the Kansas City probate division shall likewise bear a prefix of the last two digits of the year the matter was filed and "P8". Any adversary proceeding, as defined by the Probate Code, filed prior to January 1, 2017, for which a separate case number is established by the probate division shall bear the prefix as indicated for the Independence or Kansas City probate division and the letters "PR" and a five digit number referencing the case number to the estate number and a two digit suffix distinguishing one case number file from another relating to the same estate. Such case number shall appear thus: "00P9-PR00000-00" or "00P8-PR00000-00." Any adversary proceeding, as defined by the Probate Code, filed on January 1, 2017 and after, for which a separate case number is established by the probate division shall bear the prefix as indicated for the Independence or Kansas City probate division and the letters "PR" and a new five digit number. Case numbers will related to the estate number via docket text. No two digit suffix will be used for cases filed January 1, 2017 and after.

3. Any case transferred from the probate division to another division shall retain the case number assigned to it by the probate division. Any case transferred to the probate division shall retain the case number assigned to it by the Office of Court Administrator.

## **72.2 - Manual of Procedures**

1. The judge of the probate division may adopt a manual of procedures and other instructions for attorneys and litigants governing the administration of probate matters in the probate division, and shall disseminate the same in such manner as that judge determines. Such manual and other instructions will be available on this court's website [www.16thcircuit.org](http://www.16thcircuit.org). and other instructions shall not become "local circuit court rules" within the meaning of Section 478.245.3.

Adopted 8/23/13  
Effective 9/6/13

## **72.3 - Filing of Pleadings**

1. All probate matters are to be filed in accordance with Supreme Court Rule 103 and Supreme Court Operating Rule 27. In addition, the Original Will shall be filed physically with the probate division within 48 hours after it is electronically submitted.

2. Self-represented parties, except those who are attorneys licensed to practice in the State of Missouri and subject to the Missouri Electronic Filing System rules, shall file all original pleadings and documents with the clerk of the probate division.

3. Applications for temporary emergency detention of mentally ill persons and persons who abuse substances, submitted pursuant to Chapters 631 and 632, RSMo, may be filed by facsimile transmission or by email.

ADOPTED 9/9/14  
REVISED 11/20/20  
EFFECTIVE 12/18/20  
REVISED 5/31/25

## **72.4 - Judgments Confirming Judgments, Orders and Decrees of Commissioner**

1. Pursuant to the provisions of Section 478.266 RSMo, the judge of the probate division shall by judgment of record reject or confirm all orders, judgments and decrees of the commissioner and the deputy commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

2. The judgments of confirmation of the orders, judgments and decrees of the Probate Commissioner are recorded in the probate file number assigned to the



Probate Commissioner and the judgments of confirmation of the orders, judgments and decrees of the Deputy Probate Commissioner are recorded in the probate file number assigned to the Deputy Probate Commissioner.

3. Any party to an adversary probate proceeding may file a motion for rehearing before the judge of the probate division within fifteen (15) days of the date of entry of the order, judgment or decree by the commissioner or deputy commissioner. The motion shall be in writing and shall state all specific evidentiary grounds and legal authority for a rehearing. The motion must specifically allege facts to indicate how the findings of the commissioner were not supported by competent and substantial evidence or how they were based upon an error of law. The motion shall contain specific references to the relevant portions of the transcript from the hearing before the commissioner. If the transcript cannot be obtained by the filing deadline, the Motion shall be accompanied by a sworn statement that the transcript has been ordered and the required deposit paid. Confirmation of the order for which rehearing is sought shall be suspended pending the grant or denial of the rehearing motion. The probate judge shall review the motion on the pleadings, transcript and any other attachments and determine if further argument or proceedings are required or if the motion shall be granted or denied in full or in part on the record, in the discretion of the judge.

4. Each order, judgment or decree entered by the commissioner or deputy commissioner shall contain the following statement:

“NOTICE TO PARTIES”

“The foregoing order, judgment or decree entered by the commissioner or deputy commissioner is subject to confirmation by the judge of the probate division. Any party to this proceeding may file a motion for rehearing before the judge of the probate division within fifteen (15) days of the date of entry of the order, judgment or decree by the commissioner or deputy commissioner and pursuant to Jackson County Circuit Court Rule 72.4”

Approved 8/19/16  
Effective 9/16/16

## **72.5 - Case Dismissal for Failure to Prosecute**

Rule 37.4 applies to Probate Actions

Adopted 8/23/13  
Effective 9/6/13

## **72.6 - Continuances for Trial Settings and Hearings Scheduled**

1. Applications for continuances for trial settings and hearings scheduled shall be filed in accordance with Rule 72.3 and as permitted by the judicial officers of probate division. Said applications, suggestions in support and opposition, and supporting affidavits shall comply with the following requirements:

a. Such pleading shall be in writing and shall not exceed three (3) pages collectively;

b. The application shall contain the date the matter under consideration was initially filed, the nature of the proceeding, and the number of prior continuances requested and on whose behalf the request(s) were made.

