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ADMINISTRATION

RULE 1 DIVISIONS OF COURT

(1) Divisions one through twenty-one shall be divisions presided over by Circuit Judges; Divisions thirty-one through forty-four shall be divisions presided over by Associate Circuit Judges.

(2) The Rules of Court, Twenty-First Judicial Circuit shall apply to matters heard by any Commissioner authorized by the General Assembly and appointed by the Court in accordance with law.

(3) Divisions 46 and 47 shall be presided over by Traffic Commissioners; Divisions 61, 62, 63, 64 and 65 shall be presided over by Family Court Commissioners; and Divisions 66 and 67 shall be presided over by the Probate Commissioner and Deputy Probate Commissioner respectively; and Division 68 shall be presided over by a Treatment Court Commissioner.

RULE 2 HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

(1) The Court is open five (5) days a week, Monday through Friday, between the hours of 8:00 A.M. and 5:00 P.M., legal holidays excepted.

(2) The following hours are established for the Office of the Circuit Clerk: 8:00 A.M. to 5:00 P.M. Monday through Friday and on Saturday or after hours for adult abuse as directed by the Circuit Clerk.

(3) The Court and the Office of the Circuit Clerks shall be closed in observance of the public holidays declared and established by §9.010 of the Revised Statutes of the State of Missouri.

(4) The Presiding Judge shall have authority to close the Court for a day or any part of a day for any time period in accordance with Supreme Court Operating Rule.

2.2 TERMS OF COURT

(1) The Circuit Court shall be in continual session as provided by §478.205, RSMo. To the extent that a term of Circuit Court may be required or specified by these rules or by any provision of law, the “terms” of Court shall be considered as commencing on the second Monday in January, the first Monday in May and the third Monday in September.

(2) The Court shall not be required to convene on any day of any “term” solely because of this rule.

2.3 LAW DAYS

See Rule 2.4, post.

2.4 PARTICULAR MATTERS

(1) Pre-trial motions in criminal and civil cases pending before Circuit Judges shall be set by making application to the division clerk of the division to which the case is assigned.

(2) Pre-trial motions in criminal and civil cases pending before Associate Circuit Judges shall be set by making application to the division clerk of the division to which the case is assigned.

(3) Pre-trial motions in matters pending in the family court shall be set by making application to the domestic relations docket clerk except for those divisions requiring motions to be set with the division clerk.

(4) Post-trial motions shall be set and heard by the judge having heard the case.

(5) Pre-trial motions in matters pending before the Traffic Commissioner shall be set with the division clerk for the appropriate Commissioner.

RULE 3 PLEADINGS

3.1 CAPTION (PETITION)

The following caption is required in the Circuit Court of St. Louis County, Missouri

(Name)_____	)	
Plaintiff	)	
(Petitioner)	)	Cause No._____
	)	
vs.	)	
	)	
(Name)*_____	)	Division No._____
(Serve at)****		
(Address)**_____	)	
(City)_____,	)	
Defendant	)	
(Respondent)	)	

TYPE OF PLEADING

NATURE OF ACTION

***Signed (Attorney of Record, or Party)
(Attorney Enrollment Number)
(Address)
(Telephone Number)
(E-mail Address)

* If a corporate defendant, also list officer or registered agent in charge with address and telephone number on the petition. If a foreign corporation, also give address of local office and name of officer in charge on the petition.

** If defendant has a rural route, give directions or a P.O. Box number on the petition.

*** at end of pleading.

**** If no personal service is required this may be deleted. However, address must remain if mail service.

3.2 STYLE

(1) All Pleadings and motions intended for filing in any case shall be typewritten with each line, double-spaced. The document shall be sized 8 ½" x 11", or such other size as may be prescribed by Supreme Court Rule, with a top and left-hand margin of at least one inch. The font size shall not be less than size 12 and the orientation shall be portrait on any document created by an attorney. All pleadings, motions, and entries of appearance by attorneys shall be signed by the party or his attorney offering the same for filing electronically and shall bear the address, telephone number, e-mail address, and bar identification number of the trial attorney in the case, or if the party appears pro se, the address and telephone number of the party.

(2) Said pleadings and motions shall be captioned with the style and number of the case, the character of the pleadings and motions, and if a petition, the nature of the suit, and if consisting of more than one page, shall be numbered at the bottom of each page. Paragraphs of pleadings shall be numbered consecutively. Each count of a petition or any amended petition shall be numbered and titled with the name of the cause of action asserted therein. An attorney offering a document for filing may sign it on behalf of a law firm or attorney when duly authorized to do so; but he must also subscribe his own signature electronically. The attorney whose signature is affixed to the pleading or paper shall be deemed to be the trial attorney in the case. Where service of summons or other pleadings is requested, a request for service shall be included in the caption of the pleading filed along with a complete address for each party to be served. The name of an attorney shall be typed under the attorney's signature upon all documents and Court memoranda filed. The statement as to service of pleadings on opposing counsel shall designate by name the opposing counsel on whom such pleadings were served.

3.3 FILING OF DOCUMENT IN COURTROOM AND AMENDMENT IN COURT

Any document filed in the courtroom shall be submitted to the division clerk for filing during trial or hearing. The document shall be scanned into the electronic system by the clerk after signature of the Judge if required. Whenever leave is granted to amend a pleading, the party or attorney shall submit the amendment for filing. A party may file such document electronically. The amendment shall be deemed abandoned unless the document amending the pleading is actually filed.

3.4 FILING BY FACSIMILE TRANSMISSION

(1) Whenever only one copy of a motion, pleading or other document is required to be filed, and that document, including the memorandum of the minute entry as required by Local Rule 3.2(2), is ten (10) pages or fewer in length, and no filing fee or cost deposit is required for the filing, the document may be filed with the Court by facsimile transmission pursuant to Rule 43.

(2) A document received by facsimile transmission will be deemed filed as of the date and time recorded by the facsimile. The party transmitting the document is responsible for the completeness of the transmission.

(3) Waiver of these rules may only be granted by the Presiding Judge.

3.5 PLEADINGS SHALL BE STAPLED AND CONTAIN PUNCHED HOLES

When pleadings are in excess of 20 pages in length they shall be stapled, fastened or banded and contain 2 pre-punched holes in the top center of the document using a standard 2 hole punch set for 8 ½ inch paper. The Office of the Circuit Clerk shall not accept any pleadings that does not comply with this Rule.

RULE 4 FILING OF CASES

4.1 All attorneys who attempt to file a document with the court shall be a registered user of the electronic filing system established by the Office of State Court Administrator. Once the case type has been designated for electronic filing, no paper in that case file shall be accepted unless provided by Rule 4.8 or order of the court. All paper not covered by Rule 4.8 or order of the court shall be returned by the clerk to the filing party and shall not be deemed filed.

All documents which are electronically e-filed must be sent through the electronic system set up by the office of State Court Administrator. No documents sent directly to a Judge or Commissioner or clerk by another e-mail system shall be deemed filed.

4.2 CRIMINAL CASES

(1) All complaints, informations, or indictments including amendments shall be filed electronically in the office of the Circuit Clerk. All recently filed indictments shall be reviewed by the judge assigned to the grand jury for determination of bond and conditions of release.

(2) Bonds in criminal cases shall initially be set by the judge who signs the warrant or his/her designee. Bond reductions or increases or change of condition thereafter shall be determined by the judge to whom the case is assigned or his/her designee.

(3) All State traffic cases shall be filed in the designated office of the Circuit Clerk.

4.3 CIRCUIT AND ASSOCIATE CIVIL CASES

All petitions, motions and other documents in civil cases shall be filed electronically with the Circuit Clerk's office.

4.4 PROBATE CASES

All petitions, motions, applications and pleadings in matters before the Probate Division or any Commissioner or Deputy Commissioner of the Probate Division shall be filed electronically except as provided in Local Rule 72.2 and 72.3.

4.5 JUVENILE CASES

All cases involving adoptions, transfers of custody of juveniles, termination of parental rights, status offenses, abuse and neglect, certifications, traffic for age appropriate juveniles, child orders of protection filed by the juvenile officer and delinquency of a child or other matter in the jurisdiction of the juvenile court shall be filed electronically.

4.6 SMALL CLAIMS CASES

All small claims cases shall be filed on the appropriate form in the designated office of the Circuit Clerk and shall be scanned into the electronic system or filed electronically. Any attorney shall electronically file any pleading or motion in a small claims case.

4.7 MUNICIPAL CASES

All Municipal cases shall be filed with the clerk of the appropriate municipal division under the law and rules governing municipal courts.

4.8 EXCEPTIONS TO ELECTRONIC FILING

An exception to the electronic filing rule is that paper documents shall continue to be allowed to be filed in small claims cases, cases filed under Chapter 455, in any cases by a self-represented litigants, for any documents prepared within a courtroom during a hearing or trial and by specific court

RULE 5 FEES AND COSTS

5.1 FILING FEE AND COSTS DEPOSIT

In all cases filed in this Circuit there shall be deposited with the appropriate clerk a sum set from time to time by the court en banc in accord with the applicable statutes, ordinances, Supreme Court Rules and Local Rules, as posted in the Office of the Circuit Clerk. When a case is electronically filed by a registered attorney the fee shall be paid by credit card, debit account or e-check.

5.2 Costs shall be assessed in favor of the prevailing party in accordance with Missouri Law. The Clerk shall not bill for costs but the costs shall be part of the judgment of the court. Any party seeking to have deposition fees or special process server fees included as costs shall electronically file the proper documents as required by these Rules. See Rule 32.2

5.3 WITNESS FEES

The parties are responsible for paying the witness fees as court costs so that the party who is responsible for paying the court costs are responsible for any witness fee if the witness submits a statement of fees and mileage to the court and parties as part of the judgment of the court.

5.4 WAIVER OF FEES OR COSTS DEPOSIT

(1) Applicants to the Court for permission to sue as a poor person must, unless unavoidably prevented, be present in court when the application is made and the application shall be made before the case is filed. Every such application shall be accompanied with the petition in the case and an affidavit which shall contain (1) a statement of the inability of the applicant to pay or provide security for costs of the suit, (2) whether prior application has been made to any Court or Judge thereof and the result of that requests, (3) the period of time the applicant has resided in the circuit, and (4) that the applicant has truthfully stated to counsel or the court all the facts bearing on the case and has a meritorious cause of action.

(2) The court shall rule on the request and may conduct any investigation necessary to determine if the request or the cause of action has merit.

(3) If the court approves the request, the case shall be filed without a cost deposit and proceed as any other case shall proceed. However, the court making the final determination of the case may order costs paid as it sees fit in the interest of justice. However, if the request is denied the petition shall be filed with a copy of the denial and the parties shall be given ten days to deposit the proper costs or the case will be dismissed without prejudice.

(4) In any case in which an indigent person seeks to have costs or fees waived because of representation by a legal aid society or legal services or other nonprofit organization, and because of such representation does not need approval of the court for the waiver of the fees, the organization shall be required to file a written certification that the person has been found indigent signed by a licensed attorney at law of the organization.

5.5 MOTION FOR SECURITY

[No local rule]

5.6 CONDEMNATION CASES

No party shall be required to submit cost deposit in order to file an exception to a condemnation commissioner's award and seek a jury trial.

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

6.1 ASSIGNMENT OF CASES TO BE HEARD UNDER PRACTICES AND PROCEDURES APPLICABLE BEFORE ASSOCIATE CIRCUIT JUDGES

The following cases and classes of cases shall be heard by Associate Circuit Judges unless otherwise assigned by the Presiding Judge or these Rules:

(1) All civil actions arising under Chapters 302, 303, 482, 517, 534, and 535 RSMo., or §577.041 RSMo.;

(2) All cases of felonies prior to the filing of an Information or an Indictment;

(3) All cases of misdemeanors, infractions, and violations of the traffic laws of the State of Missouri, except as otherwise provided by law;

(4) All cases of violations of the ordinances of the municipalities within St. Louis County that have not elected to provide a Municipal Judge to hear those cases;

(5) All cases originally filed for hearing and determination before an Associate Circuit Judge or Municipal Judge of this Circuit which have been certified to the Presiding Judge for assignment, or which have been docketed for jury trial pursuant to Local Rule and

(6) All cases of trials de novo in civil, small claims, and municipal ordinance violations.

6.2 ASSIGNMENT OF CASES WITHIN THE JURISDICTION OF THE FAMILY COURT

Case assignments of the following cases and classes of cases shall be made in accordance with Family Court Administrative Judge Orders:

(1) All actions and proceedings governed by Chapter 452, RSMo., including but not limited to dissolution of marriage, legal separation, separate maintenance, child custody and modification actions;

(2) All actions for annulment of marriage;

(3) Adoption actions and all actions and proceedings conducted pursuant to the provisions of Chapter 453, RSMo.;

(4) Juvenile proceedings and all actions as provided for in Chapter 211, RSMo.;

(5) Actions to establish a parent and child relationship, except actions to establish a person as an heir, devisee, or trust beneficiary, and all actions provided for in Chapter 210, RSMo.;

(6) Actions for determination and enforcement of support obligations, including actions under the Uniform Reciprocal Enforcement of Support Act and actions provided for in Chapter 454, RSMo.;

(7) Adult abuse and child protection actions and all actions provided for in Chapter 455, RSMo.;

(8) Change of name actions;

(9) Marriage license waiting period waivers under Chapter 451 RSMo.; and

(10) Equity cases arising between the parties in a case under the jurisdiction of the Family Court.

6.3 ASSIGNMENT OF CASES [OTHER THAN FAMILY COURT CASES] TO BE HEARD UNDER PRACTICES AND PROCEDURES APPLICABLE BEFORE CIRCUIT JUDGES

Cases filed for hearing under practices and procedures applicable before Circuit Judges, shall be assigned by the Circuit Clerk in a random and equal basis as follows:

(1) Civil and Criminal cases shall be assigned to the Judges sitting in the jury trial divisions;

(2) Equity cases shall be assigned to the Judges sitting in the equity divisions;

(3) Petitions for review of final agency decisions not involving matters under the jurisdiction of the Family Court shall be assigned to the judges sitting in the equity divisions;

(4) All cases not under the jurisdiction of the Family Court in which a temporary restraining order is sought shall be assigned to the judges sitting in the equity divisions.

6.4 ASSOCIATE CIRCUIT CASES

6.4.1 JURY TRIAL REQUESTS IN CASES ORIGINALLY ASSIGNED FOR HEARING AND DETERMINATION BEFORE AN ASSOCIATE CIRCUIT JUDGE

(1) A jury trial request shall be made in writing and the heading of the first pleading requesting the jury trial shall state in bold print **"Jury Trial Request."**

(2) Once a jury trial request is approved by the court, the case shall continue to be assigned to the same division unless reassigned by the Presiding Judge.

