

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

IN RE: FAMILY COURT DIVISION
DOMESTIC RELATIONS CASES FILED ON AND AFTER APRIL 16, 2001

ADMINISTRATIVE ORDER NO. 2001-89

AMENDED ORDER

Pursuant to Section 478.240 and Section 487.130 R.S.Mo. and applicable local rules, it is ordered that the following case management system is adopted and shall apply to all petitions for dissolution and all motions to modify filed on and after April 16, 2001, as well as other classes of cases designated by the Family Court Administrative Judge. The immediate purpose of case management is to create a more efficient, predictable system in order to achieve more timely case dispositions, reduced waiting times and more meaningful appearances for litigants, attorneys and the Court, thereby promoting the timely administration of justice.

1. DESIGNATION OF TRACK: At the time of filing the petition or motion, the initiating party shall designate whether the case is to be placed on a contested or an uncontested track for case management and disposition purposes. If no track is designated, Civil Records shall automatically place the case on a contested track.

2. ASSIGNMENT OF CASES: Civil Records will assign all uncontested and contested cases at random to one of the Family Court Judges and Commissioners who are assigned to the domestic relations dockets, within the appropriate venue, in nearly equal numbers or as directed by the Family Court Administrative Judge.

3. UNCONTESTED CASE TRACK:

A) Selection of an uncontested track will place the case in line for disposition within eleven weeks after filing, or as close thereafter as practicable.

B) Civil Records will schedule uncontested cases for an uncontested hearing, as close to eleven (11) weeks from the date of filing as is practicable. Notices of the hearing date will be sent by Civil Records to both the petitioner and the respondent.

C) Once scheduled, a case may be placed on a contested track by Civil Records upon written request.

D) Parties are expected to complete all requirements with regard to FOCIS (Rule 68.13) and Submissions by Affidavit (Rule 68.3.1) prior to the uncontested hearing date.

E) The uncontested hearing shall commence on the date and time set by the Department of Civil Records unless the case is dismissed or placed on a contested track by the Court.

4. CONTESTED CASE TRACK:

A) Selection of a contested track will place the case in line for disposition within twenty eight weeks after filing, or as close thereafter as practicable.

B) Civil Records will schedule contested cases for a case management conference, as close to seventeen (17) weeks from the date of filing as is practicable. Notices of the conference date will be sent by Civil Records to both the petitioner and the respondent. The purpose of the case management

conference is to provide an opportunity for case or issue resolution and to allow the court to take prompt control of the case. If a case settles at the case management conference, it can be immediately scheduled for an uncontested hearing.

C) Once scheduled, a case management conference may be rescheduled only by the division to whom the case is assigned. A case may be scheduled for an uncontested hearing by Civil Records upon written request. If such hearing does not dispose of the case, the original case management conference date shall remain.

D) Parties are expected to complete all requirements regarding FOCIS (Circuit Court 68.13), Mediation (by agreement), Master's Pendente Lite (Rule 68.04), and Standard Discovery (Rule 68.4.1) within fifteen (15) weeks after filing.

E) Prior to all case management conferences, attorneys of record shall meet to discuss resolution of the case and of all outstanding issues. No later than seven (7) days prior to the Case Management Conference, the parties shall complete and file with the Court a Case Management Statement (Attachments A, B, or C). Failure to submit the case management statement on or before one week prior to the case management conference may result in the Court's imposition of appropriate sanctions and/or the exclusion of any evidence that should have been disclosed in the timely filing of the case management statement.

F) All attorneys of records and unrepresented parties shall appear at the Case Management Conference (CMC) and shall be prepared to discuss the merits

of the case with a view toward early disposition of the case. If the parties are able to reach agreement, the matter will be scheduled for an uncontested hearing. If a case does not get resolved at the CMC, the Court will enter a case management order which shall: order mediation to be completed within eight weeks after the CMC, if appropriate to the case, and will assign a mediator, if appropriate; assign a guardian ad litem, if appropriate; establish dates for naming of experts and for closure of discovery and the filing of motions, within six weeks after the CMC; establish a date for a pre-trial conference, within eight weeks after the CMC; establish a date for trial, within eleven weeks after the CMC; address any other matter reviewed by the court at the case management conference. The case management order shall control the subsequent course of the proceeding, unless modified by the Court to prevent manifest injustice.