2. All applications shall be accompanied by an affidavit of the applicant setting forth the facts upon which the application is based and, unless all other parties consent to the granting of the continuance, the facts of each party's consent or opposition to the continuance.

3. Applications must be filed no later than the Wednesday before the date the trial or the hearing is set. Any such pleading received after 5:00 p.m. will be deemed received and filed on the following business day.

Adopted 8/23/13

Effective 9/6/13

## **Rule 73 - Small Claims**

### **73.0 - Small Claims**

No Local Rule

12/19/80

## **Rule 74 - Trust Estate**

### **74.1 - Inventory**

No Local Rule

12/19/80

### **74.2 - Reports**

No Local Rule

12/19/80

### **74.3 - Record**

No Local Rule

12/19/80

### **74.4 - Audit**

No Local Rule

12/19/80

## **Rule 75 - Bankruptcy - Litigation Involving Debtors Under the Bankruptcy Code**

### **75.1 - Stays of Action Against Debtors**

1. The automatic stays of certain actions against debtors are recognized in the Circuit Court pursuant to 11 U.S.C. Section 362.

2. Every debtor in a proceeding under 11 U.S.C. Section 101 et seq. having knowledge that any case or proceeding potentially subject to the automatic stays set out in 11 U.S.C. Sections 362 or 1301 (a) is pending in the Circuit Court at the time a bankruptcy petition is filed shall notify the Court Administrator's Office in writing of the filing of the bankruptcy petition. The notice shall contain the circuit court case number and style of the case.

A copy of such written notice shall also be sent to the attorney of record for the adverse party in each such case, or, if there is no such attorney of record, to the adverse party.

3. Judgment creditors are solely responsible for determining the effect of a bankruptcy on a circuit court judgment and particular enforcement activity, and for directing the Court Administrator's Office, according to the procedures set forth below, to cease enforcement activity. The Court Administrator's Office shall not stay enforcement activity upon notice of a judgment debtor's bankruptcy without written authorization from the judgment creditor.

A levy requested by a judgment creditor on property located within Jackson County will not be stayed despite notice of the judgment debtor's bankruptcy, unless one of the following occurs, at which time enforcement activity will cease:

- a) Judgment creditor must give written notice to the Director of Civil Process and Director of Civil Records to halt the specific enforcement activity, or
- b) Judgment debtor must provide to the Director of Civil Process and Director of Civil Records an attested order of the United States Bankruptcy Court, which specifically identifies the particular case file,

judgment creditor, and execution activity in progress, and enjoins further enforcement activity.

4. For writs of execution directed to out-of-county jurisdictions, the judgment creditors and judgment debtors are responsible for directly contacting the levying officer in such jurisdiction to cease enforcement activity.

5. If directed to cease enforcement, the Court Administrator's Office shall forward any monies or property received pursuant to execution to the appropriate trustee in the bankruptcy case.

6. A judgment creditor who obtains an Order for Relief from Automatic Stay from the United States Bankruptcy Court must provide an attested copy to the Department of Civil Records, with specific reference to the circuit court case number in question, for inclusion in the circuit court casefile.

7. Every debtor in a proceeding under 11 U.S.C., Section 101 et seq. shall file with the Court a copy of any discharge entered in any such bankruptcy proceeding. Said copy shall contain the circuit court case number and style of the case.

8. One year from the date of filing of the notice of bankruptcy, circuit court petitions will automatically be dismissed without prejudice.

10/27/89  
(Effective 11/26/89)

## **Rule 81 - Executions**

### **81.0 - Executions**

1. No request for an execution, garnishment, or writ of sequestration will be accepted or processed by the Court Administrator's Office unless presented on circuit court form CIRCT 1695 together with interrogatories on circuit court form CIRCT 1665, to be served on the garnishee. The judgment debtor's current address must be provided on form CIRCT 1695 for the purpose of notifying the debtor of his exemptions.

Adopted 3/5/99  
Effective 3/5/99

## **Rule 82 - Garnishment**

### **82.1 - Form 1626 [Repealed]**

Form CIRCT 1626, Motion for Order on Garnishee and Court Administration/Order for Garnishee to Pay Into Court and for Court Administrator to Pay Judgment Creditor [Repealed].

REPEALED BY COURT EN BANC 03/05/99

### **82.1 - Garnishment Proceedings - Standard Form**

1. An approved standard set of interrogatories, assigned form number CIRCT 1665 shall be used when propounding interrogatories to a garnishee. The original and two copies to be served on the garnishee shall be filed with the Department of Civil Records. If additional interrogatories are necessary, they may be filed along with standard interrogatories.
2. The garnishee shall answer by placing a response in the space following each interrogatory. One copy of the interrogatories, with answers, properly notarized, shall be mailed to the Department of Civil Records, and one copy, with answers, shall be mailed to the interrogating party.