6.4.2 COUNTER-CLAIMS, CROSS-CLAIMS, THIRD-PARTY PETITIONS, OR CONSOLIDATED CLAIMS EXCEEDING THE LIMITS SET FORTH IN CHAPTER 517

(1) When a case has been filed to be heard pursuant to the provisions of Chapter 517 of the Revised Statutes of Missouri and a party files an amended petition, counterclaim, cross-claim, or third-party petition or a motion for consolidation of cases that independently exceeds the limits set forth in Chapter 517, that party shall tender therewith, to the appropriate clerk, the additional costs deposit required by Local Rule. The payment of the additional cost deposit is a condition precedent to filing the pleading, and no such pleading shall be accepted for filing unless the cost deposit is tendered with the pleading.

(2) In the event that subsection one (1) is met, the case shall be assigned a Circuit civil case number. However, the case shall remain assigned to the same judge to whom it was previously assigned, unless the Presiding Judge orders otherwise. The case shall be heard without a jury pursuant to the Supreme Court Rules of Civil Procedure unless a jury is requested pursuant to Rule 6.4.1.

6.4.3. CERTIFICATION TO CIRCUIT COURT

Certification of cases shall be provided by state statute.

6.5 TRIAL DE NOVO

6.5.1 ASSOCIATE CIRCUIT JUDGE DIVISIONS

(1) All applications for trial de novo in civil and small claims cases shall be filed in writing with the appropriate clerk within ten (10) days after the date of judgment.

(2) The applicant shall, at the time of filing of the application for trial de novo, deposit the sum provided for by state law and local rule with the appropriate clerk. In the event the deposit is not made, the application shall be accepted and processed without the fee. The judge of the court to which the case is assigned may impose and appropriate sanction for non-payment, including dismissal of the application for trial de novo.

6.5.2 MUNICIPAL JUDGE DIVISIONS

See Rule 69.3, post.

6.6 REASSIGNMENT OF CASE FOLLOWING CHANGE OR DISQUALIFICATION OF JUDGE

(1) If a Judge or Commissioner grants an application for a change of Judge or disqualifies himself or herself in a case, the case shall be reassigned by order of the Presiding Judge.

(2) Unless otherwise ordered by the Presiding Judge, or in the event the Presiding Judge grants a change of Judge or disqualifies himself or herself, all cases to be reassigned shall be by random assignment to Judge or Commissioner assigned to hear that type of case.

6.6.1 CIRCUIT OR ASSOCIATE CIRCUIT JUDGE

Repealed September 6, 2001

6.6.2 PROBATE DIVISION

Repealed September 6, 2001

6.6.3 FAMILY COURT DIVISIONS

Repealed September 6, 2001

6.6.4 ASSOCIATE CIRCUIT JUDGES HEARING CASES UNDER PRACTICES AND PROCEDURES APPLICABLE BEFORE CIRCUIT JUDGES

Repealed September 6, 2001

6.7 ABSENCE OF JUDGE

(1)(a) In the absence of a Judge sitting in a division of the Family Court, the Administrative Judge of the Family Court or the designee of the AJFC or any other Family Court Judge, either by assignment by the Administrative Judge of the Family Court or the designee of the AJFC, or upon the request of the absent Judge, may sit as the Judge of the division in which the Judge is absent, and perform all the duties of the absent Judge.

(1)(b) In the absence of a Judge not assigned to the Family Court, the Presiding Judge, the designee of the Presiding Judge, or any other Judge, either by assignment by the Presiding Judge or the designee of the Presiding Judge, or upon the request of the absent Judge, may sit as the Judge of the division in which the Judge is absent, and perform all the duties of the absent Judge.

(1)(c) No Judge, except the Presiding Judge or AJFC, or their respective designees shall act for or enter any orders for another Judge except as provided in this rule.

(2) The Judge entering any order on behalf of the absent Judge shall advise the absent Judge of such action upon the absent Judge's return.

(3) In the absence of a Municipal Judge, the mayor or chief executive officer of the municipality shall appoint a Judge to serve during the absence of the absent Judge.

(4) The provisions of this rule shall not apply when a Judge of any division should be disqualified from acting.

6.8 ABSENCE OF PRESIDING JUDGE

In the event that the Circuit Judge who serves as Presiding Judge pursuant to Rule 100.1.1 is absent from the courthouse or disqualified from acting in the capacity of Presiding Judge in any case or matter whatsoever, then, during any such period of absence or as a result of such disqualification, the Circuit Judge designated by the Court as the Assistant Presiding Judge of this circuit shall be the acting Presiding Judge and may exercise the responsibilities prescribed by law for Presiding Judges. In the event both the Presiding Judge and the Assistant Presiding Judge are absent from the courthouse, a Circuit Judge designated by the Presiding Judge with notice to all Judges, shall assume the responsibilities and authority of the Presiding Judge. Anything herein to the contrary notwithstanding, this rule shall not be interpreted as intending to apply to the type of disqualification referred to in subparagraph 1 of 478.240, RSMo. and in Article 5, Section 24, Missouri Constitution.

6.9 CASES HEARD BY COMMISSIONERS

Family Court Commissioners of this court shall hear cases and make findings, proposals, or recommendations in accordance to law and this Rule.

6.9.1 Assignment of Cases to Family Court Commissioners

Family Court Commissioners shall be assigned to a docket of cases by an Administrative Order of the Administrative Judge of the Family Court.

6.9.2 Scope of Authority of Commissioners

The Family Court Commissioners shall have power and authority to manage all cases to the assigned docket, including any post trial motion, motion for contempt, motion to modify or any enforcement matter filed in such a case. Further, pursuant to Rule 129.04, Family Court Commissioners shall have authority to enter such orders and to sign all writings and documents necessary for the management of cases and proceedings coming before the Family Court, with the exception of entries of Judgments, Amended Judgments and any other orders or decrees which would constitute a final appealable judgment.

6.9.3 Transmittal of Findings, Proposals, or Recommendations for Final Resolution to the Court

A Family Court Commissioner shall transmit findings, proposals or recommendations to the court for entry by the judge of a Judgment, Amended Judgment or any other orders or decrees which would constitute a final appealable judgment in accordance with Administrative Order.

6.10 Assignment of Cases in the Probate Division

(1) Case assignments of the following cases and classes of cases shall be made in accordance with orders of the Probate Judge:

(A) All actions and proceedings governed by Chapter 404, RSMo;
(B) All actions and proceedings governed by Chapter 456, RSMo;
(C) All actions and proceedings governed by Chapter 461;
(D) All actions and proceedings governed by Chapter 472;

(E) All actions and proceedings governed by Chapter 473;
(F) All actions and proceedings governed by Chapter 474;
(G) All actions and proceedings governed by Chapter 475;
(H) All actions and proceedings governed by Chapter 630;
(I) All actions and proceedings governed by Chapter 631; and
(J) All actions and proceedings governed by Chapter 632.

(2) The Probate Commissioner and Deputy Probate Commissioner shall be assigned to cases and classes of cases by administrative order of the Probate Judge.

(3) The Probate Commissioner and Deputy Probate Commissioner shall hear and determine all assigned matters in accordance with the powers of the Commissioner and Deputy Commissioner enumerated in §478.266 RSMo.

(4) Whenever any case is in need of immediate attention, such as mental health proceedings, emergency appointments of ad litem fiduciaries, or any other matter, it shall be presented to the probate judicial officer who is assigned the case. If the assigned probate judicial officer is unavailable, the matter may be presented to any judicial officer of the probate division who agrees to hear the matter immediately. The case need not be reassigned for any probate judicial officer to act in the absence of the assigned probate judicial officer and that unassigned probate judicial officer shall act with full authority.

(5) If the Probate Judge, or Probate Commissioner, or Deputy Probate Commissioner grants an application for change of judge, or disqualifies himself or herself in a case, the case shall be reassigned by order of the Presiding Judge.

RULE 7 WITHDRAWALS OF FILES FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

7.1.a No official file folders of the Court shall be withdrawn from any office under the control of the Circuit Clerk or from any division of the Court unless such file is in the custody of a court employee or an attorney or employee of an attorney for any of the parties. The attorney must be in good standing admitted to practice in this Court.

7.1.b An attorney in good standing admitted to practice in this Court, or employee of the attorney, may withdraw an official file folder of the Court from an office under the control of the Circuit Clerk or from any division of the Court only when that attorney or employee has permission granted by a judicial officer of this Court or by a court employee, and only for the purpose of transporting that file to another office under the control of the Circuit Clerk or another division of the Court within the Courts Building, or Justice Center.

7.1.c Any attorney, or employee of an attorney, withdrawing an official file folder of the Court from an office under the control of the Circuit Clerk or from any division of the Court shall be responsible: i.) for the security of the file while it is in his or her possession; and ii.) for advising an employee of the Circuit Clerk where the file is to be taken so that the file location may be updated in the Court's computer system. In updating the new location of the file in the computer, the clerk shall, in addition to entering the new location in the "To" section, also enter the name or bar number of the attorney, or the bar number of the attorney who employed the person withdrawing the file, in the "Requested by" section so that the computer will not only show where the file is located but also who took it there.

7.1.d Only judicial officers of this Court and court employees may withdraw an official file folder of the Court from an office under the control of the Circuit Clerk or from any division of the

Court for the purpose of transporting such official file folder to or from the Family Court Center.

7.1.e Neither an official file folder of the Court, nor any papers, documents, or other parts of an official file folder of the Court may be withdrawn from any office under the control of the Circuit Clerk or from any division of the Court by any person and removed to any location that is not another office under the control of the Circuit Clerk or another division of the Court, except as permitted by Supreme Court Operating Rule 4.22, or by specific order of the Court. Under no circumstances shall a file be removed from the building by anyone without the specific written order of a judge, or in accordance with Court Operating Rule 4.22.

7.2 DUPLICATING POLICY

Requests for copies of Court records should be directed to the designated office of the Circuit Clerk. No charge shall be made for copies of documents furnished to any city, county, state agency or state department. Other parties shall be charged the rate specified by the applicable statutes and rules, and as posted in the Office of the Circuit Clerk.

7.3 CERTIFIED, AUTHENTICATED COPIES AND LEGAL FILES

Any party seeking a Certified or Authenticated copy of a court document or a legal file on appeal shall contact the designated office of the Circuit Clerk. Costs for certified or authenticated copies shall be posted.

The parts of Rule 7 Withdrawal of files from Clerk's office shall be repealed after all files are scanned and filed electronically.

RULE 8 PUBLICATION OF DOCKETS

[No Local Rule] - Repealed October 11, 1996

RULE 9 COURTROOMS

9.1 ASSIGNMENT OF COURTROOM

[No local rule]

9.2 PLACE OF HEARING

[No local rule]

9.3 USE OF COUNSEL TABLE

While examining a witness, counsel shall stand or sit at the counsel table in such manner that all attorneys view of the witness. In case of disagreement as to the location of counsel at the table, counsel for the plaintiff shall take the side more remote from the jury.

9.4 COURTROOM DECORUM AND DRESS

See Rule 21.8, post.

9.5 PHOTOGRAPHING OR RECORDING JUDICIAL PROCEEDINGS

There shall be no photographing or audio recording of a Judicial Proceeding or juror or litigant in the courts building by an attorney, litigant or member of the public except with the permission of the judge or as authorized by Court Operating Rule 16.

9.6 PHOTOGRAPHY SOLICITATION

No person shall be allowed to solicit business within the St. Louis County courts for the taking of photographs of weddings or other proceedings of court. Photographers and cameras shall be allowed in accordance with Court Operating Rule 16 or with permission of a judge of this court.

A party, relative, or friend of a couple getting married at the St. Louis County courts may bring in a personal camera for pictures of a wedding, or may bring a professional photographer to a wedding for the taking of pictures. However, the professional photographer shall not solicit others.

No other cameras shall be used in the St. Louis County courts unless a judge of this court has approved the use of the camera.

November 8, 2017

RULE 10 COURT REPORTERS AND COMPENSATION FOR SAME

(1) Preparation of any transcript on appeal by an Official Court Reporter shall not begin until the person ordering such transcript makes a cash deposit or other financial arrangement with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for the transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

(2) Preparations of a typewritten transcript of a record preserved by electronic recording device shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge will vary depending upon how the typewritten copy is to be prepared. If the appellant desires the Circuit Clerk to forward the record to the Office of the State Courts Administrator for transcribing, the estimated cost will be based on rates authorized for transcripts prepared by an Official Court Reporter. If the appellant desires to make arrangements for his own typist to prepare the transcript, the deposit required will be based on the estimated cost of having clerk personnel supervise the copying of the tape which was used to electronically record the proceedings. It is the responsibility of the appellant to pay this amount upon being presented with a bill by the Circuit Clerk.

(3) In the criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the Court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting an appeal, the Court shall order the same to be furnished, and the Court reporter's fees for making the same shall be paid by the state upon a voucher approved by the Court, and taxed against the state or county as may be proper. In such cases the Court reporter shall furnish the original and three (3) copies of the transcript and shall receive compensation for same as provided in Chapter 485, RSMo.

RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

All persons except those authorized by the Court shall not broadcast, televise, record, or photograph any judicial proceeding whether such proceeding occurs in person or via any electronic or telephonic platform. Further, all persons except those authorized by the Court shall refrain from broadcasting, televising, recording, or photographing in any Courtroom or the corridors adjacent thereto.

RULE 12 MONIES PAID INTO COURT

(1) Property other than exhibits delivered to the Court in any pending case shall be turned over for safekeeping to the Circuit Clerk. Money to be paid into the registry of the Court shall be paid to the Circuit Clerk, who shall deposit the same in the registry of the Court. Proper accounting records with respect thereto shall be maintained by the clerk. No such property shall be relinquished or money withdrawn except on a written order signed by the Judge having heard or ruled in the case in which said funds are deposited, or in his absence, by the Presiding Judge or the Assistant Presiding Judge.

(2) All monies received as court cost deposits, fees or otherwise, for which these rules do not specifically provide, shall be deposited with the Circuit Clerk.

12.1 BOND IN CIVIL CASES

[No local rule]

12.2 BOND IN CRIMINAL CASES

(1) All cash or cash equivalents deposited as security for any court appearance, as a condition of release or otherwise in a criminal, infraction or traffic case shall be paid to the Circuit Clerk.

(2) The refund of any monies received pursuant to this rule shall be paid by the Circuit Clerk.

(3) No such refund shall be paid except upon a written order signed by the Judge having heard or ruled in the case in which said funds are deposited, or in the absence of the Judge hearing the case, by the Presiding Judge or the Assistant Presiding Judge.

(4) The surety's notice of change of address required by Rule 33.16 shall be delivered to the Circuit Clerk's Criminal/Traffic Manager, and shall list the defendant's name and case number for each case on which the surety is currently serving.

12.3 BOND IN INFRACTION CASES

See Rule 12.2, supra.

12.4 BOND IN TRAFFIC CASES

See Rule 12.2, supra.

12.5 APPEARANCE BONDS

See Rule 12.2, supra.

12.6 MONEY TO BE DEPOSITED IN AN INTEREST BEARING ACCOUNT

(1) A party may request an Order that funds on deposit, or to be deposited, in the registry of the Court shall be held in a separate, interest bearing account. If such an Order is entered by the Court, the Order shall be effective only after a copy of the Order is delivered personally either to the Circuit Clerk or the Secretary to the Circuit Clerk. Upon receipt, the Order shall be endorsed with the time and date it was received and it shall be filed in the case file.

