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RULES OF THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT [CASS AND JOHNSON COUNTIES]

ADMINISTRATION

RULE 1. DIVISIONS OF COURT

The Courts within this circuit shall be designated as Division I and II (circuit divisions), the Associate Division and the Probate Division.

[Adopted eff. June 1, 1996. Amended eff. Jan 28, 2001.]

RULE 2. HOURS AND TERMS OF COURT

RULE 2.1 HOURS OF COURT

Each judge shall set the hours when his or her court shall begin.

[Adopted eff. June 1, 1996.]

RULE 2.2 TERMS OF COURT (NO LOCAL RULE)

RULE 2.3 LAW DAYS

In Cass County, Division I's law days shall be on the first and third Mondays of each month and Division II's law days shall be on the second and fourth Mondays of each month. In Johnson County, Division I's law days shall be on the second and fourth Mondays of each month and Division II's law days shall be on the first and third Mondays of each month. The judges of the other Divisions may establish such law days for their respective courts as they deem appropriate.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

Only uncontested matters, discovery disputes, criminal arraignments, pleas, sentencings, probation-revocation hearings, pre-trial conferences and orders to show cause regarding child support may be noticed for hearing on law days, absent the judge's express permission

[Adopted eff. June 1, 1996.]

RULE 2.5 WEEKEND "DUTY JUDGE"

At least one judge shall always be available in each county to sign warrants and juvenile detention orders and to set bail.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 3. PLEADINGS

RULE 3.1 SERVICE INSTRUCTIONS

Plaintiffs shall provide service instructions for defendants living in a rural area ("911" address) and, for corporate defendants, its agent's address and telephone number. [See Supreme Court Rule 55.02]

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 3.2 STYLE

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

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 4. FILING OF CASES AND SERVICE OF PROCESS

The clerk shall list the parties' names and their respective counsels' names on the docket sheet.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 4.1. CRIMINAL CASES

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

4.1.1. Criminal Cases

(a) The prosecuting attorney shall provide the appropriate Missouri Charge Code number (as defined in § 43.500.6, RSMo which includes the requirement for the NCIC modifier) for each count or alternate count alleged in the pleading.

(b) Offence Cycle Number (OCN) - If the defendant is in custody or has been arrested on the alleged offense, the prosecuting attorney shall provide the OCN from the state criminal fingerprint card, as defined in § 43.500.7, RSMo on the complaint, information or indictment.

4.1.2. Traffic Cases

The prosecuting attorney shall provide the appropriate Missouri Charge Code Number (as defined in § 43.500.6, RSMo which includes the requirement for the NCIC modifier) for all cases filed by the Uniform Citation.

4.1.3. Municipal Cases

Municipal cases shall be filed in the office of the Circuit Court. The prosecuting attorney shall provide the appropriate Missouri Charge Code Number (as defined in § 43.500.6, RSMo which includes the requirement for the NCIC modifier) for all cases filed by the Uniform Citation.

[Adopted eff. June 1, 1996. Amended eff. Nov. 28, 2007; June 1, 2015.]

RULE 4.2. CIVIL CASES

4.2.1. Civil Cases

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

4.2.2. Special Process Servers

Upon application of any party requesting the appointment of a disinterested and qualified special process server, any judge of the Circuit or the Circuit Clerk of Cass or Johnson Counties may appoint such disinterested and qualified person as special process server in any cause pending in any of the courts within this circuit.

[Adopted Aug. 29, 1997. Amended eff. Jan. 5, 2001; June 1, 2015.]

RULE 4.3. JIS PARTY INFORMATION SHEET

It is required that any party initiating an action shall file with the Clerk of the Circuit Court the JIS Party Information Sheet pursuant to Missouri Supreme Court Operating Rule 4.07 at the time of the filing of the initiating pleading. The Clerk shall not accept for filing any new case unless it is accompanied by the mandatory statistical JIS Party Information Sheet, completed in full.

[Adopted Nov. 19, 2004, eff. Jan. 1, 2005. Amended eff. July 15, 2005; Nov. 18, 2005; Nov. 28, 2007; Nov 20, 2009; June 1, 2015.]

RULE 4.4. JUVENILE CASES

All juvenile cases shall be filed with the Clerk of the Circuit Court.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 4.5. SMALL CLAIMS CASES

All small claims cases are filed with the Clerk of the Circuit Court.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 4.6. FILING OF PLEADINGS BY FACSIMILE TRANSMISSION PURSUANT TO SUPREME COURT RULES 43.02(C) AND (D) AND 20.04(H) – JOHNSON COUNTY

The court shall accept filings by facsimile transmission in all proceedings.

The party filing an original pleading shall submit the appropriate filing fee to the clerk within the ensuing two business days. If any filing after the original pleadings is filed by facsimile transmission, such filing shall also be served by facsimile transmission upon all other parties whose facsimile number has been set forth in such party's pleadings.

Fax filings shown received by the Clerk of the Court by 11:59 p.m. shall be deemed filed as of the close of business.

[Adopted eff. June 1, 1996. Amended Dec. 13, 2002, eff. April 14, 2003; Nov. 28, 2007; June 1, 2015.]

RULE 4.7. MUNICIPAL CASES (NO LOCAL RULE)

[Rescinded Mar. 29, 2007.]