Adopted 1/26/07  
Effective 2/26/07

### **82.2 - Garnishments Under Execution**

1. When a garnishee files a motion for an allowance from the Court, and is discharged without exceptions to or denial of his answer, he may be allowed by the Court not more than \$50.00, or, if discharged without interrogatories, not more than \$25.00 to be taxed as costs or deducted from the funds, if any, in his hands. In all other cases, the allowance, if any, shall be such as the court shall deem reasonable.

Adopted 3/5/99  
Effective 3/5/99

### **82.3 - Request for Exemption from Garnishment**

1. A judgment debtor claiming that a) funds in an account are traceable to social security and/or Veterans' benefits, or b) funds sought to be garnished directly from the United States Government, are federal retirement benefits, may request that such funds be exempted from execution, except as the exemption may be limited by 42 U.S.C. Section 659 where the execution is issued to collect child support or maintenance, by filing an affidavit requesting such exemption with the Court Administrator's Office.
2. On the date the affidavit is filed, or within one day thereafter, the Court Administrator's Office will mail a notice of such filing to the judgment creditor, by United States first class mail.
3. A judgment creditor may object to the judgment debtor's request for exemptions by filing an objection with the Court Administrator's Office within ten (10) days of the request. A copy of said objection shall be mailed by the judgment

creditor to the judgment debtor at his last known address, by United States first class mail on the date the objection is filed.

4. If an objection is timely filed, the Court Administrator's Office will forward the case file folder to the appropriate judge for a ruling. A hearing may be held by the Court to determine such requests. A hearing shall be held if a party files a request for a hearing with the Court.

5. If no objection is filed within the time provided in paragraph three (3) above, the Court Administrator's Office will automatically release the execution and garnishment without further order of the Court, and mail a copy of the release to the garnishee, by United States Regular Mail.

Adopted 3/5/99  
Effective 3/5/99

## **Rule 83 - Judicial Sales**

### **83.1 - Confirmation of Reports of Sale**

1. No report of commissioner in partition, and no report of sale by the Court Administrator or any commissioner appointed by the Court, not excepted to, shall be confirmed unless the same has been filed for at least three (3) days, unless all the parties in interest, their attorneys and guardian, expressly request in writing that an order of confirmation be entered.

12/19/80

## **Rule 84 - Post-Judgment Motions**

### **84.1 - Domestic Cases**

1. Except as set forth below, all post-judgment motions and applications, to include motions for new trial and motions to amend the judgment, motions to modify a decree, garnishment matters, execution matters, contempt citations, examinations of judgment debtors, and income assignments, in domestic cases, shall be assigned to the judge who rendered the last judgment.

2. Any post-judgment motions or applications where the judge who rendered the last judgment is not currently assigned a domestic docket shall be reassigned to another judge currently assigned a domestic docket by rotation, who will hear such matters for the purpose of the current motion or application only. Current judicial assignments to a domestic docket are made pursuant to Administrative Order entered by the Presiding Judge. The Court may suspend the application of the rule by agreement of the judges involved and/or by order of the Presiding Judge.

Adopted 5/25/18  
Effective 6/22/18

## **84.2 - Civil Cases**

1. Except as set forth below, all post-judgment motions and applications, to include motions for new trial and alternative motions to set aside the judgment, motions to amend or modify judgment, garnishment matters, execution matters, examinations of judgment debtors, and the like, in civil cases, shall be assigned to the judge who rendered the last judgment.
2. Any post-judgment motions or applications where the judge who rendered the last judgment is not currently assigned a civil docket shall be reassigned to another judge currently assigned a civil docket by rotation, who will hear all further proceedings in the case. Current judicial assignments to civil dockets are made pursuant to Administrative Order entered by the Presiding Judge.

Adopted 11/18/05  
Revised 01/22/2020  
Effective 03/27/2020

## **84.3 - Motion for Order to Show Cause - Contempt**

1. All motions for an order directing a party to show cause why that party should not be found and adjudged in contempt of a court order must be verified by the moving party, and must state with specificity all facts including, but not limited to, the specific acts or omissions and dates and places thereof, upon which such relief is sought.
2. The moving party must prepare and submit to the court a proposed ORDER TO SHOW CAUSE which must either state with specificity all facts upon which the relief is sought including, but not limited to, the specific acts or omissions and dates and places thereof, or, alternatively, adopt by reference all the factual allegations of the motion therefor, a true copy of which must be attached to such proposed order as an exhibit thereto, in addition to the precise time, date and place of appearance.
3. No ORDER TO SHOW CAUSE shall issue upon the alleged failure or refusal of another party to satisfy or pay a money judgment or order to pay money absent evidence of the facts, by a verified motion, that reasonable efforts to collect by conventional remedies have been attempted without satisfaction or payment and why any further attempt to collect by conventional remedies is not reasonably likely to obtain satisfaction or payment.