(2) The Circuit Clerk shall open the interest bearing account not later than the third business day after receipt of the funds to be invested and the Order of the Court.

(3) Funds deposited with the Court after the date the Order is entered shall be accompanied by a copy of the Order.

(4) Funds invested under an Order entered pursuant to this rule shall be deposited by the Circuit Clerk into United States Treasury Bills, or into a banking or savings and loan institution in an account secured in the manner prescribed in Section 483.312 RSMo. If any banking or savings and loan institution fails or refuses to comply with Section 483.312 RSMo., the Circuit Clerk shall deposit the funds into an account in a banking or savings and loan institution that does secure the account as prescribed by that statute. If the Circuit Clerk makes the deposit under this Rule into an institution other than one specified in the Order, the Circuit Clerk shall promptly notify the parties, or the attorneys for the parties, in writing, of the change.

(5) Pursuant to Section 483.310 RSMo., the Court may order that the necessary costs for administering the investment shall be paid to the Circuit Clerk. The necessary costs shall include a reasonable fee to the Circuit Clerk of at least $100.00 and shall be paid from interest earned on the account.

(6) Money held by the Circuit Clerk in any separate, interest bearing account shall be payable as provided in Rule 12(1).

12.7 PAYMENT BY CREDIT CARD

The payment of court costs and fees may be made to the office of the Circuit Clerk by credit card pursuant to this rule. Any credit card payment must be in excess of $1.00 and only payments via Master Card, Visa or Discover will be accepted.

12.8 DEPOSIT OF FEE FOR QUALIFIED INTERPRETER OR TRANSLATOR FOR NONENGLISH SPEAKING PERSON

(1) When the Court, as a condition of entering an order for the appointment of a qualified interpreter or translator for a non-English speaking person, orders one or more of the parties to deposit funds into the Registry of the Court in a specified amount reasonably necessary to cover the fees and expenses of the qualified interpreter or translator, such funds shall be paid to the Circuit Clerk. (See, Rule 25)

(2) Upon disposition of the proceedings and the order of the Court, the Circuit Clerk shall pay such funds to the qualified interpreter or translator, and shall return any portion of the deposit to the parties.

(3) In the event that the Court is asked to tax the fees and expenses of a qualified interpreter or translator as costs to the parties as permitted by §476.803, a copy of a statement of the fees and expenses of the qualified interpreter or translator shall be filed with the Court prior to the taxing of costs in the case.

RULE 13 COMMUNICATIONS WITH THE COURT

13.1 ORAL COMMUNICATIONS WITH THE COURT

[No local rule]

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

[No local rule]

RULE 14 COURT BUDGET

Except for municipal divisions, there shall be one unified budget submitted on behalf of all divisions of the Circuit Court. Said budget will be prepared in accordance with Rule 100.1.5.

October 11, 1985

RULE 15 CLERKS

Except for the municipal divisions, all clerks of the Circuit Court shall be, during their tenure as clerks, under the supervision and supervisory control of the Circuit Clerk.

Reserved for Future Use

GENERAL RULES

RULE 21 ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

An attorney becoming aware of conflicting trial settings among the divisions of the court shall within three (3) days of learning of the conflict advise the judges presiding over the divisions wherein the conflict occurs. The conflict shall be resolved by the judges.

21.2 ENTRIES OF APPEARANCE

(1) Attorneys retained in pending cases shall enter their appearance promptly after their employment. The signing of any pleading or document filed with the Court constitutes an entry of appearance.

(2) Practice by non-resident attorneys is governed by Supreme Court Rule 9.

(3) All attorneys who practice in this court shall be required to become registered users by completing the online registration form to request access to the electronic filing system maintained by the Office of State Courts Administrator pursuant to Court Operating Rule 27.

(4) All attorneys who practice in this court must comply with the Supreme Court Rules, Local Rules and Supreme Court Operating Rule 27 concerning electronic filing.

21.3 CONDUCT OF ATTORNEYS

[No local rule]

21.4 WITHDRAWAL OF ATTORNEYS

(1) **Without Leave of Court.**

(a) **Matter Completed.** An attorney may withdraw from a case when a matter is completed, upon filing a withdrawal memorandum demonstrating that there are no pending claims or issues in the matter and showing compliance with Section 3 of this Rule.

(2) **With Leave of Court.**

(a) **Matter Not Completed.** An attorney may withdraw from a case after filing a motion to withdraw showing compliance with Rule 4-1.16 and with Section 3 of this Rule. Withdrawal is not complete until such time as the court has granted leave to withdraw.

(b) **Termination of Limited Appearance.** An attorney who has filed an entry of limited appearance shall file a notice of termination of limited appearance when the attorney wishes to withdraw from the case. The notice shall demonstrate that the attorney has completed the duties set out in the entry of limited appearance and shall show compliance with Section 3 of this Rule. Withdrawal from the case is not complete until such time as the court has granted leave to withdraw.

(3) **Notice**

In addition to service on all others required to be served, notices to clients of withdrawal memoranda, motions to withdraw, and notices of termination of limited appearance shall include the client's last known address and shall be served on the client personally, or by first class mail, or by third party carrier at the party's last known address. When leave of court is required, the motion to withdraw or the notice of termination shall include notice to the client of the date of any trial setting and/or the next court date, if any.

21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

[No local rule]

21.6 APPOINTMENT OF ATTORNEYS IN CRIMINAL PROCEEDINGS

(1) Attorneys who are members of the private bar and who do not fall within any category set forth in paragraph (5) of this Rule, may be appointed by the Presiding Judge of the 21st Judicial Circuit or his or her designee to represent an indigent defendant in criminal proceedings pending in the 21st Judicial Circuit, including probation revocation hearings, pursuant to Section 600.064 R.S.Mo.

(2) The Presiding Judge or his or her designee working with the Office of the Public Defender, shall first determine (a) if the defendant is indigent, and (b) if the charge(s) pending against such defendant could result in any period of confinement for such defendant.

(3) All attorneys appointed to represent an indigent defendant in a case pursuant to this rule shall be appointed from a current list of attorneys registered with the Missouri Bar who are in good standing and reside in St. Louis County, Missouri. Once the appointed attorney has completed representation of the criminal defendant through final disposition, unless otherwise excused by the court, that attorney will not receive a second appointment until all attorneys on the list have been appointed or excused.

(4) An attorney who seeks to be excused from the appointment shall file a motion to be excused within ten (10) days of the appointment. The motion shall contain the detailed reasons that constitute good cause in accordance with Section 600.064 R.S.Mo. The motion shall be heard by the Presiding Judge or his or her designee and a copy of the motion along with a Notice of hearing stating the time, date, and place where the motion shall be heard shall be sent to the Prosecuting Attorney and defendant.

(5) No attorney shall be appointed who is on "inactive" status, is not in good standing, is a sitting judge, commissioner, full time state prosecutor or state assistant prosecutor, employed by the St. Louis County Circuit Court, St. Louis County Family Court, Legal Services of Eastern Missouri, St. Louis County Government, Office of Missouri State Public Defender, the Missouri Attorney General's office, or for whom good cause is shown and, in the discretion of the court, it is determined that the attorney should not be appointed.

(6) An appointed attorney may move to substitute an alternate attorney to handle the appointment. Such a request must be in writing with copies to the Prosecuting Attorney and the defendant, and must be approved by the Presiding Judge or his or her designee.

(7) No appointed attorney shall be required to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant. During the pendency of the representation, an appointed attorney may request that reasonable litigation expenses be paid by the Missouri State Public Defender System [MSPD]. Prior to incurring said expense, which may include expenses for depositions or expert witnesses, among other expenses, an appointed attorney shall request approval of said expense(s) from the MSPD through the local public defender office. Upon MSPD approval, an appointed attorney may then incur said expense and submit any such invoice to MSPD for payment pursuant to Section 600.064(2) and (4) R.S.Mo.

21.7 AGREEMENT OF ATTORNEYS

Except as provided for extensions of time to plead in Family Court matters no private or prior stipulation or agreement between parties or attorneys in a pending case will be recognized unless made in writing and filed with the Clerk or made on the record in open court.

21.8 ADVICE TO CLIENT AND WITNESS OF COURTROOM PROCEDURE

(1) Each attorney shall advise his client and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

(2) Each attorney shall advise his client not to discuss any phase of the case with the Court.

(3) When the “rule as to witnesses” is invoked by the Court, each attorney is charged with the duty of seeing that the witness complies with that rule.

RULE 22 APPOINTMENT OF GUARDIAN ADLITEM

[No local rule]

October 11, 1985

RULE 23 TRANSCRIPTS

See Rule 10, supra.

RULE 24 EXHIBITS

(1) The attorney is responsible for all exhibits before, during and after trial. Exhibits should be marked for identification prior to trial. The party who asked for the admission of an exhibit is responsible for producing any exhibit for any post trial proceeding including an appeal if the exhibit is necessary for adjudication of the claim.

(2) Any video or voice recording to be used in Court as evidence shall be accompanied by a typewritten transcript of same at the time of its proposed use to facilitate making of objections and rulings thereon, to be marked as duplicate exhibits and to be forwarded to the appellate court for its use as any other exhibit at the time of an appeal.

(3) Any exhibit to a pleading shall be electronically filed and become part of the pleading in the filing system.

(4) Parties serving business records prior to trial on other parties pursuant to Section 490.692.2 shall file with the court a certificate of service. Copies of the business records and the accompanying affidavit shall not be filed with the court except upon court order.

RULE 25 INTERPRETER OR TRANSLATOR

25.1 APPOINTMENT OF QUALIFIED INTERPRETE OR TRANSLATOR FOR NONENGLISH SPEAKING PERSON

(1) Pursuant to §476.803, the Court shall appoint qualified interpreters or translators in proceedings in which a non-English speaking person is a party or witness.

(2) Any nonEnglish speaking party, or any party who intends to call as a witness a nonEnglish speaking person, shall provide written notice of the need for the appointment of a qualified interpreter or translator to the court as soon as possible, and in any event in sufficient time for the order for the appointment of a qualified interpreter or translator to be entered not later than ten (10) days prior to the proceedings in which the nonEnglish speaking person is to appear as a party or witness.

(3) The party at whose behest an order for the appointment of a qualified interpreter or translator is entered shall file a copy of that order with the Judicial Administrator not later than ten (10) days prior to the proceedings in which the nonEnglish speaking person is to appear as a party or witness.

(4) In a criminal case, upon receipt of an order for the appointment of a qualified interpreter or translator, the Judicial Administrator shall retain the necessary qualified interpreter or translator for the Court.

(5) In a civil case, the Court, as a condition of entering an order for the appointment of a qualified interpreter or translator, may order one or more of the parties to deposit funds into the Registry of the Court in a specified amount reasonably necessary to cover the fees and expenses of the qualified interpreter or translator, as provided by §476.806. (See Rule 12.8. Deposit of Fee for Qualified Interpreter or Translator for NonEnglish Speaking Person.) The Judicial Administrator shall not retain the necessary qualified interpreter or translator for the Court until such funds are deposited as ordered.

(6) Any nonEnglish speaking party, or any party who intends to call as a witness a nonEnglish speaking person, may provide their own qualified interpreter or translator, at their own expense, with the approval of the Court.

(7) Any request to appoint a qualified interpreter or translator for a nonEnglish speaking person in a juvenile case shall be directed to the Office of the Family Court Administrator.

RULE 26 PRESENTATION OF INFORMAL MATTERS

All informal matters not appearing on the Court's calendar must be presented upon convening of Court or at such other time as may be designated by the Judge to whom the case is assigned. A party requesting an order presented to the Court as an informal matter shall electronically file a proposed order to the Court before the matter is presented to the Judge. If the matter is granted, the order shall be electronically signed by the Judge. The parties will receive notice of the court's ruling when the ruling is entered into the system.

RULE 27 CONFESSION OF JUDGMENT AND CONSENT TO JUDGMENT

The party filing a confession of judgment or a consent to judgment shall file, together with such consent or confession, a draft of a proposed judgment which conforms to the provisions of the confession or consent.

RULE 28 SPECIAL PROCESS SERVERS AND SERVICE RETURNS

28.1 SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment.

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a “Request for Appointment of Process Server” electronic form, which may be found on the Court’s Web Site, http://www.stlouisco.com. (LawandPublicSafety/Circuit/Forms).

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

28.2 SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.

RULE 29 USE OF INFORMATION TECHNOLOGY EQUIPMENT IN THE COURT

29.1 Request to use information technology in the courtroom.

Each party who wishes to use private and/or Court provided audio-visual equipment, computer equipment, or equipment based on other technologies in court during a trial, hearing or other proceeding, shall:

a. Advise all other parties of the intent to request the permission of the Court to use such equipment or technology;

b. Present, not later than five (5) business days prior to the proposed use of such equipment, a request to use such equipment or technology to the Court in such form and manner as the judge or other judicial officer presiding over the proceeding, may deem appropriate; and

c. Obtain a favorable ruling from the judge or other judicial officer presiding over the proceeding on the request to use such equipment or technology;

29.2 Requirements after request to use information technology in the courtroom is approved.

The party receiving a favorable ruling on a request to use private and/or Court provided audio-visual equipment, computer equipment, or equipment based on other technologies in court during a trial, hearing, or other proceeding, shall:

a. Contact the Court's Information Technology department as soon as possible, and in no event later than five (5) business days prior to the proposed use of such equipment or technology in the courtroom; and

b. Advise the Court's Information Technology department of the favorable ruling.

c. The Court's Information Technology department shall coordinate any necessary installation of equipment or technology in the courtroom with all the interested and necessary parties, including but not necessarily limited to the parties, any private contractor, installer, or operator, the department of public works, and the judge or other judicial officer presiding over the proceeding.

29.3 Discretion of court not limited by this rule.

Nothing in this rule shall be construed to limit the discretion of the court in any ruling upon any request to use private and/or Court provided audio-visual equipment, computer equipment, or equipment based on other technologies. The court is intended to be free to deny any such request, to approve any such request with modifications, or to approve any such request.

29.4 Waiver of liability required.

Each party whose request is approved to use private and/or Court provided audio-visual equipment, computer equipment, or equipment based on other technologies in court during a trial, hearing, or other proceeding, shall, not later than the beginning of any delivery to or installation of such equipment in the facilities of the court, execute a written waiver of liability, the terms of which hold the Court, employees or agents of the court, the County of St. Louis, and the State of Missouri harmless and not liable for any loss, damage, or theft of any such equipment. The form for limited liability shall be obtained from the Court's Information Technology department.

RULE 30 PROCEDURE ON PUBLICATION

(1) When any notice or advertisement relating to any cause, matter, or thing in the Circuit Court of St. Louis County shall be required by law or the order of any court to be published, the same shall be published in a newspaper qualified by the court en banc. The Court Administrator shall maintain a list of qualified newspapers approved by the court en banc. Effective January 1, 2010.