RULE 4.8. ADMINISTRATIVE REVIEW CASES (CHAPTER 302 RSMo) (JOHNSON CO.):

All Administrative Review cases filed under § 302.750, RSMo for Refusals to Take Breathalyzer Tests and under § 302.309, RSMo Requests for Limited Driving Privileges shall be initially filed in the Circuit Division of the Circuit Court.

[Adopted Aug. 1, 2002, eff. April 14, 2003.]

RULE 4.9. CERTAIN REAL ESTATE CASES (CHAPTERS 534 AND 535 RSMo) (JOHNSON CO.):

All Rent and Possession cases filed under Chapter 535, RSMo; and unlawful detainer cases filed under Chapter 534, RSMo shall be initially filed in the Circuit Division of the Circuit Court.

[Adopted Aug. 1, 2002, eff. April 14, 2003.]

RULE 4.10 ELECTRONIC FILING

Anywhere within these rules where the term “filed” is used, it is understood that any pleadings, motions, documents, letters, exhibits, etc. shall be “e-filed” to the Clerk of the Circuit Court in which electronic filing under Court Operating Rule 27 has been implemented. No exceptions shall be granted except for non-lawyer pro-se litigants.

Any exhibit stickers placed on documents which are e-filed shall be white with black lettering. All pages, including the first page, of all e-filed pleadings shall be numbered.

[Adopted eff. June 1, 2015.]

RULE 5. FILING FEES AND COSTS

RULE 5.1. FILING FEE AND COST

By Order of Presiding Judge

[Adopted eff. June 1, 1996. Amended Nov. 19, 2004, eff. Jan. 1, 2005; July 15, 2005; Nov. 18, 2005; Nov. 28, 2007; Nov. 20, 2009.]

Rule 5.1.1. LAW LIBRARY FEE (CASS COUNTY)

Surcharge to be collected for additional law library fee on any party filing a civil case, excluding adoption and small claims cases, not to be charged when costs are waived or to be paid by the County or State or/and City. The amount is an additional \$10 through 12/31/2019 (unless the statute is extended) RSMo 488.426

[Adopted eff. January 1, 2017.]

Rule 5.1.2. FAMILY SERVICES AND JUSTICE FUND (CASS COUNTY)

A surcharge of \$30.00 that is applied to the Family Services and Justice Fund is included in all of the following cases and filings: dissolutions of marriage, motions to modify dissolutions, stipulations in domestic cases, adoptions, change of name actions, and any other domestic relations cases, except actions filed pursuant to Chapter 455 RSMo. The surcharge of \$30.00 shall be deposited by the Cass County Circuit Clerk into the Family Services and Justice Fund on a monthly basis.

[Adopted eff. June, 2018.]

RULE 5.2. COSTS

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

[Adopted eff. June 1, 1996. Amended eff. Jan. 5, 2001; Nov. 18, 2005; Nov. 28, 2007; June 1, 2015.]

RULE 5.3. WITNESS FEE (NO LOCAL RULE)

RULE 5.4. WAIVER OF FEES (NO LOCAL RULE)

RULE 5.5. MOTION FOR SECURITY (NO LOCAL RULE)

RULE 5.6. METHOD OF PAYMENT

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

[Adopted eff. June 1, 1996. Amended eff. Jan. 5, 2001.]

RULE 5.7. WRIT OF EXECUTION FEE (NO LOCAL RULE)

RULE 5.8 PATERNITY AND DISSOLUTION OF MARRIAGE

Any dissolution of marriage action filed under Chapter 452, RSMo that is accompanied by or contains a cause of action filed pursuant to §§ 210.817–210.852, RSMo shall be assessed one filing fee provided that said actions are filed simultaneously on the same day and time. If the causes of actions are not filed simultaneously than a separate filing fee will be assessed on each cause of action.

[Adopted eff. June 1, 2015]

RULE 5.9 GUARDIANSHIPS AND CONSERVATORSHIPS OF MINOR CHILDREN

Any applications for guardian or conservator of more than one minor child shall be assessed one filing fee provided that said applications are filed simultaneously and have at least one birth parent in common. If the causes of action are not filed simultaneously then a separate filing fee will be assessed on each application filed. Regardless of how the applications are filed a separate case number will be assigned to each child.

[Adopted eff. June 1, 2015]

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

RULE 6.1. ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1. By Local Court Rules or Order

In addition to the types of cases listed within § 517.011, RSMo the following types of cases may be heard by an Associate Circuit Judge, under procedures applicable to circuit judges:

- (a) Trials de novo from the municipal division;
- (b) Uncontested actions involving the title to real estate;
- (c) Cases assigned to an associate circuit judge by the presiding circuit judge;
- (d) Adversary proceedings under the probate Code;
- (e) Actions for unlawful detainer authorized by Chapter 534, RSMo;
- (f) Actions for rent and possession authorized by Chapter 535, RSMo; and
- (g) Petitions for review of driver's license revocations and for hardship driving privileges.

6.1.2. Domestic Relations

Any default or uncontested domestic relations matters pending before any judge of any division of this court may, by agreement of all parties not in default, be heard by any judge of any division of this court who agrees to hear the matter. For purposes of any subsequently filed modification motion, the case is automatically re-assigned to the original judge assigned by these rules to the case.

6.1.3. Special Assignment

All special assignments shall be by written order of the presiding judge, as modified from to time to time and as attached to the set of rules maintained by the Circuit Clerk.