1/24/86

#### **84.4 - Amended Motions for Postconviction Relief - Authorized Filing By Facsimile Transmission**

Effective January 1, 1995, amended motions for postconviction relief may be filed by facsimile transmission, provided:

- (a) Any such pleading received after 4:30 p.m. will be deemed received and filed on the following business day.
- (b) Facsimile numbers for each division will be published. Amended motions must be faxed to the number specified for the division to which the case is assigned. If the application is transmitted to another division's number, the application will be routed to the appropriate division in the ordinary course of business by courier. Such application will not be deemed received and will not be stamped "filed" until actually delivered to that division.
- (c) The original amended motion shall not be submitted to the Court subsequent to the facsimile filing, rather the party filing the amended motion shall retain the original and make it available upon order of the court.

Adopted 12/14/94  
Effective 1/1/95

#### **Rule 100 - Court Organization**

##### **100.1 - Presiding Judge and Court En Banc**

12/19/80

##### **100.1.1 - Election**

1. A majority of all the circuit judges and associate circuit judges meeting en banc, each odd numbered year at the regular December meeting shall elect a circuit judge among their number as Presiding Judge-elect. The election shall be conducted by secret written ballot and shall require fifteen (15) votes to elect.
2. The Presiding Judge-elect shall assume the office of Presiding Judge without further vote upon the expiration of the term of the then-current Presiding Judge.

Adopted 6/17/16  
Effective 7/15/16



### **100.1.2 - Duties of Presiding Judge**

1. The Presiding Judge shall be the administrative judge of the Court, shall discharge the duties of jury judge, and shall preside at all meetings of the Court en banc.
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 at the August meeting, or in any event not later than September 10 of each year.
3. The Presiding Judge shall have charge of the dockets and assignment of all cases therefrom. The Court Administrator shall be subject to the orders and directions of the Presiding Judge, and shall keep records as may be necessary to determine the status of the dockets.
4. The Presiding Judge shall direct the Court Administrator and such other personnel as may be hereafter provided to prepare statistical data and studies on the administrative operation of the Court.
5. The Presiding Judge shall have the authority to transfer cases among the judges as may be required a) to expedite the dockets, b) because of the absence, change, or disqualification of a judge, c) because of the assignment of related cases to the same judge, and d) because of transfers that may be necessary because a judge is assigned to the family or probate divisions or elected to serve as Presiding Judge.
6. The Presiding Judge shall try and determine such cases as shall be assigned to his or her division for trial, and shall aid the other judges, as far as may be consistent with the performance of the duties of Presiding Judge.
7. The Presiding Judge shall appoint a Family Court Division Committee, to be comprised of the immediate past-Family Court Administrative Judge, the current Family Court Administrative Judge, his or her successor, when appointed, and other such members as may be designated by the Presiding Judge. The Deputy Court Administrator of Family Court Services shall be responsible for recording and preparing minutes of meetings. The Family Court Division Committee shall review procedures, practices and policies of the Family Court Division at its discretion and at the request of the Presiding Judge.
8. The Presiding Judge shall appoint a Municipal Divisions Committee, to be comprised of such members as may be designated by the Presiding Judge. The committee shall review procedures, practices and policies of the Municipal Divisions at its discretion and at the discretion of the Presiding Judge.

9. There shall be an Executive-Management Committee to assume such duties and responsibilities as delegated by the Court en banc and to act in an advisory capacity for the Presiding Judge. The members of the committee shall be the Presiding Judge, the immediate past Presiding Judge, the Chair of the Budget and Audit Committee, the Family Court Administrative Judge, three circuit judges, one of whom shall be the Presiding Judge-Elect (if any), two associate circuit judges, and other such members as may be designated by the Presiding Judge.

10. There shall be a Budget and Audit Committee to assume such duties and responsibilities as delegated by the Court en banc and to oversee the preparation of all budgets. The committee shall be comprised of at least seven circuit judges and two associate circuit judges, including the Presiding Judge, the immediate past Presiding Judge, the Presiding Judge-Elect (if any), the Family Court Administrative Judge, and other such members as may be designated by the Presiding Judge.

11. The Presiding Judge shall designate and appoint members to such other committees as may be considered necessary to the proper conduct of the Court's business.

12. The Presiding Judge-Elect shall serve as Acting Presiding Judge in the absence or inability to act of the Presiding Judge, and in the absence of a specific designation by the Presiding Judge or Court en banc, as provided by Rule 6.7.

13. The Presiding Judge-Elect shall serve and perform such other duties as may be requested by the Presiding Judge. The Presiding Judge-Elect shall defer to the Presiding Judge in the event of a conflict regarding duties of the Presiding Judge.

Adopted 4/25/14  
Effective 5/23/14

### **100.1.3 - Dispute Resolution - Procedure** (No Local Rule)

12/19/80

### **100.1.4 - Presiding Judge and Presiding Judge-Elect Term**

1. The Presiding Judge shall serve for a term of two (2) years, commencing one year after the first day of January following his election as Presiding Judge-elect. He may be removed during his term by not less than fifteen (15) circuit judges and associate circuit judges.