G) No discovery may be conducted after the closure date except by agreement of the parties, or by order of the Court, for good cause shown, upon the filing of a motion to extend discovery prior to the original closure date. The agreement of the parties to extend discovery after the closure date shall not constitute a basis for continuance of the designated trial date. Nothing contained in this order shall excuse a party from its continuing obligation to update responses to discovery. All motions shall be filed promptly after counsel discovers, or should have discovered, the basis for such motion. No motion may be filed after the closure date set in the case management order except for cause occurring subsequent to the closure date. No continuances will be granted except upon order of the court for extraordinary, unforeseen circumstances.

H) The parties shall complete and file with the Court a Pre-trial statement (Attachment D) no later than seven days prior to the Pre-Trial Conference. Failure to submit the pretrial statement on or before one week prior to the pretrial conference may result in the Court's imposition of appropriate sanctions and/or the exclusion of the evidence that should have been disclosed in the timely filing of the pretrial statement.

I) All parties and attorneys of record shall attend the pretrial conference and be prepared to discuss the merits of the case. At the pretrial conference, if the parties are able to reach agreement, the matter will be scheduled for an uncontested hearing. If the parties are unable to reach an agreement, the Court may issue a pretrial conference order which will confirm or address any matter reviewed at the pretrial conference. The Court will finalize a date and time for trial at the pretrial conference.

J) The parties shall file a proposed judgment entry with the court no later than seven days prior to trial.

K) Trial shall commence on the date and time set by the Court, except for extraordinary unforeseen circumstances which are brought to the Court's attention prior to the date set for trial.

May 25, 2001

/s/ C. William Kramer, Presiding Judge

ATTACHMENT "A"

CASE MANAGEMENT STATEMENT – DISSOLUTION OF MARRIAGE

IN THE 16th CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION
_____ AT KANSAS CITY _____ AT INDEPENDENCE

IN RE THE MARRIAGE OF:

)	
Petitioner)	
)	
and)	Case No:
)	Division:
)	
Respondent)	

CASE MANAGEMENT STATEMENT – DISSOLUTION OF MARRIAGE

Instructions:

This Case Management Statement must be completed by each attorney of record. The original is to be filed with the Court, and copies mailed to the Judge or Commissioner and all other counsel at least seven days prior to the Case Management Conference. Counsel need only complete those portions which are relevant to issues in controversy. All answers must be typed.

Present date:

Attorney's name and party represented:

State the names and ages of any minor involved in this proceeding:

Is legal or physical custody a contested issue?

Submit your proposed Parenting Plan to opposing counsel and the Court with the Case Management Statement.

Set forth a concise description of any issues regarding restriction of visitation.

State any issues which may require the appointment of a Guardian Ad Litem.

Have the parties attempted mediation? If not, suggest a proposed mediator for the Court to consider. (NOTE: If the parties cannot agree on a mediator, one will be Appointed by the Court at the Case Management Conference.)

Has your client attended FOCIS? Provide the dates your client attended or is

Scheduled to attend the FOCIS classes.

State whether or not the case remains contested.

IF THE CASE REMAINS CONTESTED, COMPLETE ALL SECTIONS BELOW.

Are there issues as to marital misconduct?

Is there an issue concerning child support?

Submit your Civil Procedure Form 14 Presumed Child Support Worksheet to opposing counsel and the Court with the Case Management Statement.

State factors, if any, which may justify deviation from the presumed amount.

Are there issues regarding the character of the property as marital or nonmarital? If so, identify same and provide a concise statement justifying exclusion from the marital estate:

Is there a controversy regarding division of marital assets and/or debts?

If so, please state in particular what marital asset or debt.

Identify any expert witnesses who you anticipate may testify in the manner provided pursuant to Rule 56.01(b)4.

Is there an issue concerning spousal maintenance? If so, complete the following:

a. Age of parties: Husband _____ Wife _____

Length of marriage: _____

A brief description of your allegations regarding the present and future earning capacity of the parties:

A brief description of any allegations that are relevant to the issue of maintenance and relate to the physical or emotional condition of either party:

Describe the amount, period and manner of payment requested:

Describe any provisions you intend to propose regarding termination or modification of maintenance:

Is there an issue concerning attorney fees?