[Adopted eff. June 1, 1996. Amended eff. Jan. 5, 2001; Dec. 13, 2002, eff. April 14, 2003; Nov. 19, 2004; eff. Jan. 1, 2005; Nov. 18, 2005; Nov. 28, 2007; June 1, 2015.]

6.1.4. Family Court (Cass County)

Cass County Circuit Court hereby establishes and designates a Family Court in Cass County as provided in sections 487.010 to 487.190 RSMo., and enumerates all the following types of actions shall be heard by the Family Court:

- (a) All actions set forth in 487.080 RSMo.; including but not limited to actions for dissolutions of marriage, legal separation, child custody, child support, adult abuse, paternity, modifications of the aforementioned actions; name change requests; juvenile proceedings as provided in Chapter 211 RSMo including but not limited to adoptions, and termination of parental rights; actions pursuant to 210.152 RSMo. de novo judicial review of decisions by the Child Abuse and Neglect Review Board; IV-D Child Support and Contempt Citations and State initiated paternity actions; Child and Adult abuse actions, including Chapter 455-Respondents less than seventeen years of age.

- (b) Divisions which shall act as the Family Court shall be Divisions III, V, and VI and the Presiding Judge shall designate one judge as the Family Court Administrative Judge pursuant to Administrative Order.
- (c) Any judge of the Cass County Associate and Circuit Court may be presented with the action for issuance of an ex parte order of protection and issuance of 72 hour juvenile detention and protective custody orders.

[Adopted eff. June, 2018.]

RULE 6.1.5 DUTIES OF FAMILY COURT ADMINSTRATIVE JUDGE (CASS COUNTY)

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; (3) reassign individual cases assigned to the Family Court Division as necessary; (4) review and specifically approve all proposed Guardian ad Litem for the Cass County G.A.L. Appointment List; and (4) perform such additional functions as in his or her discretion are reasonably necessary to perform the responsibilities of the Family Court Administrative Judge.

[Adopted eff. June, 2018.]

RULE 6.1.6 DISQUALIFICATION OF JUDGE ON FAMILY COURT ASSIGNMENT (CASS COUNTY)

In the event one of the judges serving the family court is disqualified, or is otherwise unable to take up the issues in or to try any cause pending before him, he shall request the Family Court Administrative Judge to reassign said cause.

[Adopted eff. June, 2018.]

RULE 6.2. ASSIGNMENT TO CIRCUIT JUDGES

6.2.1. Special Assignment – Johnson Co.

Companion criminal cases shall be assigned and heard by the judge to whom the lowest numbered case is assigned.

6.2.2. Disqualification

In any case originally assigned to the judge of Division I, if the judge is disqualified for any reason, the case is automatically assigned to the judge of Division II. In any case originally assigned to the judge of Division II, if the judge is disqualified for any reason, the case is automatically assigned to the judge of Division I.

[Adopted eff. July 1, 2007; Sept. 9, 2009.]

RULE 6.3. CERTIFICATION TO CIRCUIT DIVISION (NO LOCAL RULE)

RULE 6.4. TRIAL DE NOVO

Upon application for trial de novo being filed, the case, without further order, shall be heard by another associate circuit judge of the county unless said other associate circuit judge was

previously disqualified therein. If there is no associate circuit judge available to hear the case, the presiding judge shall assign the case to any available judge of the Circuit.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

**RULE 6.5. DISQUALIFICATION, RECUSAL, ETC., OF JUDGE
(NO LOCAL RULE)**

RULE 6.6. ABSENCE OF JUDGE

Any judge within the circuit may act in the stead of an unavailable judge, an unavailable judge in any ex-parte matter and, upon the parties' agreement, in any other matter.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 6.7. ABSENCE OF PRESIDING JUDGE

If the presiding judge is unavailable to act, the other circuit judge shall act as the presiding judge. If both circuit judges are unavailable to act, the associate circuit judge with seniority on the bench and who is available to act, shall act as the presiding judge.

[Adopted eff. June 1, 1996.]

RULE 6.8. JUVENILE PROCEEDINGS

Any judge of the Circuit may sign 72-hour juvenile detention orders, protective-custody orders or other orders, whenever presented by the juvenile officer or a deputy juvenile officer and may hear and determine proceedings for the detention of juveniles, whether or not the judge having responsibility for juvenile cases is within the circuit.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 6.9. MUNICIPAL DIVISION CASES

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

[Adopted eff. Nov. 1, 1997. Amended eff. Jan. 5, 2001; June 1, 2015.]

**RULE 7. WITHDRAWAL OF FILED
DOCUMENTS FROM CLERKS' OFFICES**

RULE 7.1. WHEN ALLOWED

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

[Adopted eff. June 1, 1996.]

**RULE 7.2. DUPLICATING POLICY
(NO LOCAL RULE)**

**RULE 7.3. SOUND RECORDING POLICY
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

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[Rescinded eff. June 1, 2015.]

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**RULE 11. RECORDING AND ELECTRONIC COVERAGE OF
JUDICIAL PROCEEDINGS BY THE MEDIA**

All electronic coverage of judicial proceedings by the media shall be subject to and in accordance with Supreme Court Administrative Rule 16.

[Adopted eff. June 1, 1996.]