2. The Presiding Judge-elect shall serve for a term of one (1) year, commencing on the first day of January following his election. He may be removed during his term by not less than fifteen (15) circuit judges and associate circuit judges.

Adopted 6/17/16  
Effective 7/15/16

#### **100.1.5 - Court En Banc Meetings**

1. The circuit judges and associate circuit judges shall, from time to time, convene to conduct the business of the Court and when so doing shall sit en banc. The Presiding Judge shall preside at all such meetings. Minutes of the meeting shall be kept by the Court Administrator and copies thereof shall be furnished to each Judge.

12/19/80

#### **100.1.6 - Stated Meetings - Quorum**

1. Judges and commissioners of the circuit court shall meet regularly at a time and place determined by the Presiding Judge.
2. Judges of the circuit court shall include circuit and associate circuit court judges. All judges of the circuit court shall be entitled to vote on all matters coming before the circuit court during such meetings.
3. A quorum to transact business shall consist of fifteen judges.
4. In any vote to appoint or re-appoint a commissioner pursuant to Sections 478.003, 487.020 or 478.266.1 RSMo., or the Public Administrator of Jackson County, Missouri, a majority vote of all the current judges comprising the entire circuit court shall be required. All other business shall be conducted by a majority vote of judges constituting a quorum, unless otherwise provided by statute, Supreme Court Rule or other applicable law.
5. Any vote cast shall be by judges who are present at the meeting. Judges are present at the meeting if appearing in person, by video or telephonically.
6. Any votes taken during a closed meeting shall be taken by roll call. All votes shall be recorded and if a roll call is taken, the name of the judge shall be attributed to each "yes" and "no" vote or abstinence, if not voting. Votes taken during an open meeting may be taken by acclamation.

Adopted 6/17/16  
Revised 4/16/21  
Effective 5/14/21

#### **100.1.7 - Special Meetings**

1. The written request of four or more judges to the Presiding Judge for that purpose shall require him to call a special meeting of the Court en banc. Such written request shall state the proposed business to be considered at such special meeting and shall constitute the entire agenda for such meeting. A copy of such written request shall be furnished all the judges by those proposing the special meeting at least three (3) business days prior thereto and shall constitute the notice of such proposed meeting.

12/19/80

#### **100.1.8 - Notice of Meetings**

1. Three (3) days written notice of any meeting other than emergency meetings of the Court en banc shall be given to all circuit judges and associate circuit judges unless waived in writing by a majority of the circuit judges and associate circuit judges. Emergency meetings of the Court en banc may be called by the Presiding Judge without formal notice.

12/19/80

#### **100.1.9 - Agenda for Stated Meetings**

1. The business of all regular meetings of the court shall be contained in a written agenda. The Presiding Judge shall compose such written agenda, a copy of which shall be furnished to each circuit judge and associate circuit judge at least three (3) days prior to the meeting.

2. Any judge may request a matter of business be included in the agenda of the forthcoming meeting of the Court en banc by written request to the Presiding Judge. After the agenda has been circulated by the Presiding Judge, any judge may add thereto by written notice to all the judges at least two (2) business days prior to the stated meeting.

3. By unanimous consent of the circuit judges present at any lawfully convened meeting, business other than that appearing on the agenda may be considered and concluded.

12/19/80

**100.1.10 - Court Administrator and Deputy Court Administrator for the Family Court**

1. The Presiding Judge shall direct and coordinate the duties of the Court Administrator. The Court Administrator shall be responsible for coordinating the daily operation of the administrative, circuit clerk, probate clerk and civil process functions of the Court, shall create, implement, and execute policy for the Court, and shall be the Appointing Authority of all non-judicial personnel of the Circuit Court pursuant to the “Order for Consolidation – Court en banc Resolution of November 19, 2009.”
2. The Court Administrator shall, in conjunction with the Administrative Judge assigned to the Family Court Division, direct and coordinate the duties of the Deputy Court Administrator for the Family Court. The Court Administrator shall coordinate and supervise the duties of the Juvenile Officer and the Director of the Office of the Guardian ad Litem for administrative purposes including personnel, budgetary and fiscal responsibilities, operations, and general administrative functions. The Juvenile Officer and the Director, Office of the Guardian ad Litem shall have authority to create, implement, and execute policy decisions consistent with statutory obligations as required for each of their positions and the statutory obligations of their attorneys. The Court Administrator’s authority shall not be exercised in a manner that interferes with the independent decision making necessary to carry out the statutorily mandated and separate roles, duties, and responsibilities of the Juvenile Officer and individual Guardians ad Litem.
3. The Administrative Judge assigned to the Family Court Division shall direct and coordinate the duties of the Commissioners of the Family Court Division.
4. No member of the court shall impose any substantial duties upon the Court Administrator, the Deputy Court Administrators, the Juvenile Officer or other court staff without seeking the prior advice and consent of the Presiding Judge or the Family Court Administrative Judge respectively.
5. The Court Administrator shall, at regular meetings of the Court en banc, present such reports as may be required by the Presiding Judge.