List all expert witnesses you intend to call at trial.

List all stipulated exhibits you intend to offer at trial.

Indicate the number of expected witnesses to be called at trial and estimated length of trial.

List discovery you have completed. Specify with particularity any discovery disputes that remains unresolved.

Identify any procedural, evidentiary, or other problems that should be addressed at the Case Management Conference.

Provide dates for which counsel is unavailable for trial between 77 and 105 days after the Case Management Conference.

By execution of this Case Management Statement, counsel is certifying to the Court that a good faith effort has been made to settle all issues in this matter, including issues on the merit, outstanding discovery disputes, and any significant evidentiary issues.

Attorney for Petitioner/Respondent

I hereby certify that a true copy of the above and foregoing Case Management Statement along with the following documentation (check applicable documents):

_____ Updated Standard Dissolution discovery;

_____ Proposed Parenting Plan;

_____ Presumed Form 14 calculation

were served upon opposing counsel/party by depositing a copy of the same in the United States mail, postage prepaid, on the _____ day of _____, 200 _____, addressed to:

Attorney for Petitioner/Respondent

ATTACHMENT "B"

CASE MANAGEMENT STATEMENT – MOTION TO MODIFY

IN THE 16th CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION
_____ AT KANSAS CITY _____ AT INDEPENDENCE

IN RE THE MARRIAGE OF:

)	
Petitioner)	
)	
and)	Case No:
)	Division:
)	
Respondent)	

CASE MANAGEMENT STATEMENT – MOTION TO MODIFY

Instructions:

This Case Management Statement must be completed by each attorney of record. The original is to be filed with the Court, and copies mailed to the Judge or Commissioner and all other counsel at least seven days prior to the Case Management Conference. Counsel need only complete those portions which are relevant to issues in controversy. All answers must be typed.

Present date:

Attorney's name and party represented:

State the names and ages of any minor involved in this proceeding:

Is legal or physical custody a contested issue?

Submit your proposed Parenting Plan to opposing counsel and the Court with the Case Management Statement.

Set forth a concise description of any issues regarding restriction of visitation.

State any issues which may require the appointment of a Guardian Ad Litem.

Have the parties attempted mediation? If not, suggest a proposed mediator for the Court to consider. (NOTE: If the parties cannot agree on a mediator, one will be Appointed by the Court at the Case Management Conference.)

Has your client attended Re-FOCIS? Provide the dates your client attended or is

Scheduled to attend the Re-FOCIS classes.

State whether or not the case remains contested.

IF THE CASE REMAINS CONTESTED, COMPLETE ALL SECTIONS BELOW.

Is there an issue concerning child support?

Submit your Civil Procedure Form 14 Presumed Child Support Worksheet to opposing counsel and the Court with the Case Management Statement.

State factors, if any, which may justify deviation from the presumed amount.

Is there an issue concerning spousal maintenance? If so, complete the following:

a. Age of parties: Husband _____ Wife _____

Length of marriage: _____

A brief description of your allegations regarding the present and future earning capacity of the parties:

A brief description of any allegations that are relevant to the issue of maintenance and relate to the physical or emotional condition of either party:

Describe the amount, period and manner of payment requested:

Describe any provisions you intend to propose regarding termination or modification of maintenance:

Is there an issue concerning attorney fees?

List all expert witnesses you intend to call at trial.

List all stipulated exhibits you intend to offer at trial.

Indicate the number of expected witnesses to be called at trial and estimated length of trial.

List discovery you have completed. Specify with particularity any discovery disputes that remains unresolved.

Identify any procedural, evidentiary, or other problems that should be addressed at the Case Management Conference.

Provide dates for which counsel is unavailable for trial between 77 and 105 days after

the Case Management Conference.

By execution of this Case Management Statement, counsel is certifying to the Court that a good faith effort has been made to settle all issues in this matter, including issues on the merit, outstanding discovery disputes, and any significant evidentiary issues.