(2) If the court makes a finding that publication in a local newspaper would not be sufficient, the court may order a notice be placed in any regional or national publication.

(3) Procedures for qualification of newspapers and challenges to petitions for approval shall be established as needed by Administrative Order of the Presiding Judge.

RULE 31 RESERVED

PRE-TRIAL MATTERS

RULE 32 DISCOVERY

32.1 INTERROGATORIES

(1) Any party propounding interrogatories in a civil action, shall set forth each question in clear and concise language leaving an appropriate space below each question for an answer to be inserted. The original shall be served upon counsel for the interrogated party, or the party himself if not represented. None of these documents are to be filed with the court except pursuant to Supreme Court Rule 57.01(b).

(2) The interrogating party shall show upon the interrogatories a certificate of service and shall file with the court at the time the interrogatories are mailed a certificate of service which shall include (a) the parties served; (b) the date and manner of service (c) the designation of the pleading, as first interrogatories, second interrogatories, etc.; and (d) the signature of the attorney or party serving the interrogatories.

(3) The answers to interrogatories shall be typewritten in the spaces provided. In the event an answer is too lengthy to place in the space provided, it shall be attached as an appendix and clearly identified.

(4) The interrogated party shall prepare the affidavit to be signed by the appropriate party, attach it as the last page of the interrogatories and then serve a copy upon each party. The answer shall not be filed with the court except pursuant to Supreme Court Rule 57.01(b).

(5) Objections to certain interrogatories shall be inserted in the place provided for the answers and the grounds therefore shall be stated in detail. Failure to state the grounds for an objection in detail may result in the objection being summarily overruled.

(6) Objections to answers to interrogatories shall set forth the interrogatory, the answer objected to and the grounds for the objection in detail.

(7) Failure to answer or file objections to interrogatories within the time prescribed by Supreme Court Rule 57.01(a), or as extended by court order, shall be grounds for sustaining of a motion for sanctions. Such motions, upon notice to the opposing party, may be presented to the Court informally or at the call of any regular motion docket.

32.2 DEPOSITIONS

(1) Any person desiring to have depositions taxed as costs shall electronically file in the court file, prior to the submission of the case, a certificate showing the caption of the case, the name of the deponent, the date the deposition was taken, an itemized statement of the various charges made by the notary taking the same, the name and address of the person having custody of the original deposition and whether the charges have been paid. A copy of the deposition shall not be filed with the Court.

32.3 MOTIONS FOR SANCTIONS

See Rule 32.1, supra.

32.4 CRIMINAL DISCOVERY

See Rule 67.6, post.

32.5 DISCLOSURE OF EXPERTS

[Repealed - Effective March 27, 1995]

RULE 33 PRE-TRIAL MOTIONS

33.1 HEARING DATES

See Rule 2.3, supra.

33.2 SUGGESTIONS IN SUPPORT OF MOTIONS, WHEN REQUIRED

Except upon order of the Court, no suggestions of law or citation of authorities shall be required when filing objections to interrogatories, requests to produce or for admissions or for any pre-trial motion. In the event, however, a party filing a motion desires to submit suggestions of law in support of said motion, such suggestions shall be filed and served on the other party or parties a minimum of seven (7) days before argument of the motion. Should suggestions in opposition be filed by any party, they shall be filed and served on opposing parties prior to that date of the argument.

33.3 ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED

[No local rule]

33.4 MOTIONS IN LIMINE

[No local rule]

33.5 CERTIFICATE OF ATTEMPT TO RESOLVE

The Court will not hear oral argument nor take under submission any motion for more definite statement, objections to interrogatories or the answers thereto, objections to requests for admissions or the replies thereto, objections to motions to produce or motions for sanctions to enforce discovery unless there is filed with the Court, together with the notice of hearing, a certification signed by the attorney for the party calling for the hearing which states that he

has attempted to discuss the matter with opposing counsel in a good faith effort to resolve the disputed issues.

33.6 MOTIONS FOR SUMMARY JUDGMENT

A party filing the Motion for Summary Judgment shall file, together with such motion, a draft of a proposed judgment which would be appropriate in the event that the motion is sustained.

33.7 CONSOLIDATION OF CASES

All motions for consolidation of civil cases shall be filed in each case desired to be consolidated. The judge assigned to the case with the oldest case number shall hear and rule on the motion for consolidation and the cases shall be consolidated into the lowest numbered case, unless otherwise agreed to by the judges to whom the cases are assigned. Following consolidation, all cases to be consolidated shall be reassigned to the judge with the oldest number, and all documents pertaining to the consolidated cases shall be filed in the oldest numbered case. The presiding judge may enter orders contrary to this rule in the interest of judicial economy.

RULE 34 CONTINUANCES

34.1 CIVIL CASES

Continuances of cases shall be granted only by the judge to whom the case is assigned or another judge designated by said judge.

34.2 CRIMINAL CASES

Continuances of cases shall be granted only by the judge to whom the case is assigned or another judge designated by said judge.

RULE 35 PRE-TRIAL CONFERENCES

35.1 CIVIL CASES

Pre-trial conferences and settlement conferences will be conducted as determined by the judge to whom the case is assigned. When determined by the judge the respective parties or person authorized to conclude a settlement of the case shall attend the conference.

35.2 CRIMINAL CASES

Pre-trial conferences and settlement conferences will be conducted as determined by the judge to whom the case is assigned. When determined by the judge the respective parties or person authorized to conclude a settlement of the case shall attend the conference.

35.3 NON-JURY AND DOMESTIC RELATIONS CASES

Pre-trial conferences may be conducted in any non-jury and domestic relations cases upon order of the Court either upon application of the parties or upon the Court's own motion.

35.4 SETTLEMENT CONFERENCES

Settlement conferences may be conducted by any judge at which the parties shall attend if required by the judge.

RULE 36 SETTING CASES FOR TRIAL

36.1 CIVIL AND CRIMINAL JURY CASES

All civil and criminal jury cases will be set for trial by the judge of the division to which the case assigned.

36.2 DOMESTIC RELATIONS CASES

Domestic cases shall be set for trial by the judge to whom the case is assigned.

36.3 EQUITY CASES

Equity cases shall be set for trial by the judge to whom the case is assigned.

36.4 CIVIL JURY TRIALS-ASSOCIATE CIRCUIT

In all civil cases triable pursuant to practices and procedures applicable before an Associate Circuit Judge, a trial by jury shall be deemed waived unless written demand on a separate memo be filed not later than five (5) days before the return date of the summons or the date set for trial, whichever is later, provided that for good cause shown, either party's request for a jury trial may be granted.

RULE 37 DISMISSALS

37.1 DISMISSAL DOCKET

The Circuit Clerk shall place a case on the dismissal docket 90 days after the date of filing if there has been no proof of service filed or alias summons requested. Notice of the dismissal shall be mailed or electronically transmitted to the party and set two weeks from the date of notice. Request for removal from the dismissal docket must be made to the court and must include a request for alias/pluries/special process server or other proposed action and must include the next proposed court date. If service is not obtained or the date extended by the court, the case will be dismissed without prejudice.

37.2 REINSTATEMENT OF CAUSE

[No local rule]

RULE 38 ALTERNATIVE DISPUTE RESOLUTION

38.1 ESTABLISHMENT OF LOCAL RULE

(1) Pursuant to Supreme Court Rule 17, the Court adopts the following Alternative Dispute Resolution (A.D.R.) local rule. The purpose of this local rule shall be to foster timely, economical, fair and voluntary settlement of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial. This rule shall apply to civil actions, heard on the record, pending in a non-family court division, upon the agreement of the parties or upon an order of the Court.

(2) A.D.R. programs shall include arbitration, early neutral evaluation, mediation, mini-trial, and summary jury trial, all as defined by Supreme Court Rule 17.01, and any other A.D.R. procedures approved by the Court. A.D.R. shall be non-binding unless the parties enter into a written agreement to the contrary.

(3) Nothing herein shall preclude the parties from agreeing to participate in an A.D.R. program independent of this Rule, provided that the Court is aware of and agrees to the proposed A.D.R. program.

38.2 NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

(1) In all civil actions to which this rule applies, a Notice of the availability of A.D.R. shall be furnished to all parties. The Circuit Clerk shall provide the Notice to the party or parties initiating the action at the time the action is filed. The opposing party or parties shall be provided the Notice along with the summons and petition.

(2) The Notice shall advise the parties of the availability and purposes of A.D.R. and shall inform the parties that the names of neutrals qualified under this rule and a description of their background and fees may be obtained from the Clerk.

(3) Upon receipt of the A.D.R. Form contained in the Notice, and at any other time, counsel shall discuss A.D.R. with their

clients.

38.3 REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION

(1) If all parties agree to utilize an A.D.R. procedure, the Court may enter an Order of Referral to A.D.R. Absent such agreement by the parties, the Court may determine, on its own initiative or on motion of a party, whether or not the case is appropriate for A.D.R. If the Court determines A.D.R. is appropriate, it shall so indicate on the Order of Referral. When the Court orders the parties to participate in an A.D.R. program, the parties shall proceed accordingly and shall report the outcome thereof, but not the specific results, to the Court, as provided by Supreme Court Rule 17. The results shall be reported on a form, within 90 days of the Order, or within ten days of the conclusion of the process, whichever is sooner, unless another time is set by the Court. The Court may determine the A.D.R. program. Discovery shall not be delayed during the pendency of the A.D.R. process unless ordered by the Court upon motion of a party.

(2) If, after conferring with all other parties, a party concludes that A.D.R. has no reasonable chance of being productive, the Court shall be so advised in writing. This “opt out” notification shall be made within 30 days of the Order of Referral. The cause shall not thereafter be referred by the Court to A.D.R., absent compelling circumstances which shall be set out by the Court in a subsequent Order of Referral.

(3) The results of the A.D.R. process shall not be binding upon the parties unless the parties agree.

(4) Settlement shall be by a written document setting out the essential terms of the agreement and executed after termination of the A.D.R. process.

38.4 SELECTION OF NEUTRALS

Within ten days of the Order of Referral, the parties shall jointly select a neutral available and willing to serve from a list of qualified persons provided by the Court. Such list shall be compiled by the Circuit Clerk from applications of individuals qualified and willing to serve. In the event the parties cannot agree upon the neutral to be selected, the Court shall make the selection. The parties may, at any time, agree upon any other neutral, whether or not the neutral is on a Court maintained list, provided the neutral is qualified under Supreme Court Rule 17.04.

38.5 ATTENDANCE

Unless the Court orders otherwise, all parties (or their representatives with authority to resolve the case, including insurance carriers) shall attend the A.D.R. meeting set by the neutral.

38.6 CONFIDENTIALITY

The proceeding shall be private, confidential, and regarded as settlement negotiations as provided in Supreme Court Rules 17.05 and 17.06. No stenographic, electronic or other record of an A.D.R. process shall be made.

38.7 COMPENSATION

The mediator, arbitrator or other neutral shall receive such compensation as the parties and the person selected agree. The fee, unless otherwise agreed by the parties, shall be borne equally by the parties, and shall be paid directly to the person selected. The Court shall have the right to review the reasonableness of the fee charged by the neutral.

38.8 LIST OF NEUTRALS

The Circuit Clerk shall maintain and make available to counsel, parties and the public the list of qualified neutrals compiled by the Clerk under this rule. The list shall include the neutral's training, experience, qualifications and other information deemed appropriate. Neutrals shall be trained as provided in Supreme Court Rule 17.04. The Court en banc may remove any name from the list in its sole discretion, with or without cause. Neutrals shall advise the Clerk of any material change regarding their listing.

38.9 DISQUALIFICATION AND WITHDRAWAL OF NEUTRALS

No person shall serve as a neutral in a proceeding in which the neutral is interested, prejudiced, related to a party, has been counsel to a party in the cause, or under any other circumstances which reasonably call into question the neutral's impartiality. A neutral may withdraw for any reason deemed appropriate by the neutral.

Reserved for Future Use

SETTLEMENT AND DEFAULT

RULE 41 SETTLEMENT

41.1 NOTICE OF SETTLEMENT

The Court and the division clerk shall be notified promptly if a case is settled after it has been set for trial. Cases passed for settlement shall be dismissed by the parties within 30 days or as extended by the court.

RULE 42 DEFAULT

(1) Default may be taken in any case when the same is authorized by law or Supreme Court Rule.

(2) It shall be the duty of counsel to ascertain that process has been properly and timely served, to furnish a memorandum of the amount claimed before requesting judgments on undefended actions on bonds, bills, notes, and accounts, and to provide appropriate documentation in compliance with the Servicemembers Civil Relief Act.

Reserved for Future Use

TRIALS

RULE 51 COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS

See Rule 42, supra and 68.1, post.

51.2 CONTESTED MATTERS

[No local rule]

51.3 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

In all Court tried cases In which findings of fact and conclusions of law are required, the parties through their attorneys, shall submit proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time as directed by the Court.

RULE 52 SELECTION OF JURY

52.1 JURY QUESTIONNAIRES

Each petit juror summoned shall complete and sign a jury questionnaire containing biographical information on a form supplied by the Circuit Clerk and return the questionnaire to the Court. Said information may be transcribed, and made available to attorneys immediately before a trial is begun in which the particular juror is summoned. The petit juror's street address shall not be transcribed and made available. Unless otherwise ordered, no counsel or party may view a petit jury questionnaire list except during voir dire, after the panel has been called to the courtroom. Counsel and the parties shall return their jury lists and all copies to the Clerk at the conclusion of voir dire.

52.2 DEFERRED JURY SERVICE

Repealed September 8, 2004

RULE 53 JURY TRIALS

53.1 INSTRUCTIONS

Proposed jury instructions shall be furnished by counsel to the Court on the first day of trial. The jury instructions given and refused shall be scanned by the clerk.

53.2 CLOSING ARGUMENTS

See Rule 21.3, Supra

53.3 COUNSEL/PARTY CONTACT WITH JURORS

(1) **Jury Lists.** The name of each petit juror selected in civil or criminal cases shall be typed and scanned in the case file as the jury list as required by Supreme Court Rule.

(2) **Petit Jurors.** Petit jurors shall not be required to provide any information concerning any action of the petit jury, unless ordered to do so by the Court. Attorneys and parties to an action shall not, directly or indirectly, communicate with any petit juror, except with leave of Court. If an attorney or party receives evidence of misconduct by a petit juror, the attorney or party shall inform the Court and the Court may conduct an investigation to establish the accuracy of the misconduct allegations.

RULE 54 JUDGMENT/ORDER ENTRY

54.1 The prevailing party shall prepare the proper Judgment or Order for approval by the Court and entry into the electronic file.

54.2 DEFAULT OR UNCONTESTED CASES

See Rule 54.1, supra.

Reserved for Future Use

RULE 57.1 INTERROGATORIES TO PARTIES IN DOMESTIC CASES

(1) Availability; Procedures for Use. The provisions of this rule shall apply in domestic relations cases, including dissolution of marriage, legal separation, motions to modify and declaration of paternity cases, except as they conflict herein.