RULE 11.1. ELECTRONIC DEVICES

All electronic devices, including but not limited to, cell phones; laptop computers; cameras and recording devices are prohibited in the Cass County Justice Center and the Johnson County Justice Center, except as provided in this rule. All means of photographing, recording, broadcasting and televising are prohibited in any courtroom and in areas adjacent to any courtroom, except when authorized by the judge presiding over an investiture or other ceremonial proceeding. Attorneys, probation officers, law enforcement officials, juvenile officers and bails bondsmen are allowed to bring cell phones, laptop computers and electronic devices into the courtroom, and said devices may be used in the court room when authorized by the judge presiding. Nothing in this rule is intended to limit or modify the provisions of Supreme Court Operating Rule 16 nor to prohibit the use of electronic audio and visual devices for the presentation of evidence, for making the official record of a proceeding, for insuring Court security, or when authorized, by the judge presiding as necessary to the administration of justice. Nothing in this rule shall prohibit any state or county employee whose regular workplace is in the Johnson County or Cass County justice center from bringing personal electronic devices of any type into such employee's workplace, subject to the policies of such employee's supervisor. For the purposes of this rule, the term "Cass County Justice Center" does not include the Cass County Sheriff's Office and the Cass County Sheriff's Office jail or detention facility.

[Adopted eff. Sept. 1, 2011; Nov. 18, 2011]

RULE 12. MONIES PAID INTO COURT (NO LOCAL RULE)

RULE 13. COMMUNICATIONS WITH COURT (NO LOCAL RULE)

GENERAL RULES

RULE 21. ATTORNEYS

RULE 21.1. RESOLUTION OF CONFLICTING TRIAL SETTINGS

Should more than one case in which the same attorney appears as counsel be set for trial at the same time in different divisions within this circuit, the trial of the earliest-filed case shall take precedence and the later-filed case shall be reset for trial at the earliest possible time.

[Adopted eff. June 1, 1996.]

RULE 21.2. ENTRIES OF APPEARANCE (NO LOCAL RULE)

RULE 21.3. CONDUCT OF ATTORNEYS

Only one attorney for each party may examine a witness or cross-examine that witness.

[Adopted eff. June 1, 1996.]

RULE 21.4. WITHDRAWAL OF ATTORNEYS

An attorney who desires to withdraw as counsel for a party shall first file a written motion requesting leave of court to withdraw, therein state why he wishes to withdraw, notice the same for hearing, serve a copy of the motion, and notice upon all parties (including his client), therein disclose his client's last-known address and, if a criminal case, therein instruct his client to appear in person at the motion's hearing.

[Adopted eff. June 1, 1996.]

**RULE 21.5. FAILURE OF ATTORNEYS TO APPEAR AT DOCKET CALL.
(NO LOCAL RULE)**

**RULE 21.6. APPOINTMENT OF ATTORNEYS
(NO LOCAL RULE)**

**RULE 21.7. AGREEMENTS BETWEEN COUNSEL
(NO LOCAL RULE)**

**RULE 21.8. ADVICE TO CLIENT AND
WITNESSES OF COURTROOM PROCEDURE**

Each attorney shall advise his client and witnesses of the formalities commonly exercised in court, including proper dress, and shall advise his client to not discuss any phase of the case with the court. If the exclusionary rule has been invoked, each attorney shall require his witnesses to comply with it and, if any witness violates that rule, that witness shall not be permitted to testify, except by consent of opposing counsel or by order of the court.

[Adopted eff. June 1, 1996.]

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM:

All Guardians Ad Litem in Juvenile and Domestic Relations matters shall comply with the Standards for Guardians Ad Litem as approved by the Missouri Supreme Court.

[Adopted eff. July 1, 2011.]

**RULE 23. TRANSCRIPTS
(NO LOCAL RULE)**

RULE 24. EXHIBITS

Each attorney shall mark his exhibits for identification prior to trial and shall present the court with a list of the same on an "Exhibit List". At the conclusion of the proceedings, unless otherwise ordered by the Court, each party shall collect and be responsible for his or her exhibits, and, on appeal, they shall be tendered to the appropriate court reporter for preparation of the transcript or in the event that the proceeding was electronically recorded, to the Clerk of the Circuit Court for preparation of the legal file.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

PRETRIAL MATTERS

RULE 32. DISCOVERY

RULE 32.1. USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION (NO LOCAL RULE)

RULE 32.2. INTERROGATORIES

If the Court has published court-approved interrogatories, counsel may propound only those interrogatories and shall propound no additional interrogatories unless permitted by Court order.

[Adopted eff. June 1, 1996.]

RULE 32.3. DEPOSITIONS (NO LOCAL RULE)

[Rescinded eff. June 1, 2015.]

RULE 32.4. MOTIONS FOR SANCTIONS (NO LOCAL RULE)

RULE 32.5. CRIMINAL DISCOVERY (NO LOCAL RULE)

RULE 33. PRETRIAL MOTIONS

33.1 HEARING DATES

Any motion, not noticed for hearing and heard by the court prior to trial, is deemed abandoned, unless otherwise ordered by the trial court.

[Adopted eff. June 1, 1996. Amended eff. Nov. 20, 2009.]