Adopted 8/23/13  
Effective 9/23/13

#### **100.1.11 - Dismissal and Grievance Review Committees**

A Dismissal Review Committee and Grievance Review Committee, to hear and determine appeals and grievances, respectively, filed by Circuit Court employees pursuant to Supreme Court Administrative Rule 7, shall be established by and comprised of such members as appointed by the Presiding Judge.

2/14/86

#### **100.2.1 - Formulation**

(No local Rule)

12/19/80

#### **100.2.2 - Publication**

(No Local Rule)

12/19/80

#### **100.2.3 - Amendment of Rules**

1. These rules may be amended by a majority of all the circuit judges meeting for that purpose.

12/19/80

#### **100.2.4 - Circuit Court Forms**

Forms to implement rules adopted by the Circuit Court en banc, and for other purposes to facilitate court and administrative processes and procedures, may be promulgated by the Presiding Judge, Family Court Administrative Judge, Probate Division Judge, Court Administrator, Juvenile Officer, and Deputy Court Administrator of Family Court Services.

Adopted 10/28/04  
Effective 11/28/04

#### **100.3 - Library Fund**

1. Pursuant to sections 488.426 and 488.429, RSMo, the judges of the Court en banc may allow a surcharge, not to exceed twenty dollars, on the filing of civil cases in the circuit court, and the money collected thereby, which is payable to the judges, may be applied and expended under the direction of the judges en banc

for, among other things, the maintenance and upkeep of a law library to be known as The Jackson County Law Library.

2. The Jackson County Law Library shall provide, operate, and maintain a Law Library in Kansas City, with a satellite branch in the Eastern Jackson County Courthouse, for the use of the judges and personnel of the Court, and for the library's members.

3. In accordance with section 574.075, the Jackson County Law Library is authorized to conduct social events at the Jackson County Courthouse or the Independence Annex of the Jackson County Courthouse after business hours.

Adopted 12/13/13

Effective 1/10/14

#### **100.4 - Storage of Records**

##### **100.4.1 - Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files and Their Content**

1. The micro photographing, archival storage, destruction or other disposal of circuit court files and their contents which have been closed for ten years or wherein no action has been taken for that period are hereby authorized. These procedures shall be undertaken only when ordered by the Presiding Judge or the Court en banc and shall be performed under the direction of the Court Administrator.

2. Prior to the destruction or other disposition of any such record microphotographed, the Presiding Judge shall determine either by personal inspection or by the use of a committee established for that purpose, that the records as reproduced are as legible and as faithful to the originals as reasonably possible.

3. The microphotographs shall be stored and indexed in such a manner as to ensure ready retrieval for their customary use, and as to preserve them.

4. A convenient area, equipped with suitable viewing apparatus, shall be designated and set aside in each of the offices of the Court Administrator of Jackson County, for viewing such records.

5. The Presiding Judge shall appoint a committee consisting of at least one judge and one lawyer of the Circuit Court of Jackson County, Missouri and one layman. The Committee shall examine and evaluate such files among those microphotographed as may appear to it to possess historical, cultural or other unique value. Should any such files and their contents be determined to be of such value, they shall not be destroyed but may either be retained by the Court or be given to any organization committed to the public purpose of archival storage and use. Files and their contents may be

destroyed only upon specific order of the Presiding Judge or the Court en banc.

6. Orders authorizing the micro photographing, preservation, archival storage and disposal of circuit court files and their contents shall specify such files by number or other descriptive designation. Copies of such orders shall be retained in the offices of the Court Administrator and shall constitute an index of the records affected.

12/19/80

#### **100.4.2 - Reproduction and Preservation of Court Records Other Than Files and Their Contents**

1. By appropriate order of the Court en banc, all books and records of the Court other than circuit court files and their contents kept in the office of the Court Administrator may be reproduced by microphotograph or other comparable process. (Sec. 109.090 R.S.Mo). Such order shall describe the records to be reproduced with specificity and a copy of such order shall be retained in the office of the Court Administrator and shall constitute an index of the records affected.

2. After such books or records have been reproduced as ordered, the Presiding Judge, as may be authorized by the Court en banc, shall examine them and if such be his findings, shall make an order on the records of the Court that the reproductions are correct to the end that the same faith and credit may be given to such reproductions that the original books or records so transcribed were entitled to. (Sec. 109.100 and Sec. 109.110 RSMo).

3. The micro photographing of the books and records shall be stored and indexed in such a manner as to insure ready retrieval for their customary use, and to preserve them.

4. The original books and records so reproduced, shall be stored and preserved in a safe place, and in such manner as to ensure their ready retrieval. Under no circumstances may their destruction be designed or affected.

5. A convenient area equipped with suitable viewing apparatus shall be designated and set aside in the office of the Court Administrator of Jackson County for viewing such books and records.