(2) Form. Each interrogatory by either the petitioner or respondent to the other shall be in the following form: (a) the question shall be first stated, (b) followed by the verified answer to the question by the person asking the question if the question were asked of them, and (c) a space provided for the verified answer of the person of whom the question is being asked. All questions shall be prepared is such a form as to make them gender neutral and party neutral.

(3) Extension of time. Requests for extension of time to answer interrogatories shall be first made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the court file unless an order is requested under Supreme Court rule 61.01(b) with respect to any objection to or subsequent failure to answer an interrogatory.

(4) Objections. Objections to interrogatories shall be filed and noticed for hearing within thirty days of the filing of the interrogatory or certificate of service; otherwise, any objections shall be deemed waived.

[Authority: Supreme Court Order dated February 14, 1994 pursuant to Administrative Rule 6.04.]

November 13, 1996

Rule 58.1 PRODUCTION OF DOCUMENTS IN DOMESTIC CASES

(1) Availability; Procedures for Use. The provisions of this rule shall apply in domestic relations cases, including dissolution of marriage, legal separation, motions to modify and declaration of paternity cases, except as they conflict herein.

(2) Scope. Any party who shall serve on any other party a request to produce a designated document shall attach to the request for production a copy of any such document that they would be required to produce had the request been made to them. If the proponent does not have such documents they shall attach a verified statement that such documents are not in their possession or control. All requests shall be prepared in such a form as to make them gender neutral and party neutral.

(3) Extension of Time. Requests for extension of time to produce documents shall be first made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed with the court file unless an order is requested under Supreme Court Rule 61.01(b) with respect to any objection to or subsequent failure to produce the requested documents.

(4) Objections. Objections to production of document requests shall be filed and noticed for hearing within thirty days of the filing of the request or certificate of service; otherwise, any objections shall be deemed waived.

[Authority: Supreme Court Order dated February 14, 1994 pursuant to Administrative rule 6.04.]

November 13, 1996

RULE 59 - RESERVED

November 4, 2020

Rule 60 Cases Filed Pursuant to Chapter 535

Rule 60.1 Pleading

In any rent and possession action filed pursuant to Chapter 535, all averments of monetary damages shall be itemized as to rent, interest, late fees, utilities, and any other monetary amount, and stated with particularity, regardless of how denominated or defined in the lease.

Rule 60.2 Judgment

A judgment or proposed judgment, whether taken by consent, default, or on the merits, shall itemize the award of all rent, interest, late fees, attorney fees, and any other monetary amounts awarded by the judgment. The itemization must be set forth as provided in Supreme Court Form *https://wp.stlcountycourts.com/wp-content/uploads/PDF/AC/CV125ItemizationofJudgment.pdf*

Rule 60.3 Execution

No execution shall issue on a judgment entered in any action filed pursuant to Chapter 535 that does not include an itemization as required by Missouri Supreme Court Rule 74.80.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 ADOPTION

61.1 FILING REQUIREMENTS

At the time of filing the petition, counsel for the petitioners shall also the following documents:

A. Family Court Adoption Filing Certificate;
B. Affidavit of Expense;
C. Missouri Certificate of Decree of Adoption as required by §193.125.1 R.S.Mo.;
D. Child Abuse or Neglect/Criminal Record Check;
E. Copy of adoptee's birth certificate.

61.2 HOME STUDY

[No local rule]

RULE 62 CASES BEFORE TRAFFIC COMMISSIONERS

(A) In accordance with section 479.500 RSMo, traffic commissioners are authorized to hear in the first instance:

(1) non-felony violations of state law involving motor vehicles;
(2) municipal ordinance violations involving motor vehicles;
(3) other state law and municipal ordinance violations as provided by these rules, and
(4) petitions for trial de novo or review from decisions of the Department of Revenue or any other proceeding as authorized by law pursuant to section 302.309 RSMo, 302.311 RSMo, 302535 RSMo, 302.574 RSMo, and/or 302.750 RSMo.

(B) A petition for trial de novo or review from the decision of the Department of Revenue shall be electronically filed with the Circuit Clerk. If the petitioner desires to have the case heard by a judge rather than a traffic commissioner, the petitioner at the time of filing the petition shall file a motion for hearing before a judge of the Circuit Court. If no motion is filed at the same time as the petition, the right to have the petition heard by a judge in the first instance is deemed waived and the case shall be assigned to a traffic commissioner, as appointed pursuant to 479.500 RSMo. If the motion is timely filed, the case shall be assigned to a judge for hearing and determination.

(C) Any party to a cause of action heard by a traffic commissioner seeking a rehearing of the commissioner's finding and recommendations shall file a motion for rehearing by a judge with the clerk of the traffic commissioner who heard the case. The motion shall be filed within twenty days of the date that the findings and recommendation of the commissioner are delivered or

mailed to the parties. 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 traffic 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 traffic commissioner. The judge assigned the motion for rehearing shall review the motion on the pleadings and any attachments and determine if further argument or proceedings are required or if the motion shall be granted or denied in the discretion of the judge.

(D) The prior Rule 62 shall be repealed and this Rule 62 shall be effective August 28, 2019.

62.1 BI-STATE DEVELOPMENT AGENCY CITATIONS

Citations issued, in which the only prescribed punishment is a fine by or on the behalf of the Bi-State Development Agency, shall be assigned to be heard and determined by a traffic commissioner appointed pursuant to 479.500 RSMo.

RULE 63 DUTY DIVISIONS

A judge other than the judge presiding over the probate division and judges sitting in divisions located at the Family Court Center shall be designated as the Duty Division each week. The duty shall be rotated weekly among said Judges. The duty week shall begin on Monday and continue through Sunday. The Duty Judge shall be available for the purpose of setting appearance bonds, issuing arrest and search warrants. The designated office of the Circuit Clerk shall assist those persons wishing to file a small claim or adult abuse case. A notice shall be posted in the Courts Building designating the duty division for the week.

August 9, 1995

RULE 64 CASES ARISING UNDER CHAPTERS 207 AND 208 RSMo., (COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)

See Rule 6.1 (2), supra.

RULE 65 CIVIL COMMITMENT

[No local rule]

October 11, 1985

RULE 66 CONDEMNATION

66.1 REPORTS OF COMMISSIONERS

(1) In all condemnation cases, the Circuit Clerk shall:

(A) Provide the attorney for the plaintiff or realtor a copy of the complete report of commissioners as soon as the same is filed;

(B) Cause to be prepared and served upon all defendants a form of notice which notifies each defendant of the date of the filing of the report of commissioners, the amount awarded for the property in which said defendant has an interest, and that the defendant must file written exceptions to said report within thirty (30) days of such service of notice; and

(C) Provide a copy of the foregoing notice as provided herein by mail or e-mail to the respective attorneys of record, if any, for the individual defendants. Attorneys of record shall include only those attorneys who have entered their appearance as attorney for any of the defendants by memorandum filed with the Circuit Clerk.

(2) Exceptions filed in condemnation cases shall be assigned and tried as a separate cause of action.

66.2 NOTICE OF PAYMENT OF AWARD

(1) The attorney for the condemning authority shall file a notice of payment of award at the time that payment of a condemnation amount is paid into the registry of the court.

(2) The notice of payment of award shall include the name, e-mail address if any, and mailing address of each owner to be sent a notice of payment of the award, and shall also list the

Recorder of Deeds of St. Louis County, 41 S. Central, Clayton, MO 63105 as a person to receive notice of payment. The notice of payment shall include the legal description of each parcel along with the amount of payment for that parcel and the name and address of the condemning authority. The condemning authority shall file with the Circuit Clerk an original and enough copies for each owner and the Recorder of Deeds.

(3) The Circuit Clerk shall mail or electronically mail a copy of the notice of payment of award to each owner or the attorney for the owner and the Recorder of Deeds of St. Louis County.

RULE 67 CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

In cases in which charges are filed after a defendant has been arrested, booked, and released on an appearance bond, and the defendant appears as directed on that appearance bond, absent an objection from the State, the bond stated on the warrant or summons shall be set or reset at the amount of the appearance bond, and the defendant shall remain free on the appearance bond.

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION

(1) Motions to set bond and for bond reduction, after the filing of an indictment or information with the Office of the Circuit Clerk, except for those cases involving probation proceedings and for those cases assigned to Associate Circuit Judges pursuant to Rule 6.1(2), supra, shall be made in writing addressed to the Judge presiding over the division to which the case has been assigned, or the Judge designated to determine those matters in the absence of the Judge of the division to which the case is assigned.

(2) Motions to set bond and for bond reduction in all cases pending before an Associate Circuit Judge shall be made in writing addressed to the respective Associate Circuit Judge.

(3) Motions to set bond and for bond reduction in all cases involving probation proceedings shall be made in writing to the Judge presiding in the division in which the probation revocation matter is pending.

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

[No local rule]

67.1.3 APPEARANCE BONDS

Motions to set appearance bonds, prior to the filing of an indictment, information, or complaint, shall be made first to the Duty Judge and, then, if the said Duty Judge is not available, then to an Associate Circuit Judge assigned to criminal matters and then to the Presiding Judge or in his or her absence to the Assistant Presiding Judge and then to any other judge of the Circuit. An appearance bond may be set by telephone communication from the Judge, or from a division clerk acting for, at the request of, and on the instructions of the Judge, to the state, county or municipal authority holding the prisoner. The telephone communication shall set the amount and conditions of the bond and the time and place wherein the bond is returnable.

67.2 PRELIMINARY HEARING

[No local rule]

67.3 GRAND JURY

(1) The Prosecuting Attorney will advise the Judge in charge of the grand jury, on the day before a case is presented, the names of any defendants who have another charge pending in a division and the number of the division and of the case.

(2) The Judge in charge of the grand jury will order the files in those cases delivered to him or her prior to accepting any indictments.

(3) In cases in which a bond after indictment is set in an amount different from a pending bond or on conditions differing from a pending bond, the Judge in charge of the grand jury will order a capias to issue for the arrest of the defendant.

(4) In cases in which a bond after indictment is set for the same amount on the same conditions, as a pending bond**,**

no capias will be issued and the pending bond will be ordered to remain in effect. The criminal docket clerk will be directed to notify the defendant, his attorney and the surety of the indictment and set the case on the arraignment docket.

(5) In cases in which a defendant is confined, the Judge in charge of the grand jury will direct that a copy of the indictment be delivered to the St. Louis County Department of Justice Services together with an order committing the defendant on the indictment.

(6) In cases in which a defendant has been charged by a pending indictment and re-indicted for charges arising from the same occurrence, the Prosecuting Attorney will furnish the Judge in charge of the grand jury, at the time the new indictment is signed, a Court memorandum dismissing the original indictment and no capias will be issued. The criminal docket clerk shall notify the defendant's attorney and the surety of the new indictment and set the case on the arraignment docket.

67.4 ATTORNEYS

See rule 21, supra.

67.5 ARRAIGNMENTS

In those cases in which a defendant is indicted or is bound over for trial after preliminary hearing or after waiver of preliminary hearing, the Docket Clerk shall than ask counsel for the defendant whether the defendant will waive formal arraignment and plead not guilty. If so, the Docket Clerk shall ask counsel and defendant to sign and leave a memorandum waiving arraignment and entering a plea of not guilty. The Docket Clerk shall file that memorandum and present it to the Presiding Judge for review after the filing of an Information by the State.

67.5.1 IN GENERAL

An arraignment docket for criminal cases filed in the Office of the Circuit Clerk will be called at the place and time directed by the Presiding Judge.

67.5.2 DATES

[No local rule]

67.6 DISCOVERY

(1) Motions for psychiatric examinations in criminal cases shall be filed with the Judge to whom the case is assigned within twenty (20) days after the defendant's arraignment. Motions requiring a hearing will be docketed by the division clerk.

67.7 MOTIONS FOR POST-CONVICTION RELIEF

Motions for post-conviction relief from the judgment and sentence of the court shall be assigned to the Judge who heard the original case, or, in the event that the Judge who heard the original case is not sitting as a Judge in this or another Circuit, to the Judge sitting in the division in which the original case was heard.

67.8 PLEA BARGAINING

[No local rule]

67.9 GUILTY PLEA

67.9.1 WHERE ENTERED

Pleas of guilty shall only be entered before the Judge to whom the case is assigned or the designee of the Judge to whom the case is assigned.

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

[No local rule]

67.10 CALENDAR

See Rule 36.4, supra.

67.11 PROBATION AND PAROLE

[No local rule]

67.12 SEARCH WARRANTS

(1) Applications for search warrants filed pursuant to Chapter 542 shall be presented in the first instance to the Judge presiding in the Duty Division.

(2) If the Judge presiding in the Duty Division is absent or unavailable, applications may be presented to any other Judge.

(3) Any verified application and affidavits in support thereof for a search warrant may be filed by, and any search warrant may be issued by, facsimile transmission or other electronic means. The oath or affirmation may be administered by the Judge using interactive video technology.

(4) A verified application for search warrant and affidavit in support thereof filed by facsimile transmission or other electronic means shall have the same effect as the filing of an original document. A search warrant issued by facsimile transmission or other electronic means shall have the same effect as the filing of an original document. An oath or affirmation administered using interactive video technology shall have the same effect as if the oath or affirmation was administered in person by the Judge. The affiant police officer and prosecuting attorney may sign the application and affidavit by electronic means or facsimile signature, and the judge may sign the search warrant by facsimile and/or electronic signature.

Said signatures shall have the same effect as an original signature.

(5) The officer filing an application for search warrant and affidavit in support thereof by any electronic means shall retain or maintain an original of the application and affidavit. The officer who executes the search warrant shall file the inventory return electronically, or shall file the original Inventory Return, with the Circuit Clerk of St. Louis County.

(6) All applications for the issuance of a search warrant after regular business hours, on weekends, and on court holidays, shall be submitted to the court electronically pursuant to the policies and procedures established by the court. An application for a search warrant may be requested and issued by non-electronic means in exigent circumstances, and in those instances when there is a malfunction of the electronic system.

(7) Search warrants issued, all applications therefor, and any supporting affidavit or affidavits shall be confidential records, until the return is made on the warrant or until the warrant expires, whichever is earlier, and shall not be made available to any other person except upon written order of the Judge issuing the search warrant or of the Presiding Judge.

(8) After the return is made on a search warrant or after the warrant expires, whichever is earlier, the search warrant and the application therefor, along with any supporting affidavit or affidavits accompanying the applications shall be available for inspection as are records of the court generally, provided that upon application of a party for good cause shown, the Presiding Judge may order that the warrant, application, and any affidavits remain confidential during the pendency of an ongoing investigation to which these documents relate.

(9) Records made confidential by order of the Presiding Judge pursuant to subsection (8) shall not be made available to any person except upon written order of the Presiding Judge.

67.13 TRANSFER OF SUPERVISION OF PROBATION

Any criminal case under probation supervision may be transferred from one judge to another upon the written consent of both judges. If a judge is ill, disabled or otherwise unavailable, the transfer of probation may be made upon the order of the presiding judge and upon written consent of the judge to whom the case is assigned.