Attorney for Petitioner/Respondent

I hereby certify that a true copy of the above and foregoing Case Management Statement along with the following documentation (check applicable documents):

_____ Updated Standard Modification discovery;

_____ Proposed Parenting Plans if applicable;

_____ Presumed Form 14 calculation if applicable

were served upon opposing counsel/party by depositing a copy of the same in the United States mail, postage prepaid, on the _____ day of _____, 200 _____, addressed to:

Attorney for Petitioner/Respondent

ATTACHMENT "C"

CASE MANAGEMENT STATEMENT – PATERNITY

IN THE 16th CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION
_____ AT KANSAS CITY _____ AT INDEPENDENCE

IN RE THE MATTER OF:

)	
Petitioner)	
)	
and)	Case No:
)	Division:
)	
Respondent)	

CASE MANAGEMENT STATEMENT – PATERNITY

Instructions:

This Case Management Statement must be completed by each attorney of record. The original is to filed with the Court, and copies mailed to the Judge or Commissioner and all other counsel at least seven days prior to the Case Management Conference. Counsel need only complete those portions which are relevant to issues in controversy. All answers must be typed.

Present date:

Attorney's name and party represented:

State the names and ages of any minor involved in this proceeding:

Is paternity a contested issue?

Is legal or physical custody a contested issue?

Submit your proposed Parenting Plan to opposing counsel and the Court with the Case Management Statement.

Set forth a concise description of any issues regarding restriction of visitation.

State any issues which may require the appointment of a Guardian Ad Litem.

Have the parties attempted mediation? If not, suggest a proposed mediator for the Court to consider. (NOTE: If the parties cannot agree on a mediator, one will be Appointed by the Court at the Case Management Conference.)

Has your client attended FOCIS? Provide the dates your client attended or is Scheduled to attend the FOCIS classes.

State whether or not the case remains contested.

IF THE CASE REMAINS CONTESTED, COMPLETE ALL SECTIONS BELOW.

Is there an issue concerning child support?

Submit your Civil Procedure Form 14 Presumed Child Support Worksheet to opposing counsel and the Court with the Case Management Statement.

State factors, if any, which may justify deviation from the presumed amount.

Is there an issue concerning attorney fees?

List all expert witnesses you intend to call at trial.

List all stipulated exhibits you intend to offer at trial.

Indicate the number of expected witnesses to be called at trial and estimated length of trial.

List discovery you have completed. Specify with particularity any discovery disputes that remains unresolved.

Identify any procedural, evidentiary, or other problems that should be addressed at the Case Management Conference.

Provide dates for which counsel is unavailable for trial between 77 and 105 days after the Case Management Conference.

By execution of this Case Management Statement, counsel is certifying to the Court that a good faith effort has been made to settle all issues in this matter, including issues on the merit, outstanding discovery disputes, and any significant evidentiary issues.

Attorney for Petitioner/Respondent

I hereby certify that a true copy of the above and foregoing Case Management Statement along with the following documentation (check applicable documents):

_____ Updated discovery including a 1402b Financial Statement;

_____ Proposed Parenting Plan;

_____ Presumed Form 14 calculation

were served upon opposing counsel/party by depositing a copy of the same in the United States mail, postage prepaid, on the _____ day of _____, 200 _____, addressed to:

Attorney for Petitioner/Respondent

ATTACHMENT "D"

PRE-TRIAL STATEMENT

9. Has all discovery been completed ? If not , specify with particularity any discovery which has not been completed, including provisions of updated financial statements (1402a, 1402b or 1402 e)

10. Please submit a Form 14 child support calculation and a parenting plan, if different from those submitted at the case management conference

11. List all stipulated exhibits you intend to offer at trial

12. List all expert witnesses you intend to call at trial

13. Indicate the number of expected witnesses to be called at trial

14. Indicate the estimated length of trial

15. Identify any procedural, evidentiary, or other problems that should be addressed at the pre-trial conference.

By executing this pre-trial statement, counsel is certifying to the Court that a good faith effort has been made to settle all issues in this matter, including issues on the merits, outstanding discovery disputes, and any significant evidentiary issues.

Attorney for Petitioner/Respondent

I certify a true copy of the foregoing pre-trial statement with the following documentation(check applicable documents):

_____ Updated financial statements, and discovery

_____ Proposed parenting plan

_____ Presumed Form 14 calculation

were served upon opposing counsel/party by depositing a copy of same in the United States mail, postage pre-paid on the ____day of ____200__, addressed to:

Attorney for Petitioner/Respondent