12/19/80



#### **100.4.3 - Responsibility for Indexing and Preserving Court Reporters' Notes**

1. Section 485.050 RSMo, provides: "It shall be the duty of the official court reporter under the direction of the judge to preserve all official notes taken in said court for future use or reference".
2. After the effective date of these rules it shall be the duty and responsibility of the official court reporter of each division of the Circuit Court of Jackson County, Missouri, under the supervision of the Chief Court Reporter and in the manner hereinafter set out to properly index and store his or her own court reporter notes for future use or reference.
3. All court reporter paper notes, steno mask audio tapes, electronic and/or digital files of stenographic notes, electronic and/or digital steno mask audio files, and backup audio files are the property of the Circuit Court of Jackson County, Missouri.

Adopted 4/25/14  
Effective 5/23/14

#### **100.4.4 - Identification of Reporters' Notes**

Repealed by Court en banc 4/25/14

Adopted 4/25/14  
Effective 5/23/14

#### **100.4.5 - Index**

1. A chronological index shall be maintained by each reporter by listing for each day, for each case reported, the following: Number and style of the case.
2. Said index shall be prepared in electronic format as provided by the Chief Reporter.
3. Each reporter shall file said index quarterly on the Network repository as directed by the Chief Reporter.

Adopted 4/25/14  
Effective 5/23/14

#### **100.4.6 - Retention of Stenographic Paper Notes and Steno Mask Audio Notes**

1. Stenographic paper notes and steno mask audio tapes in the records center shall be kept secure and confidential.
2. Older stenographic paper notes and steno mask audio tapes of a division may, in the discretion of the current court reporter of the division or of the

Chief Court Reporter, be sent to storage at the Jackson County Records Center provided a notation to that effect is entered on the division index and on the Chief Court Reporter's copy thereof.

**RETENTION OF ELECTRONIC OR DIGITAL STENOGRAPHIC OR STENO MASK NOTES:**

3. Monthly each reporter shall file electronic or digital files of stenographic notes, steno mask audio files, and backup audio on the Network storage repository as directed by the Chief Court Reporter in consultation with Computer Services.
4. Electronic stenographic notes should be directly from the stenographic machine used, not having been read or translated into any software program.
5. Digital stenomask audio files should be taken directly from the digital recorder used, not having been read or translated into any software program.
6. Each reporter shall store a copy of his or her dictionary on the Network repository, said copy to be updated on January 1 of each year.

Adopted 4/25/14  
Effective 5/23/14

**100.4.7 - Electronic Files of Hired Reporters**

1. Within five business days of the date they worked in the division, the division reporter or chief reporter shall obtain from the hired reporter their note and audio files for storage on the Network repository.
2. The division reporter shall index proceedings reported by a hired reporter.

Adopted 4/25/14  
Effective 5/23/14

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

1. Upon the death of a reporter, it shall be the duty of the replacement reporter, under the supervision of the Chief Reporter, to see that all of the deceased reporter's stenographic electronic notes or steno mask electronic audio files, and backup audio, are properly stored on the Network repository.
2. Electronic or digital files containing the official notes of the courtroom proceedings taken by any retired, terminated or deceased reporter shall be

retained as hereinbefore set forth under the supervision of the Chief Court Reporter.

Adopted 4/25/14  
Effective 5/23/14

#### **100.4.9 - Boxing and Storing of Old Notes**

Repealed by Court en banc 4/25/2014

Adopted 4/25/14  
Effective 5/23/14

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

1. It shall be the duty of the Court Administrator to secure the necessary materials for the indexing and storage of electronic and digital court reporter files as hereinbefore set forth.
2. It shall be the duty of the Court Administrator to secure the necessary storage on the Network repository for central storage of court reporter electronic and digital files.

Adopted 4/25/14  
Effective 5/23/14

#### **100.4.11 - Form 1300**

[Form 1300](#)

#### **100.4.11 - Procedure for Examination of Criminal Records**

1. All requests to inspect a closed criminal record, except in those instances listed below, shall be presented to the Court by written application by OSCA form CR30, "Application to Inspect Closed Criminal Records". The following do not require approval by the Court:
  - a. The Prosecuting Attorney's Office and The Missouri Board of Probation and Parole are authorized computer access to the Court's closed criminal records for such purposes as are stated in Section 610.120 RSMo.
  - b. Approval of the Court is not required to inspect criminal records of cases disposed of prior to September 28, 1973.
2. A criminal case is considered closed in the following instances:

- a. When it has been nolle prossed, dismissed, or the accused found not guilty.
- b. When there has been a suspended imposition of sentence and subsequent successful release from probation.
- c. When there is an order of the court closing the record.