RULE 68 FAMILY COURT PROCEEDINGS
Effective UPDATE DATE

68.1 INITIAL FILING REQUIREMENTS

(1) At the time of filing a petition for dissolution of marriage, the attorney for the petitioner shall electronically file a Certificate of Dissolution of Marriage on a form to be provided by the clerk, as required by law. In cases where there are minor children, the information required by statute shall be furnished in the original pleading or contained in a separate affidavit attached to the original pleading.

(2) An initial pleading filed in the family court division of the circuit court shall have attached thereto a certificate stating whether any other case involving any party to the action or any child of such party has been filed in the family court division and, if so, the certificate shall identify to the extent known by style and number every other case in the family court division, whether pending or previously adjudicated, involving any such party or child.

(3) All original petitions and motion to modify prior decrees in domestic relations cases shall be electronically filed with the Circuit Clerk cashier and processed as new cases for assignment purposes. All subsequent pleadings, motions and matters, including entries of appearance shall be electronically filed with the domestic relations docket clerk.

(4) Due to issues of confidentiality, in any 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 attorney filing the paternity case shall be responsible for advising the Clerk of the companion

divorce case and its case number.

68.2 FILING OF INCOME AND EXPENSE AND PROPERTY STATEMENTS

(1) This rule shall apply to all petitions for dissolution of marriage or separate maintenance, legal separation, annulment, petitions for declaration of paternity or petitions for custody and support including uniform support and all motions to modify any judgment of the preceding causes of actions, petitions for third party custody, and any motions for grandparent visitation.

(2) Income and Expense and Property Statements shall be completed, under oath on the form approved by the court and available from the Office of the Circuit Clerk typed in substantially the same format, and shall be electronically filed with the court and served on the other parties as provided herein.

(A) Petitioner/Movant shall electronically file financial statements with their first pleading and shall serve them on the other parties at the same time as the first pleading. The Clerk shall not accept the pleading for filing unless the financial statements are filed. The amounts stated in the financial statement shall not state “varies” or “TBD” without approval of a family court judge.

(B) Respondent shall electronically file financial statements within 60 days of service or entry of appearance whichever is earlier. A copy of the financial statements shall be mailed to the attorney for each opposing party or to any unrepresented party.

68.3 AUTOMATIC FAMILY COURT ORDER

(1) Upon the filing of a petition for dissolution of marriage, legal separation, annulment, declaration of paternity or child custody and/or support or a motion to modify any of the foregoing, the Office of the Circuit Clerk shall provide the filing party with a copy of this order setting forth practices and procedures

consistent with the terms contained in paragraph (2) of this Rule. A copy of the Order shall also be attached to the summons and served on the other party along with the petition and summons.

(2) Terms.

(A) Neither party shall harass, abuse, threaten to abuse, stalk, molest or disturb the peace of the other party or any of the parties' minor children, wherever they may be found.

(B) Neither party shall conceal or damage any property, real or personal, owned solely by the other party or jointly with the other party.

(C) Neither party shall cease payment for, or cause to be terminated, any coverage for the other party or any of the parties' minor children under any policy of medical, dental, vision, hospitalization, automobile or disability insurance in force on the date of filing of the case unless ordered by the Court or unless consented to in writing by both parties.

(D) Neither party shall relocate the residence of any of the parties' minor children outside of the State of Missouri, nor shall any party conceal a child from the other or deprive or hinder a party with whom a child has resided for the sixty days immediately preceding the filing of the case from reasonable or previously ordered visitation or custody unless ordered by the Court or unless consented to in writing by both parties.

(E) In any dissolution, legal separation or annulment action, neither party shall shut off, cease payment for, or cause to be terminated the usual and necessary utilities being provided to the residence of either party unless ordered by the Court or unless consented to in writing by both parties.

(F) In any dissolution, legal separation or annulment action, neither party shall close or borrow against any bank or investment account, certificate of deposit or IRA or retirement

account, nor shall either party dissipate, sell, remove, assign, transfer, dispose of, lend, mortgage, or encumber any property of a party, real or personal, except in the ordinary course of business or for the necessary expenses of the parties' family under the circumstances unless ordered by the Court or unless consented to in writing by both parties.

(G) In any dissolution, legal separation or annulment action, neither party shall incur extraordinary credit card or other debt except in the ordinary course of business or for the necessary expenses of the parties' family under the circumstances unless ordered by the Court or unless consented to in writing by both parties.

(3) Duration. The terms of the Order shall continue in effect until further order of the Court. Either party may request a hearing to modify the Order by motion to the Court in the division to which the case has been assigned.

(4) Enforcement. Either party may request a hearing to enforce the Order by motion to the Court. Violation of the Order may constitute contempt of court and subject to the violation or fines or other sanctions as allowed by the Court, including reimbursement of expenses or attorney's fees and costs incurred due to the violation.

(5) Effect. The terms of the Order are intended simply to preserve the current situation of the parties and are not intended to impact the ultimate decision of the Court as to custody or support of the parties' minor children, maintenance or property and debt division. Nothing in this Rule prohibits the Court for entering other appropriate orders pending the final adjudication of the case. The terms of the Order shall not serve to modify, amend or supersede any prior judgments involving the parties, including ex parte or final orders of protection which may prohibit communication between the parties.

68.4 PARENTING PLANS

(1) Within 30 days of service of the original petition or motion on the other party, each party shall file their proposed parenting plan on a form approved by the court consistent with the requirements of Missouri Statutes including a proposed Form 14.

68.4.2 PARENT EDUCATION PROGRAM

In accordance with Sections 452.600-452.610, R.S.Mo., the court established the "Parent Education Program" requiring mandatory attendance of all parties to actions for dissolution of marriage, paternity, custody or visitation, as well as all parties to a motion modify a prior judgment involving dissolution of marriage, paternity, custody or visitation. This program is designed to help families cope with changes resulting from the court custody process and the effect of this process on their children. Each party, through his or her respective attorney, or the party if self-represented, shall provide a copy of certification of attendance at the time of the submission of a Judgment in a non-contested matter or on the first day of a contested hearing. Such proof of compliance shall be submitted to the court even if previously filed. The specifications and procedures of the Program are set forth in the attachment to Family Court Administrative Judge Order No. 40A dated August 1, 2017, as amended, and are incorporated herein by reference. [click here to access Administrative Judge Order No. 40A]

68.5 MANDATORY EXCHANGE OF DOCUMENTS

(1) This rule shall apply to all petitions for dissolution of marriage or separate maintenance, legal separation, annulment, petitions for declaration of paternity or petitions for custody and support, petitions for third party custody, and all motions to modify any judgment of the preceding causes of action.

(2) Purpose: The purpose of this rule is to make sure that all parties have equal access to information relevant to the case at the earliest opportunity so as to encourage the settlement of disputes. It is not intended to preclude a party from serving formal discovery requests upon the other party pursuant to the Missouri Rules of Civil Procedure.

Prior to the initial settlement conference the parties may submit for approval a consent motion to waive the document exchange for good cause shown. Approval of said motion does not prohibit the entry of an order at a later date requiring the exchange of documents as provided in this rule.

(3) Notice of the requirement: Upon the filing of petition or motion, the Office of the Circuit Clerk shall provide to the filing party a copy of this rule. A copy of the rule shall be attached to the summons and petition and served on the opposing party along with the petition and summons.

(4) Delivery of Documents: Within 60 days of service of summons each party shall deliver to the other party a complete and readable copy of each of the documents specified on the mandatory exchange of documents form. Each party must deliver to the opposing party copies of any documents that are in their possession or control, including documents which they may obtain electronically. Counsel for the parties or the party themselves, if unrepresented, shall coordinate a simultaneous exchange of such documents. So as to avoid the duplicate production of documents which are available to both parties, the parties may agree in writing as to which documents each party shall produce. This provision does not supersede any temporary or final order of protection which may prohibit communication between the parties. Disagreements regarding the production of certain documents shall be resolved at the initial conference with the court.

(5) Documents to be exchanged:

(A) The following documents must be exchanged in all cases:

1. Federal and state income tax returns including all schedules, W-2, K-1 and 1099 forms for the preceding three years;

2. Wage stubs (or other evidence of wages, tips or salaries if wage stubs are not issued) for the three months preceding the filing of the case;

3. Any statements or other documents evidencing expenses incurred in the last 12 months preceding the filing of the case pertaining to work related child care costs, premium payments for health insurance for the children of the parties and dental and orthodontic costs attributable to the children of the parties.

(B) In addition, the following documents must be exchanged in cases involving an award of maintenance, an award of property or a division of debt or a request for the payment of attorney fees:

1. The three most recent statements for all bank accounts and all other accounts held jointly or individually by the parties in any brokerage firm or other financial institution;

2. The most recent benefit statement for any retirement plan, whether vested or not vested, in which a party has an interest;

3. Any appraisals of any marital or separate property conducted in the 12 month period preceding the filing of the case;

4. Credit card statements and store charges for purchases occurring during the three months preceding the filing of the case;

5. The most recent mortgage statement

for any real property owned jointly or separately by the parties and copy of the deed for any such property;

6. The most recent balance statement for any existing debt owed jointly or separately by the parties.

(6) Documents not provided: If a document that is required to be provided pursuant to this local rule is not produced for exchange, the party shall advise the other party in writing of the name and current address of the person who is in possession or control of the required document or, if applicable, that no such documents continues to exist or ever existed.

(7) Waiver: The parties may agree in writing to waive any portion of this rule to the extent that they agree that certain documents are not relevant to any issue to be presented in the case. All of the requirements of this mandatory document exchange rule shall be waived if within 60 days of service, the case has been scheduled for a default or noncontested hearing.

(8) Documentation of completion of the exchange: The mandatory document exchange compliance form is available in the print shop or on the court website. Upon completion of the exchange of documents, each party shall file with the court a compliance form approved by the court, certifying the date upon which the documents were exchanged, the documents that were exchanged or the reasons why certain documents were not exchanged. Copies of the documents exchanged need not be filed in the court file.

(9) Failure to comply: Any documents required to be produced under this Rule that are not timely exchanged with the other party shall not be admissible into evidence at any hearing or trial of the case unless the court finds good cause for the failure to exchange.

68.6 SETTLEMENT CONFERENCES WITH THE COURT

(1) <u>Scheduling:</u>

As soon as a petition or motion is served on the other party or an entry of appearance has been filed, the party who filed the petition or motion shall be responsible for scheduling a conference with the Court in the division to which the case has been assigned. The conference should be scheduled for a date no later than 90 days after service. Subsequent conferences may be scheduled by the parties or the Court as appropriate as the case progresses. Only the Judge in the division to which the case has been assigned may reschedule the conferences.

(2) Communication:

Prior to any conference, counsel for the parties or the parties, if they are unrepresented, shall communicate with one another regarding the status of the pending case and areas of agreement and disagreement of the parties. This rule does not supersede any temporary or final order of protection that may be in effect against either party which prohibits any communication between the parties.

(3) Documents:

At the first conference, the parties and their attorneys shall either stipulate to the authenticity of documents exchanged pursuant to the mandatory exchange of documents rule or raise any such objections to the authenticity of the documents. If objections as to the authenticity of the documents are not raised at the first conference, any such objections shall be deemed to have been waived at trial except for good cause shown.

(4) Updated information:

At least 7 days prior to any conference, the parties shall exchange any updated income and expense statements or statements of property as well as any amended parenting plans or child support worksheets (Form 14).

(5) Issues to be discussed:

The parties and their attorneys shall be prepared to discuss any and all issues related to the pending case, including, but not limited to:

(A) Discovery issues related to the mandatory exchange of documents rule;

(B) The need for any further simultaneous exchange of documents;

(C) Appointment of a guardian ad litem;

(D) Referrals to Domestic Relations Services;

(E) Any need for the addition of parties;

(F) Any need for PDL relief;

(G) Scheduling of a settlement conference or noncontested hearing.

(H) The settlement of all or some of the issues in the case.

(I) Setting the case for trial.

(6) Orders issued at conferences:

At the conference, the court may issue any orders which it deems appropriate, including but not limited to:

(A) A schedule for discovery or orders for additional simultaneous exchange of information without the necessity of formal discovery;

(B) An order setting the matter for another

settlement conference, uncontested hearing or contested trial date;

(C) Orders concerning the conduct of the trial addressing the production of exhibits and exhibit lists; the allocation of trial time; the deadline for disclosure of expert witnesses; and stipulations as to the admission of evidence;

(D) Any other order reasonable under the circumstances.

(7) Attendance:

All parties and their attorneys of record are required to attend the initial conference in person unless their attendance has been excused by the Judge in the division in which the case is pending or unless they have set the matter for a noncontested hearing within 30 days of the scheduled conference. Attorneys must have settlement authority from their clients and have their schedules available so as to identify any conflict dates for future court dates.

68.7 PRETRIAL CONFERENCE

(1) Scheduling: The Judge or counsel for the parties or the parties, if they are unrepresented, may schedule a pretrial conference for a date at least 45 days prior to trial.

(2) Updated information: At least seven days prior to the pretrial conference, counsel for the parties or the parties, if they are unrepresented, shall exchange updated income and expense and property statements plus any amendments to their proposed parenting plan and Form 14 child support worksheets.

(3) Communication: At least seven days prior to the pretrial conference counsel for the parties or the parties, if they are unrepresented, shall exchange updated income and expense

statements and property statements plus any amendments to their proposed parenting plans or Form 14.

(4) Orders at the pretrial conference: At the pretrial conference the court may issue orders including, but not limited to:

(A) Any outstanding discovery issue;

(B) The production of exhibits and exhibit lists;

(C) The allocation of trial time;

(D) Stipulations as to the admission of evidence;

(E) Settlement of any of the issues in the case.

(5) Attendance: All parties and their attorneys are required to attend the pretrial conference in person unless previously excused by the judge of the division to whom the case has been assigned. The attorneys must have settlement authority.

68.8 NONCONTESTED HEARINGS

(1) Noncontested hearings shall be scheduled with the Clerk in the division to which the case is assigned.

(2) In all cases where written separation agreements are made under the provisions of Section 452.325, RSMo. a copy of such executed agreements shall be submitted to the court prior to the hearing.

(3) In all cases involving disposition of real estate, the legal description of each parcel of real estate shall be typewritten upon a separate sheet of paper, marked as an exhibit and offered in evidence with all rights of cross-examination or explanation covering such exhibits being reserved by the parties.

68.9 ENTRY OF JUDGMENT UPON AFFIDAVIT REQUIREMENTS

(1) Final Orders Entered – When. Final orders in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions 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 and the mother is not pregnant, or one of the parties is represented by counsel and 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 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 orders upon an affidavit, the submitted party shall file an affidavit 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 decree or order, a copy of any written agreement proposed for adoption by the court, a completed Form 14, 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 decree of dissolution or decree of legal separation.

(3) Hearing Required – When. The court shall not be bound to enter a decree or order upon the affidavit 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.

68.10 FORMS OF DECREE

(1) Decrees shall be entered on forms provided by the court unless the trial judge authorizes another form.