RULE 33.2. BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED (NO LOCAL RULE)

RULE 33.3. ORAL ARGUMENTS- WHEN DESIRED AND HOW REQUESTED (NO LOCAL RULE)

RULE 33.4. MOTIONS IN LIMINE (NO LOCAL RULE)

RULE 34. CONTINUANCES

RULE 34.1. CIVIL CASES (NO LOCAL RULE)

RULE 34.2. CRIMINAL CASES (NO LOCAL RULE)

**RULE 35. PRETRIAL CONFERENCES
(NO LOCAL RULE)**

RULE 36. SETTING CASES FOR TRIAL

**RULE 36.1. REQUEST FOR TRIAL
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

**RULE 36.2. DATE OF CALENDAR CALL
(NO LOCAL RULE)**

**RULE 36.3. CALENDAR CALL
(NO LOCAL RULE)**

**RULE 36.4. REMOVAL AND INACTIVE CALENDAR
(NO LOCAL RULE)**

**RULE 36.5. REVISION OF AND REMOVAL FROM PREPARED CALENDAR
(NO LOCAL RULE)**

**RULE 36.6. SPECIAL ASSIGNMENTS
(NO LOCAL RULE)**

**RULE 36.7. RESUMPTION OF DISCOVERY
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

**RULE 36.8. OBJECTIONS TO TRIAL SETTINGS.
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

RULE 37. DISMISSALS

The court shall review all cases that have been on file more than twelve months and may review any case that has not been disposed within the time prescribed within Court Operating Rule 17 and may thereafter dismiss that case, without prejudice. Any case so dismissed may be reinstated within 30 days for good cause shown.

[Adopted eff. June 1, 1996; ; Amended eff. June 1, 2015.]

SETTLEMENT AND DEFAULT

RULE 41. SETTLEMENT

The parties shall immediately notify the clerk when a litigation that has been set for trial has been settled.

[Adopted eff. June 1, 1996.]

**RULE 42. DEFAULT
(NO LOCAL RULE)**

TRIALS

RULE 51. COURT-TRIED CASES

**RULE 51.1. DEFAULT AND UNCONTESTED MATTERS
(NO LOCAL RULE)**

**RULE 51.2. CONTESTED MATTERS
(NO LOCAL RULE)**

**RULE 51.3. PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

RULE 52 SELECTION OF JURY:

RULE.52.1 JURY QUALIFICATION FORMS

The Clerk of the Circuit Court shall submit a completed juror Qualification form in such format as the Court designates to each prospective juror. Jury qualification forms shall be available to counsel for each party or the party, acting pro-se, seven (7) days prior to any jury trial by contacting the Clerk of the Circuit Court. At the completion of the voir dire examination each attorney or pro se party shall return the jury qualification forms to the Clerk of the Circuit Court.

[Adopted eff. July 1, 2011; Amended eff. June 1, 2015.]

RULE 52.2. JURY NONDISCLOSURE

The jury qualification forms for the venire panel selected for any jury trial shall be provided to the counsel for each party, or the party, acting pro-se, as provided in Rule 52.1. Counsel for each party or the party, if acting pro-se, shall search the names of the venire panel through the Supreme Court's on-line "Case.net" system prior to trial. Trial will not be delayed for purposes for "Case.net" search. For purposes of this rule, a jury trial is deemed to begin at the start of voir dire examination. Failure to complete "Case.net" search during the time period allowed by this rule will be deemed a waiver of that right, except as to any venire name(s) added after the jury qualification forms made available the by Clerk of the Circuit Court pursuant to Local Rule 52.1. Counsel is to notify the court and opposing counsel immediately and no later than prior to the discharge of the venire panel, any information revealed by a "Case.net" search that counsel believes is inconsistent with a venire person's answers on the jury qualification form and/or during voir dire examination. Any claim of juror nondisclosure, discoverable through "Case.net" search, is deemed waived by the party, if no objection is made to that juror prior to the discharge of the venire panel.

[Adopted eff. July 1, 2011; Amended eff. June 1, 2015.]

RULE 52.3 SECURITY LEVEL OF JURY CASES

The security level of a case set for jury trial shall be raised to a security level 3 at the time the jury is summoned for duty, or at an earlier date at the discretion of the Court to protect the rights of the parties to a fair trial.

[Adopted eff. June 1, 2015.]

RULE 53. JURY TRIALS

RULE 53.1. INSTRUCTIONS

Counsel shall submit their proposed instructions upon each reasonably-anticipated issue at the pre-trial conference and may withdraw or modify any such instruction before given or refused. The court shall permit all counsel to examine the proposed instructions of all other counsel and, after the close of all the evidence, to make objections against the same. The clerk shall retain one copy of all such instructions given or refused.

[Adopted eff. June 1, 1996. Amended Nov. 19, 2004, eff. Jan. 1, 2005.]

RULE 53.2. CLOSING ARGUMENTS

The court shall advise counsel of any limit that it sets upon closing arguments at the instruction conference.

[Adopted eff. June 1, 1996]

RULE 54. JUDGMENT ENTRY

RULE 54.1. PREPARATION

Unless otherwise ordered by the court, the party initiating the action shall prepare a proposed decree or judgment entry for the Court's potential use, said proposal to be provided in paper and electronic form.

[Adopted eff. June 1, 1996. Amended Nov. 19, 2004, eff. Jan. 1, 2005; June 1, 2015.]

RULE 54.2. METHOD OF PAYMENT TO BE SPECIFIED

All maintenance and child-support payments shall be made through the Missouri Family Support Payment Center unless expressly ordered to be otherwise in the written judgment entry.