Adopted 5/25/18  
Effective 6/22/18

#### **100.4.12 - Procedure for Expunging and Closing Criminal Records**

1. In all cases under Section 195.290 in which the court orders the criminal records of a drug related charge to be expunged, the clerk of the division making such an order shall send an attested copy of the order to the Court Administrator. He shall send an attested copy thereof to the arresting law enforcement agency and shall also segregate and file the case file folder of all such cases separately from open files.
2. The Court Administrator shall advise the arresting law enforcement agency of cases in which there is an acquittal or dismissal of the charge. In cases involving the Kansas City, Missouri Police Department and the Jackson County Sheriff, this shall be done by furnishing them a weekly report of terminated criminal cases. When there is a dismissal or sentencing involving a defendant who was previously given a suspended imposition of sentence the Court Administrator shall furnish the arresting law enforcement agency an attested copy of the dismissal or sentencing judgment entry. The case file folder of all closed cases (acquittals and dismissals) shall be segregated and filed separate from open files.

12/19/80

#### **100.4.13 - Sealing and Destruction of Juvenile Records**

1. This rule is promulgated pursuant to the authority granted this court by Supreme Court Rule 110.03 and pertains only to the destruction of juvenile records prepared and maintained under the Juvenile Code and Supreme Court Rules applicable to the Family Court division.
2. The Family Court Administrative Judge assigned to the juvenile division, by a written general order retrospective in application, may direct the destruction of all social histories, records and information, other than the official court file, relating to all cases falling within one of the following categories, if the court finds that it is in the best interest of the juvenile that such action be taken.

All cases in which the juvenile has reached at least his eighteenth birthday and the only action taken was informal adjustment (consent supervision), dismissal of the petition, or courtesy supervision for another jurisdiction within or without the state and the case has been closed.

All cases in which the juvenile has reached at least his twenty-first birthday; provided, however, if the court has ordered termination of a parent's rights, or, at sometime during the proceedings, the court has sustained an allegation of child abuse, such destruction shall not be ordered unless the case has been closed for ten (10) years or more.

3. Nothing in this rule shall preclude the Family Court Administrative Judge from entering an order pursuant to Supreme Court Rule 122.04 and Section 211.321 RSMo.

4. The Court Administrator shall administer the destruction and sealing of all records ordered by the court pursuant to this rule or pursuant to Supreme Court Rule 122.04 and Section 211.321 RSMo and shall make and keep the record of each such case indicating the juvenile's name, petition number(s), life number, type of case (e.g. child abuse), the date of destruction and the person doing the actual destruction. The Court Administrator shall also notify or cause to be notified all law enforcement agencies whose records have been ordered sealed.

5. An official court file ordered sealed pursuant to Supreme Court Rule 122.04 and Section 211.213.3 RSMo shall be enclosed within a separate envelop and sealed in such a manner that it cannot be opened without destroying the seal. The only information to be placed upon such envelop shall be the date sealed, the juvenile's name, petition number and life number and the following inscription: TO BE OPENED ONLY BY WRITTEN ORDER OF THE FAMILY COURT ADMINISTRATIVE JUDGE.

Adopted 11/18/05  
Effective 12/18/05

#### **100.4.14 - Sealing Records by Protective Order of the Court**

1. A protective order entered in any cause shall be by independent order, titled "Protective Order" and shall: identify with particularity the item(s) that are to be sealed or specify that the entire case file is to be sealed, and identify the person(s) to whom access to the sealed item(s) is permitted without order of the court.

2. When a protective order is entered in any cause, the party requesting such an order shall deliver a copy of the protective order to the Director of the Department of Civil Records.

3. A pleading, paper or document affected by a previously entered protective order shall carry the notation: "sealed by order of court \_\_\_\_\_, 19\_\_\_\_," conspicuously in the caption of the filing, below the assigned case number. If the filing is protected by the order but the entire case file folder is not sealed, the filing shall be secured in an 8 ½" x 14" envelope containing: the caption of the case, a notation of the protective order as stated above, and the nature of the document being filed. In addition, the filing must be accompanied by a pleading designated "Notice of Filing Sealed Document" which shall identify the nature of the pleading, paper or document and the party filing the same.

4. Any item affected by a protective order shall be filed with the Director of the Department of Civil Records.

12/17/82

## **100.5 - Court Administrator's Duties**

### **100.5.1 - Monies Paid Into Court**

1. The Court Administrator shall accept only cash, certified check, money order or the equivalent in satisfaction of maintenance or support payments made under the provisions of Sec. 452.345 RSMo. Tender of or attempt to satisfy a support obligation by personal check shall be ineffective and shall not constitute a defense to contempt proceedings initiated under Sec. 452.345, RSMo.

12/19/80

#### **100.5.1.1 - Information To Be Submitted To Court Administrator for Collection of Maintenance and Support**

1. In any action in which the Court enters an order that maintenance or support be made to the Court Administrator as trustee, the attorney or party obtaining such order shall prepare and file Information Statement form CIRCT 1408, with the Court Administrator's Office. A trust will be established at the time the order is entered, however, payments will not be mailed to the payee without the filing of this form.

4/24/92  
(Effective 5/24/92)

## **100.6 - Selection of Veniremen** (No Local Rule)

12/19/80

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