68.11 CONTESTED HEARINGS

(1) In all cases concerning the division of property or allocation of debt, at least seven days prior to the first date of hearing the parties shall exchange typewritten schedules of all property which they claim has a value of at least $100. The schedule must indicate for each item of property whether they contend that it is marital or separate property and the proposed division of each item of property. The schedules shall also include each debt with a balance of $100 or more and as to each debt their proposal for allocation of that debt to Petitioner or Respondent.

(2) In all cases at least seven days prior to the first date of the hearing, each party shall exchange any updated income and expense or property statements.

(3) In all cases in which the custody or support of children is at issue, each party shall exchange any updated proposed parenting plans including their proposed Form 14 at least seven days prior to the hearing.

68.12 RETROACTIVE PAYMENT OF CHILD SUPPORT

(1) In all proceedings to modify any provision for

support of a minor child or children in a decree of dissolution or order of paternity, there shall exist a presumption that any modification of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever shall occur later.

(2) Any amount paid by a party in excess of the then existing support obligation under the decree of dissolution or order of paternity after the date of filing of movant's statement of income and expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award. When the court reduces the child support retroactively, any amount shall be credited toward any arrearage and the balance, if any, applied to future support.

68.13 SANCTIONS

The failure of a party or attorney to comply with any provision of Rule 68 may, without further notice, result in the imposition of sanctions within the discretion of court which may include dismissal and or an award of attorney fees occasioned by the failure to comply.

68.14 MEDIATION

1. It is the policy of the St. Louis County Family Court to strongly support the use of alternative dispute resolution (ADR) for the resolution of all issues in domestic cases pending in Family Court. The Court recognizes the value of the use of ADR options in eligible cases. It is the Court's expectation that litigants will utilize some form of ADR as a mechanism for case resolution before trial. The St. Louis County Family Court chooses to establish a mediation program, as defined in Supreme Court Rule 88.03, which will operate as provided by said Rule as supplemented by this Circuit's local rule set out below.

2. Mediation is defined as a confidential process in which a neutral facilitates settlement discussions between litigants. The neutral has no authority to make a decision or impose a settlement upon the litigants. The neutral focuses the attention of the litigants upon their needs and interests, rather than upon rights and positions. Settlement is entirely voluntary and, in the absence of settlement, the litigants do not lose their rights to a trial.

    a. All litigants who have not reached agreement on custody and visitation issues as evidenced by a signed and filed parenting plan are required to use mediation. The parties shall participate, in good faith, in a minimum of two hours of mediation.

    b. Litigants may make an application for an exemption, for good cause, including, but not limited to, allegations of domestic violence, from this rule using Form 15, as provided in paragraph 3 below.

    c. This rule may be complied with as follows:

        (1) Litigants may jointly and voluntarily agree upon a mediator who is on the St. Louis County Family Court approved mediator list to conduct confidential mediation;

        (2) The Court may order litigants to mediation with a mediator on the St. Louis County Court approved mediator list to conduct confidential mediation; OR

        (3) Litigants may be ordered to work with Domestic Relations Services in St. Louis County Family Court for the purposes of screening and evaluation of their parenting plan. The use of Domestic Relations Services is not confidential.

d. All court-approved mediators shall provide services consistent with the ABA Standards and Guidelines for Family Court Mediation and Missouri Supreme Court Rules 88.02- 88.08.

3. Form 15

a. Ninety (90) days from the date of original service of summons or the filing of an entry of appearance or after a finding of paternity, the litigants shall file a Form 15 with the Court certifying that: (a) there are no issues of custody and visitation and/or a parenting plan has been signed and filed; (b) that the litigants have voluntarily participated in mediation; (c) that the litigants have agreed to a mediator (identifying the mediator) and have a mediation session scheduled; (d) that the parties cannot agree on a mediator and require the Court to order mediation, if the Court deems it appropriate, OR (e) that they are requesting an exemption from this rule.

b. In the event that the parties have not voluntarily engaged in mediation and an exemption has not been granted, the Court may order the parties to participate in mediation and appoint a mediator from the Court approved mediator list, OR may refer the parties to Domestic Relations Services.

c. In all actions, the mediation process must be completed and/or scheduled with the mediator and the Form 15 filed with the Court no later than the date of the first settlement conference.

d. A case subject to this mediation requirement may not be set for trial on the merits until the Form 15 has been filed and the requirements of this rule have been satisfied.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

Petitioner,	)	
	)	Cause No.
vs.	)	
	)	Division
Respondent.	)	

FORM 15 – Mediation in Family Court

Pursuant to Local Rule of Court 68.14 and Missouri Supreme Court Rule 88.04 and 88.07, the Court may require parties to complete two hours of mediation when there are contested issues concerning custody or visitation of minor children.

Local Rule of Court 68.14 requires this Form to be completed by the parties and filed no later than ninety (90) days from the date of original service of summons, filing of an entry of appearance, or after a finding of paternity when a dissolution, paternity matter or motion to modify involves custody or visitation of minor children. **A trial setting will not be provided until the parties have complied with Rule 68.14.**

By submitting this Form, the parties recognize the following:

> Mediation is a confidential process during which an impartial third party helps the parties discuss their parenting plan or other terms of a settlement in the case. The mediator cannot make a decision or impose a settlement upon the parties. If the parties do not reach an agreement during mediation, they do not lose their rights to a trial. All discussions or communication between the mediator and the parties, or their lawyers, is confidential and not admissible at court. No party in the mediation process can call or subpoena the mediator to testify in the legal process or produce any notes or documents related to the mediation. The mediator cannot provide legal advice to either party and both parties are entitled to seek legal advice during the mediation process.

To report the status of mediation for this case, please check all that apply:

1. ____ The parties have completed two hours of mediation as verified by the Notice of Mandatory Mediation Compliance.

2. ____ The parties have no disputes regarding parenting issues regarding the children and have filed a signed proposed Parenting Plan Part A.

3. ____ The parties have agreed to use _____ as a mediator and have a mediation scheduled on _____.

4. ____ The required mediation under Rule _____ has already been waived by order of the Court on _____.

5. ____ There has been or there is a current Restraining Order or Full Order of Protection From Abuse involving the parties or the child.

6._____ The parties request that the Court waive requirements to participate in two hours of mediation for the following reason:

_____
_____
_____
_____
_____
_____.

IF YOU HAVE SELECTED 1-6 ABOVE, YOU NEED ONLY SIGN BELOW AND FILE THE FORM 15. IF 1-6 ABOVE IS NOT APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

7. ____ The parties have a dispute regarding custody or visitation and have <u>not</u> scheduled or completed two hours of mediation and therefore:

a._____ Parties request a court appointed mediator.

b._____ Parties request _____be appointed mediator.

c._____ Parties request mediation through Confluence mediation.

d._____ Parties request referral to Domestic Relations Services for development of a parenting plan and a Domestic Relations Referral form is attached. *The parties acknowledge that development of a parenting plan through Domestic Relations Services is not considered "confidential mediation."*

Petitioner's mailing address: Respondent's mailing address is:

_____
_____
_____
_____
_____
_____

Attorney for Petitioner: Attorney for Respondent:

Name_____
Name_____
Address_____
Address_____
Phone_____Fax_____
Phone_____Fax_____

The Court orders the parties to participate in mediation with the following mediator:
Mediator's Name:_____
Address:_____
Phone Number:_____

So Ordered:_____
Date:_____

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

	)	
Petitioner	)	
	)	Cause No.
vs.	)	
	)	Division
	)	
Respondent.	)	

MEDIATOR'S MANDATORY MEDIATION COMPLIANCE REPORT

I, _____, mediated custody issues in this case on _____.

Please check all that apply:

____ The parties complied with the Court order to mediate and participated in good faith.

____ An agreement was not reached; parties continue in mediation.

____ Petitioner did not comply with the Court order to mediate.

____ Respondent did not comply with the Court order to mediate.

____ The mediator requests leave to withdraw due to a conflict of interest.

____ The differences of the parties were resolved prior to mediation.

____ Other:

_____

Mediator (print name) _____

Mediator's Signature _____

Date _____

RULE 69 MUNICIPAL DIVISION

ST. LOUIS COUNTY CIRCUIT COURT OPERATIONS OF MUNICIPAL DIVISIONS

BACKGROUND

The Missouri Supreme Court Committee on Practices and Procedures in Municipal Division recommended establishment of "Protocols for Presiding Judges and supervising Judges of Municipal Divisions." On December 29, 2016, the Supreme Court published said Protocols. Among the recommended Protocols is the adoption of a local Circuit Court Rule governing the operations of that circuit's Municipal Divisions. The Local Court Rule is to "conform to all requirements of the law." The Local Court Rule "shall specify how the Circuit's Municipal Divisions shall comply with the "Minimum Operating Standards" in Appendix A of Supreme Court Rule 37.04, published in September 20, 2016.

Additionally pursuant to Section 479.172 R.S.Mo., Municipal Divisions shall adopt a written policy outlining the requirements and procedures to report disposition information on all intoxication related traffic offenses to the Office of State Courts Administrator's Office and Missouri State Highway Patrol. To comply with this requirement a copy shall be on file with the Office of the State Courts Administrator's Office and the Missouri State Highway Patrol and if any revisions are made to this order, they shall also be forwarded to OSCA and MSHP. To accomplish this requirement and other requirements the Municipal Divisions have enacted in various forms and iterations Municipal Court Operating Order #1 initially approved in 2010, and Operating Orders #2 and #3. The attached Operating Order #4 (which is incorporated herein and made a part hereof and Marked Attachment # 1) compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016, including relevant sections of Supreme Court Rule 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," including Appendix A, the Minimum Operating Standards for Municipal Courts: Municipal Divisions ("MOS"). This Order #r shall supersede any previous Municipal Court Orders delineated or identified as Court Operating Orders # 1, #2 or #3 which are now rescinded.

Court Operating Order #4 is intended to apply, as is appropriate to do so, to all Court personnel, officers of the Court, attorneys, litigants, including without limitation the judge, court administrator, clerk of court, prosecuting attorney, prosecuting attorney's clerk, bailiff and security personnel.

Appendix B of Supreme Court Rule 37.04 entitled "Code of Conduct for Municipal Division Personnel," was published on November 1, 2016, by the Supreme Court. The Code applies to all "full-time, part-time, and temporary court system employees in municipal divisions."

For purposes of clarity, this Rule organizes the "Minimum Operating Standards" into seven (7) separate parts (Rule 69.01-69.07).

PURPOSE OF RULE

This Rule is intended to organize, and supplement the "Minimum Operating Standards" and "Code of Conduct for Municipal Division Personnel." If there are conflicts between this Rule and the "Minimum Operating Standards" or the "Code of Conduct for Municipal Division Personnel," the Minimum Standards and the Code of Conduct shall prevail. All the provisions of this Order shall be subordinate to Missouri Supreme Court Rules and Missouri statutes, as amended, which may differ than the provisions of this Rule.

REPEAL OF CURRENT LOCAL RULES

By adoption of this Rule 69 the Court *en banc* repeals existing Rule 69 also related to Municipal Divisions.

RULE 69.01 OPERATIONS OF MUNICIPAL DIVISIONS

PART I. COURTROOM, CLERK'S OFFICE, RECORDS, SEPARATION OF POWERS

A. Courtroom – Physical Requirements

1. All courtrooms shall be suitable and meet due process requirements for all court attendees. Section 479.060.1 R.S.Mo.

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. Supreme Court 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 layers. 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 court 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.

2. The court shall have a municipal clerk available at least thirty (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 thirty (30) hours in person, the clerk may instead be made available for up to fifteen (15) of the thirty (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 disposition of all cases is documented on the court dockets or backer sheets and 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. Supreme Court Rule 37.49(d).

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 and 4.29, and section 479.080.3, R.S.Mo.

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, and that the method for payment is indicated on all receipts. All checks and money orders are endorsed immediately upon receipt. If manual receipts are in use, 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 appropriate, documented adjustments to accounting records timely.

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 its court's existence. Section 479.030.1 R.S.Mo.

17. Provide sufficient nonjudicial personnel to ensure proper functioning of the court. Section 479.060.1 R.S.Mo.

18. Ensure all fines and costs collected shall be paid into the municipality's treasury at least monthly. Section 479.080.1 R.S.Mo.

19. Provide a monthly list of cases with required detail within 10 days of the end of each month to the municipality. Section 479.080.1 R.S.Mo.

20. Adopt a written policy for reporting intoxication-related traffic offenses to the central repository and provide same to OSCA and the highway patrol. Sections 479.172.1 and 479.172.2 R.S.Mo. Court Operating Rule #4 shall suffice for this purpose.

21. Provide a semiannual disposition report of intoxication-related traffic offenses to the circuit court *en banc*. Section 479.172.3 R.S.Mo.

22. Maintain adequate documentation to support all adjustment transactions and ensure an independent review and approval of these transactions is performed and documented.

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 recorded and deposited timely and intact.

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 Section 479.359 R.S.Mo. *et seq.*, and provide this information to the city.

D. <u>Separation of Powers</u>. Each court shall comply with the following requirements:

1. Administrator's and clerks of court and other nonjudicial personnel, when performing court-related functions, 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 to be performed and the manner in which it is to be done.

2. Clerks of court and other nonjudicial personnel shall not perform any functions that could constitute an actual or apparent conflict of interest with the impartial performance of their judicial duties.

3. Judges, clerks of court, and other nonjudicial personnel shall not be subject to informal pressure, formal discipline, firing, or threats of non-retention or non-reappointment at the conclusion of a term of office 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 nonjudicial personnel shall not be subject to informal pressure, formal discipline, firing, 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 as 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 Supreme Court Rules 37.47, 37.48, 37.50, and 37.358.

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 to 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" substantially in the form of Form 37.C. Supreme Court Rule 37.58(d).

B. Other General Rules. Each court shall comply with the following requirements:

1. Ensure reasonable steps are taken so that, where applicable, the Violation Bureau schedule of fines and costs is provided to an accused at the same time as a violation notice. Supreme Court Rule 37.33(b).

2. Ensure any violation bureau established by the court processes only those violations authorized by Supreme Court Rule 37.49(c).

3. 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, ON-LINE

A. Fines, Costs Surcharges, Indigency. Each court shall comply with the following requirements:

1. Fines and costs assessed on "minor traffic violations", as defined in Section 479.353(1)(a) R.S.Mo., shall not exceed $225.00.

2. Fines and costs assessed on "municipal ordinance violations" as defined at Section 479.350(4) R.S.Mo. shall not exceed the mandatory maximum schedule of Section 479.353(1)(b) R.S.Mo.

3. Fines assessed on other ordinance violations shall not exceed the maximum amount authorized by state law and the city code.

4. Only court costs (fees, miscellaneous charges, and surcharges as defined at Section 488.010 R.S.Mo.) authorized by state statute shall be assessed. The OSCA bench card on municipal court costs shall be used as a reference. Sections 479.260 .1, 479.360(5), and 488.012 R.S.Mo.; COR 21.01

5. "Dismissal on Payment Costs" [DPC] shall not be permitted. Section 479.353(5), R.S.Mo.; COR 21.01(c).