[Adopted eff. June 1, 1996. Amended Nov. 19, 2004, eff. Jan. 1, 2005.]

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION

RULE 61.1. FILING REQUIREMENTS

Prior to the final hearing on the petition for adoption, counsel for the Petitioners shall file a Certificate of Adoption in the form approved by the Bureau of Vital Statistics.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

**RULE 61.2. HOME STUDY
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

RULE 62. DRIVERS' CASES

**RULE 62.1. APPLICATION FOR HARDSHIP-DRIVING PRIVILEGES
(NO LOCAL RULE)**

**RULE 62.2. PETITIONS FOR REVIEW
(NO LOCAL RULE)**

**RULE 62.3. BREATHALYZER TEST
(NO LOCAL RULE)**

**RULE 63. ASSOCIATE DIVISION CASES
(NO LOCAL RULE)**

**RULE 64. CASES ARISING UNDER MO.REV.CH. 207 AND 208 (TITLE
IV-D AND H.B. 601 ACTIONS)
(NO LOCAL RULE)**

**RULE 65. CIVIL COMMITMENT
(NO LOCAL RULE)**

**RULE 66. CONDEMNATION
(NO LOCAL RULE)**

RULE 67. CRIMINAL CASES

RULE 67.1. PRETRIAL RELEASE

67.1.1 Motions to Set Bond and For Bond Reduction

Motions to set bond and for bond reduction shall be addressed to the judge of the division in which the case is pending.

67.1.2 – No Local Rule

67.1.3 Qualification of Compensated Sureties

Any compensated surety, against which there exists an outstanding forfeiture or unsatisfied judgment in any court, shall be stricken from the list until re-approved.

67.1.4 – No Local Rule

[Adopted eff. June 1, 1996. Amended eff. Nov. 20, 2009; June 1, 2015.]

**RULE 67.2. PRELIMINARY HEARING
(NO LOCAL RULE)**

**RULE 67.3. GRAND JURY
(NO LOCAL RULE)**

**RULE 67.4. ATTORNEYS
(NO LOCAL RULE)**

**RULE 67.5. ARRAIGNMENTS
(NO LOCAL RULE)**

**RULE 67.6. DISCOVERY
(NO LOCAL RULE)**

**RULE 67.7. MOTIONS
(NO LOCAL RULE)**

**RULE 67.8. PLEA BARGAINS
(NO LOCAL RULE)**

**RULE 67.9 GUILTY PLEA
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

**RULE 67.10. CALENDAR
(NO LOCAL RULE)**

**RULE 67.11. PROBATION AND PAROLE
(NO LOCAL RULE)**

**RULE 67.12. LAW ENFORCEMENT RESTITUTION FUND – CASS COUNTY
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

**RULE 67.13. TIME-PAYMENT ASSESSMENT
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

RULE 68. DOMESTIC RELATIONS

RULE 68.1. FILING REQUIREMENTS

A Certificate of Dissolution form shall be filed at the time of the filing of the petition for dissolution of marriage.

68.1.1 Dissolution and Paternity Cases

In any dissolution of marriage action filed wherein a companion paternity suit involving the same parties and same children is also filed, the cases shall be assigned to the same judge hearing the paternity action.

[Adopted eff. June 1, 1996. Amended eff. Jan. 5, 2001; July 15, 2005; July 1, 2008; Nov. 18, 2011; June 1, 2015; Nov. 20, 2015.]

RULE 68.2. SETTLEMENT AGREEMENT

Prior to any uncontested hearing on a dissolution of marriage, legal separation, or modification cause of action a copy of the Settlement Agreement, Joint Parenting Plan and Proposed Form 14 shall be filed with the Court at the same time that the notice of hearing is filed with the Court.

[Adopted eff. June 1, 2015.]

RULE 68.3. FORMS OF DECREE (NO LOCAL RULE)

RULE 68.4. FILING OF FINANCIAL STATEMENTS

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

Unless there is a signed separation agreement, providing for the allocation of assets and debts, signed by the parties and filed with the Court five (5) days prior to the hearing date, the parties shall prepare a joint statement of Marital and Non-Marital Property and Debts, indicating for each item, the value and/or debt claims by each party as well as each party's proposed division of the same. The joint statement shall be submitted to the Court at the beginning of the trial in paper and electronic form.

[Adopted eff. June 1, 1996; Amended eff. June 1, 2015.]

RULE 68.5. MODIFICATION OF DECREE (NO LOCAL RULE)

RULE 68.6. EMANCIPATION (NO LOCAL RULE)

RULE 68.7. CONCURRENT ORDERS OF PROTECTION AND DOMESTIC RELATIONS ACTIONS

Whenever a petition is filed under §§ 455.005–455.090, RSMo and a dissolution of marriage, legal separation, motion to modify or any other child-custody proceeding that involves the same parties is pending in this or any other court, the court considering the petition may grant an ex parte order of protection solely to protect the petitioner from abuse or stalking, as they are defined in § 455.010, RSMo.; it shall not grant a temporary order of child custody or support regarding the parties' minor children and, should it issue an ex parte order of protection, it shall cause a copy of that order to be filed in the pending action for dissolution of marriage, legal separation, motion to modify, or other child custody proceeding.

[Adopted eff. June 1, 1996. Amended eff. July 15, 2005; June 1, 2015.]

RULE 68.8. RELATION AND TRANSFER OF ORDERS OF PROTECTION WITH DOMESTIC RELATIONS ACTIONS

Whenever a petition is filed under Chapter 455, RSMo and a dissolution of marriage, legal separation, motion to modify or any other child-custody proceeding that involves the same parties is pending in this or any other court, or said proceeding is filed prior to a hearing on the Chapter 455 action, the court may relate and transfer the Chapter 455 action to the judge hearing

the dissolution of marriage, legal separation, motion to modify or any other child-custody proceeding.

[Adopted eff. June 1, 1996. Amended eff. Aug. 16, 2010; June 1, 2015.]

RULE 68.9. STANDARD DISCOVERY FOR USE IN CONTESTED FAMILY LAW ACTIONS

The Court en Banc has approved pattern discovery for usage in all Domestic Relations Actions. Local Rule 32 and Supreme Court Rules 57, 58, 59, 60 & 61, shall govern usage of such pattern discovery.

[Adopted Dec. 13, 2002, eff. April 14, 2013. Amended Nov. 19, 2004, eff. Jan. 1, 2005; Amended eff. Jan. 1, 2016.]

RULE 68.10. MEDIATION IN CASES INVOLVING A CUSTODY DETERMINATION

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

(b) A proposed "Order for Mediation" shall include the names, addresses and contact information of the parties and their respective attorneys, a date by which mediation participation shall be completed and what percentage each party shall pay for mediation. The order shall direct the mediator to advise the court, the attorneys of record, and the guardian ad litem, if any, in writing when mediation is completed or when for any reason it is not completed as ordered.

(c) Mediation for custody or visitation issues shall be performed by a qualified mediator as defined in Supreme Court Rule 88.05. The circuit clerk shall maintain and make available to any interested party, a list of qualified mediators, their contact information and the address where mediation will be conducted. The circuit clerk shall update such list as needed.

(d) The parties may select a qualified mediator and submit an "Order for Mediation" to the Court. Should the parties be unable to agree on a qualified mediator, upon motion by any interested party and the submission of a proposed "Order for Mediation", the court shall select a mediator and order mediation.

(e) On its own motion, or upon a "Motion to Waive Mediation" filed by a party and for good cause shown, the court may waive mediation.

(f) Each party shall provide to the mediator a copy of his/her current "Statement of Marital and Non-Marital Property, Income and Expenses" (referred to in Local Rule 68.4) seven (7) days prior to the date scheduled for mediation.

(g) This rule shall apply to all pending cases.

[Adopted eff. Aug. 1, 2003. Amended eff. Nov. 18, 2005; Nov. 28, 2007; July 1, 2011; June 1, 2015.]

RULE 68.11. MEDIATION IN DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION CASES INVOLVING THE DIVISION OF PROPERTY AND/OR DEBT

(a) In every dissolution of marriage or legal separation proceeding involving the division of property and/or debt, prior to the filing of a motion for trial setting, the parties shall participate in not less than two hours of mediation using a mediator designated by the Court.

- (b) On its own motion, or upon motion filed by a party and for good cause shown, the Court may waive mediation.
- (c) Each party shall provide to the mediator a copy of his/her current "Statement of Marital and Non-Marital Property, Income and Expenses" (referred to in Local Rule 68.4) seven (7) days prior to the date scheduled for mediation
- (d) This rule shall apply to all pending cases.

[Adopted eff. Nov. 28, 2007. Amended eff. July 1, 2011; June 1, 2015.]

RULE 68.12 EDUCATIONAL CLASSES

68.12.1 Parenting Classes

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

68.12.2 Litigant Awareness Program

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

[Adopted eff. June 1, 2015; Amended eff. Nov. 20, 2015.]

RULE 69. MUNICIPAL DIVISION

RULE 69.1. WRITTEN POLICY FOR REPORTING DISPOSITIONS OF INTOXICATION-RELATED TRAFFIC OFFENCES

Each Municipal Division not heard by an Associate Circuit Judge shall provide a copy of its written policy for reporting dispositions of intoxication-related offenses to the Office of State Courts Administrator, the Missouri State Highway Patrol, and the Presiding Judge.

[Adopted eff. Aug. 28, 2010.]

RULE 69.2. WRITTEN POLICY FOR REPORTING DISPOSITION OF INTOXICATION RELATED TRAFFIC OFFENSES HEARD BY ASSOCIATE JUDGES

Each Associate Circuit Judge which hears Municipal Division intoxication-related traffic offenses shall maintain a written policy for reporting dispositions of said offenses to the Office of State Court Administrator and the Missouri State Highway Patrol. The policy shall be by written order of the Presiding Judge, as modified from time to time and as attached to the set of rules maintained by the Circuit Clerk.

[Adopted eff. Aug. 28, 2010; Amended eff. June 1, 2015.]

RULE 69.3. BI-ANNUAL STATISTICAL REPORT ON INTOXICATION-RELATED TRAFFIC OFFENSES FOR MUNICIPAL COURT

Each Municipal Division not heard by an Associate Circuit Judge shall prepare a report every six months. The report shall be in compliance with § 577.006.3, RSMo.

[Adopted eff. Aug. 28, 2010.]

RULE 69.4. BI-ANNUAL STATISTICAL REPORT ON INTOXICATION-RELATED TRAFFIC OFFENSES HEARD BY ASSOCIATE JUDGES

Each Municipal Division heard by an Associate Circuit Judge shall prepare a report every six months. The report shall be in compliance with § 577.006.3, RSMo. The report shall be in conformance to a procedure set forth by written order of the Presiding Judge, as modified from time to time and as attached to the set of rules maintained by the Circuit Clerk.

[Adopted eff. Aug. 28, 2010.]

RULE 69.5. MUNICIPAL COURT CLERK MAY INVESTIGATE AND PROVIDE DEFENDANTS PRIOR DWI RECORDS TO JUDGE AND PROSECUTOR

For the purpose of providing a Municipal Judge's compliance with VAMS § 479.170, RSMo, a Municipal Court Clerk may investigate (through driving records, DWITS, REJIS or other approved criminal background checks) a defendant's prior DWI records and provide the results to the Municipal Judge, Prosecutor or both. Unless by agreement of the parties, a Municipal Judge may not review the aforementioned investigative records until the plea or sentencing of the Defendant.

[Adopted eff. Jan. 1, 2016.]

**RULE 69.6. DETERMINING INDIGENT STATUS
IN MUNICIPAL DIVISION CASES**

Each Municipal Division shall have established procedures to allow indigent defendants to present evidence of their financial condition and take such evidence into account when determining bond, fines and court costs and the waiver of the statutory payment fee for a Trial de Novo.

(a) The established procedure shall include providing Local Form 69.6, “Statement of Financial Condition” to persons seeking permission to proceed as an indigent in a municipal division case.

(b) A person is presumed indigent if the person:

- (1) Is in the custody of the Children’s Division or the Division of Youth Services; or
- (2) Has total household monthly income below 125% of the Federal Poverty Guidelines, which currently are:

1 household person	\$1,256
2 household persons	\$1,692
3 household persons	\$2,127
4 household persons	\$2,563
5 household persons	\$2,998
6 household persons	\$3,433
7 household persons	\$3,869
8 household persons	\$4,304

For each additional household person over 8 add \$433

[Adopted eff. Jan 1, 2017.]

**RULE 69.7. TRANSFER OF CASES FROM A MUNICIPAL DIVISION TO AN
ASSOCIATE OR CIRCUIT DIVISION
(NO LOCAL RULE)**

**RULE70. PARTITION
(NO LOCAL RULE)**

**RULE 71. ADMINISTRATIVE REVIEWS
(NO LOCAL RULE)**

**RULE72. PROBATE
(NO LOCAL RULE)**

**RULE 73. SMALL CLAIMS
(NO LOCAL RULE)**

**RULE 74 . TRUST ESTATES
(NO LOCAL RULE)**

**RULE 75. JUVENILE DETENTION
(NO LOCAL RULE)**

[Rescinded eff. June 1, 2015.]

POST TRIAL

RULE 81. EXECUTION

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

[Adopted eff. June 1, 1996.]

**RULE 82. GARNISHMENT
(NO LOCAL RULE)**

**RULE 83. JUDICIAL SALES
(NO LOCAL RULE)**

INTERNAL ORGANIZATION

RULE 100. INTERNAL ORGANIZATION

RULE 100.1. PRESIDING JUDGE

100.1.1. Election

A presiding judge shall be elected from the circuit judges by the majority vote of the court en banc, which shall consist of all circuit and associate circuit judges. The election shall be held during the November en banc meeting and the presiding judge shall hold office for two years and commencing January 1st of the year following the election.

100.1.2. Duties of the Presiding Judge (No Local Rule)

100.1.3. Dispute Resolution – Procedure

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

100.1.4. Removal or Disability

The presiding judge may be removed by a four-fifths vote of the remaining circuit and associate judges. Should the presiding judge be unavailable to act for thirty consecutive days, an election

shall be held to elect a replacement presiding judge for the remainder of unavailable judge's unexpired term.

100.1.5. Orders of Presiding Judge

All orders issued by the presiding judge shall be in writing, filed with the circuit clerks and be there accessible to the public.

[Adopted eff. June 1, 1996. Amended eff. Nov. 28, 2007; June 1, 2015.]

RULE 100.2. LOCAL COURT RULES

100.2.1. Formulation

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

100.2.2. Publication (No local rule)

[Adopted eff. June 1, 1996.]

RULE 100.3. LIBRARY FUND

The Circuit Clerk of Cass County shall withhold \$15.00 from each filing fee \$5.00 of which is to be used to fund electronic filing or Court Automation with the remainder to be utilized for law library funding. The Circuit Clerk of Johnson County shall withhold \$15.00 from each filing fee \$5.00 of which is to be used to fund electronic filing or Court Automation with the remainder to be utilized for law library funding.

[Adopted eff. June 1, 1996. Amended Nov. 19, 2004, eff. Jan. 1, 2005; July 15, 2005; Sept. 1, 2012; June 1, 2015.]

**RULE 100.4. STORAGE OF RECORDS
(NO LOCAL RULE)**

**RULE 100.5. CLERK'S DUTIES
(NO LOCAL RULE)**

**RULE 100.6. SELECTION OF VENIREMEN
(NO LOCAL RULE)**

RULE 100.7. COURT EN BANC:

100.7.1. Regular Meeting

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

100.7.2. Agenda (No Local Rules)

100.7.3. Special Meeting

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

[Adopted eff. June 1, 1996.]