6. Court costs shall not be assessed against indigent defendants. Section 479.353 (4)(5) R.S.Mo.

7. No fee shall be assessed to the defendant for the use of community service, in compliance with the requirements of Section 479.360.1 R.S.Mo.

B. Defendant's Rights to Present Evidence of Inability to Pay Fines. 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 to assess their ability to pay and establishing payment requirements. The court shall ensure the indigency form provided by the Missouri Supreme Court is used in the determination of indigency. See Missouri Supreme Court Model Local Rule 69.01, Statement of Financial Condition attached.

2. Ensure procedures are in place whereby defendants may pay fines and costs within a specified period of time or make installment payments. Supreme Court Rule 37.65 (a) (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. Supreme Court Rule 37.65(a)(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 Sections 549.525.2, 559.604, and 559.607, R.S.Mo., including consideration of factors exempting a probationer form part or all of the standard monthly probation fee of $30 to $50 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. **Payment On-Line**. Each court shall comply with the following requirements:

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

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.

PART IV. DEFENDANT 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 forty-eight (48) hours on minor traffic violations and seventy-two (72) hours on other violations without being heard by a judge in person, by telephone, or via video conferencing.

2. The court shall make reasonable efforts to communicate to local law enforcement the twenty-four (24) hour rule: "Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." Section 544.170.1 R.S.Mo.

3. Confinement may, after compliance with Supreme 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**. The municipal division shall ensure bond schedules be utilized only for persons arrested without a warrant and held no longer than twenty-four (24) hours pursuant to Sections 479.360.1(2) and 544.170.1 R.S.Mo.; Supreme Court Rule 37.17.

C. Warrants.

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. Supreme Court Rule 37.43(b).

2. All warrants shall be signed only by judges unless the exception of a specific warrant ordered by a judge to be signed by a clerk is applicable. Supreme Court Rule 37.45(b)(6).

3. When a case is dismissed by the prosecuting attorney or otherwise finally 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 Supreme Court Rule 37.65 shall be strictly followed before confining defendants for failure to pay fines and costs. Section 479.353(3) R.S.Mo.

D. **Sentencing**. 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 involving eluding or giving false information to a law enforcement officer. Section 479.353(2) R.S.Mo.

PART V. JUDGES' QUALIFICATIONS, REGULATIONS and DUTIES

A. Qualifications.

1. All judge(s) serving in a court municipality – full-time, part-time, substitute, and provisional – shall be selected pursuant to municipality's ordinance or charter before serving. Section 479.020.1 R.S.Mo.

2. A judge may serve as a judge in no more than five municipalities. Section 479.020.9 R.S.Mo.

3. A judge shall not have attained age of seventy-five (75) years. Section 479.020.7 R.S.Mo.

4. All lawyer judges shall obtain the following required training and continuing education, and provide documentation thereof to the presiding circuit judge:

   a. Orientation course completed within 12 months after beginning service. Supreme Court Rule 18.05(d).

b. Five (5) hours of judicial CLE completed annually. Supreme Court Rule 18.05(a).
c. Two (2) hours of judicial ethics CLE completed annually. Supreme Court Rule 18.05(b).
d. CLE compliance form is submitted to the circuit court presiding judge.
e. If substitute/provisional judges preside, names and CLE compliance forms have been provided to the circuit court presiding judge.
f. Instruction on laws related to intoxicated-related traffic offenses. Section 479.172.1 R.S.Mo.

B. <u>Duties of Judge, Generally</u>.

1. The court shall have a mechanism in place to check for judicial conflicts prohibited by Supreme Court Rule 37.53(b)(2), so the judge recuses himself/herself in all instances when required to do so pursuant to this rule.

If holding administrative hearings, the court shall be authorized by law to do so. Section 479.011.1. R.S.Mo.

C. <u>Compliance with Minimum Standards</u>. By January 1 and July 1 of each year, each judge of a court shall certify to the presiding judge of his/her compliance with Minimum Operating Standards by completing the following form:

Municipal Division _____

Municipal Judge _____

Any Substitute or Provisional Judges _____

_____

Address Where Municipal Division is Held _____

_____

Dates and Times Where Municipal Division is Held _____

_____

Municipal Division Telephone Number _____

Judge Contact Number _____

Judge Email _____

Court Clerk Email _____

I, _____, certify that this municipality complies with the following minimum operating standards together with all other minimum operating standards as approved by the Supreme Court of Missouri:

- Judge has received instruction on laws related to intoxicate-related traffic offenses. Section 479.172.1 R.S.Mo.
- A written policy for reporting intoxication-related traffic offenses to the central repository has been adopted and provided to OSCA and the highway patrol. Section 479.172.1. and 2 R.S.Mo.
- A copy of this written policy for reporting intoxication-related offenses to the central repository has been provided to the presiding circuit judge.
- Warrants are signed by the judge or by a clerk of the court when directed by the judge for a specific warrant. Supreme Court Rule 37.45.
- Judge complies with Supreme Court Rule 37.47: Initial Proceedings before the Judge, including:
- Arraignment as soon as practicable if defendant has not satisfied conditions for release.
- Judge shall inform the defendant of the:
    - Ordinance violation charged,
    - Right to retain counsel,
    - Right to request the appointment of counsel if defendant is indigent and there is a possibility of a jail sentence,
    - Right to remain silent,
    - Fact that anything that the defendant says may be used against him or her.

- Judge complies with Supreme Court Rule 37.48: Arraignment:
    - Arraignment shall be conducted in open court,
    - Judge reads the information to the defendant or states the substance of the charge.
    - Municipal division calls upon the Defendant to plead there to.
    - Defendant shall be afforded a reasonable time to examine the charge before defendant is called upon to plead.

- Judge complies with Supreme Court Rule 37.50: Right to Counsel:
    - If conviction for an ordinance violation could result in confinement, the judge advises the defendant of the right to counsel and willingness of the judge to appoint counsel to represent the defendant.
    - Upon a showing of indigency, judge appoints counsel to represent the defendant.

- Judge allows the defendant to proceed without counsel if the judge finds that the defendant has knowingly, voluntarily, and intelligently waived the right to counsel.
- If it appears during the proceedings that because of the gravity of the ordinance violation charged and other circumstances that failure to appoint counsel may result in injustice, the judge then appoints counsel. Judge gives said counsel reasonable time to prepare.

- Choose one of the following:
  - The court allows payments online and makes available free, online access to information about pending cases, outstanding warrants, and scheduled municipal division dockets. The municipal division website is _____.
    OR
  - The municipal division is actively pursuing court automation for compliance with payments online and making free, online access to information about pending cases, outstanding warrants, and schedule of municipal division dockets is scheduled to be in place by _____(estimated date).

- Courtroom facility is sufficient for the purpose of a courtroom.
- Courtroom is open to the public of all ages and large enough to reasonably accommodate the public, parties, and attorneys.
- The facility chosen for the municipal division takes into consideration the safety and comfort of the public, parties and lawyers.
- The facilities chosen shall uphold the integrity and independence of the judiciary as a separate branch of government.
- Following applicable law, the judge relinquishes jurisdiction over a case when a motion to disqualify, motion for jury trial, or notion for trial de novo is filed.
- When a case is transferred to circuit court, the transfer occurs within fifteen (15) days.
- Judge has certified substantial compliance with Section 479.360.1(1 to 10) R.S.Mo. and provided signed certification to the governing body in compliance with the state auditor's rules and procedures. Section 479.360 .1 and 2 R.S.Mo. Additionally, the judge complies with the following provisions of Section 479.360.1 R.S.Mo.:
  - Procedures exist to prevent defendants from being held longer than forty-eight (48) hours on minor traffic violations and seventy-two (72) hours on other violations without being heard by a judge in person, by telephone, or via video conferencing.
  - The municipal division has made reasonable efforts to communicate to local law enforcement the twenty-four (24) hour rule: "Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." See also Section 544.1701.1, R.S.Mo.

- Confinement to coerce payment of fines and costs is utilized only if found in contempt of court after compliance with Supreme Court Rule 37.65.
- The municipal division inquires of defendants and allows them to present information about their financial condition when assessing their ability to pay and establishing payment requirements for monies due.
- The courtroom is open to the public of all ages and large enough to reasonably accommodate the public, parties and attorneys.
- Alternative payment plans are utilized. See also Supreme Court Rule 37.65(a)(1)(2).
- Community service is utilized with no fee assessed to the defendant.
- For minor traffic violations, procedures exist for electronic payment or payment by mail.

- Court provides to the municipality adequate information for the municipality to determine excessive calculations to the state auditor.

- If judge is a lawyer, complete Section A. If judge is non-lawyer, complete Section B.

  Section A

  If judge is a lawyer, the lawyer has completed each of the following:

  - MJEC orientation course within 12 months after beginning service. Supreme Court Rule 18.05(d).
  - Five hours of judicial CLE annually. Supreme Court Rule 18.05(a).
  - Two hours of judicial ethics CLE annually. Supreme Court Rule 18.05(b).
  - CLE compliance form is submitted to the circuit court presiding Judge.
  - If substitute/provisional judges preside, names and CLE compliance forms have been provided to the circuit court presiding judge.

  Section B

  If judge is a non-lawyer judge, the judge has completed each of the following:

  - Course of instruction administered by the MJEC within six months after selection. Supreme Court Rule 18.04; Section 479.020 R.S.Mo.
  - Five (5) hours of judicial CLE annually. Supreme Court Rule 18.05(a).
  - Two (2) hours of judicial ethics CLE annually. Supreme Court Rule 18.05(b).
  - CLE compliance form is submitted to the circuit court presiding judge.
  - If substitute/provisional judges preside, names and CLE compliance forms have been provided to the circuit court presiding judge.

- Judge has read the Supreme Court's "Minimum Operating Standards for Missouri Courts: Municipal Divisions" and substantially complies with the remaining Minimum operating standards.

- Judge has attached to this certification the following:

    - Semiannual disposition report of intoxication-related traffic offenses provided to the circuit court *en banc*,
    - Substantial compliance certification with Section 479.360.1(1 to 10) R.S.Mo.
    - CLE compliance forms.

I certify that my municipal division has complied with all of the above minimum operating standards terms.

_____ _____

Date Signature

RULE 69.02 REGISTRATION OF MUNICIPAL JUDGES

Each Municipal Judge shall, within thirty (30) days of his or her appointment or election to office, register with the Director of Judicial Administration of the Circuit Court, setting forth his or her full name, address, telephone number, term of office and name of the municipality.

RULE 69.03 JURY TRIALS – MUNICIPAL DIVISION

(1) Where authorized by law, the defendant may request a trial by jury.

(2) Pursuant to Supreme Court Rule 37.61, all requests for trial by jury shall be made by written motion signed by the defendant, and shall be filed with the municipal division at least ten (10) calendar days prior to the scheduled trial date in accordance with Missouri Supreme Court Rule. Upon receipt of any such motion, the municipal division shall promptly set the motion for hearing. It shall be the responsibility of the pro se defendant or counsel for defendant to provide all paperwork to the court including fingerprint cards where required by statute upon filing his/her request for certification of a case.

(3) If the motion is sustained, a certified copy of all papers filed in the case, including any bond paperwork, and any cash or other property given as security upon any such bond, and fingerprint cards shall be filed with the Clerk of the Circuit Court within fifteen (15) calendar days from the granting of the motion. The filing shall include the filing memorandum provided by the Clerk of the Circuit Court. Any missing or omitted documents including fingerprint cards where required by law will result in the filing being returned to the Municipal Division for correction and proper submission.

(4) Any charge that requires fingerprinting shall be completed prior to the file being transferred to the Clerk of the Circuit Court. The judge may rule on the motion, but shall include the requirement for fingerprinting to be completed prior to the transfer of the court file. Failure on the part of the defendant to comply with the Court's Order for Fingerprinting shall result in the denial, without prejudice, of the motion.

(5) Upon certification of the case to the Associate division any outstanding warrants on any case being certified for jury trial shall be recalled by the municipality prior to transfer to the Clerk's office.

(6) Upon receipt of the municipal division's filing by the Clerk of the Circuit Court, clerk procedures in the Court Clerk Handbook should be followed. In instances that the case has been filed by using the police issued citation as the charging document, the case shall include only one (1) charge per case unless the second charge is a seatbelt violation. When the case is filed by formal information it may include more than one (1) charge per count. The Clerk's office shall notify all parties of the scheduled court date by electronic filing for attorneys or regular mail for *pro se* defendants.

(7) The municipal prosecutor and pro se defendant or counsel for defendant are expected to communicate with one another and make good faith efforts to reach a disposition prior to the initial docket setting.

(8) The *pro se* defendant and/or counsel for defendant must appear at the initial appearance. Failure to appear by the *pro se* defendant or counsel for defendant may result in a warrant being issued for a defendant's arrest or the case being set for trial.

(9) If resolution of the case has not been reached by the parties at the initial appearance in the Associate division, pre-trial and trial dates shall be set at that initial appearance. Parties shall be expected to present exclusionary dates to the court at the initial appearance. A case may be continued upon good cause shown.

(10) In any case before the Associate division, the Circuit Court may assess costs and fines against the defendant as provided by law. A cost bill shall be made available by the Clerk's office. A record of the final disposition shall be sent back to the municipal division with original jurisdiction.

(11) The costs and fines 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.

(12) Pursuant to Supreme Court Rule 37.61(f), once the case has been accepted by the Associate Division as a certified case, a case may be remanded to the municipal division, if the defendant files a written motion so requesting and attaches thereto a waiver of the right to a jury trial. Cases certified for a jury trial pursuant to Local Court Rule 69.03 are deemed waived by (1) failure to appear at trial, or (2) by filing with the clerk written consent in person or by attorney, or (3) by oral consent in court, entered in the minutes, or (4) by proceeding to trial without objection.

RULE 69.04 TRIAL *DE NOVO* – MUNICIPAL DIVISION

(1) Where authorized by law, the defendant may request a trial *de novo*. If no application for trial *de novo* is filed with the municipal division within ten (10) days after the date of the judgment, the right for trial *de novo* shall be deemed waived and the municipal division shall execute the judgment and sentence.

(2) Pursuant to Supreme Court Rule 37.71, all requests for trial de novo shall be made by written motion, and shall be filed with the municipal division no longer than ten (10) calendar days from the entry of judgment.

(3) Pursuant to Supreme Court Rule 37.72, the filing of an application for trial *de novo* or review shall suspend the execution of the judgment of the municipal division. If the applicant for trial *de novo* withdraws the application, or if before commencement of trial, the court enters a finding that the applicant has abandoned the trial *de novo*, the case shall be remanded to the municipal division for execution of judgment. Upon receipt of any such motion, the municipal division shall promptly set the motion for hearing. The defendant must appear at the scheduled hearing.

(4) If the motion is sustained, pursuant to Supreme Court Rule 37.73, the municipal division clerk shall transmit to the Clerk of the Circuit Court within fifteen (15) calendar days from the granting of the motion a certified copy of all papers filed in the case, including any bond paperwork, any cash or other property given as security upon any such bond, and fingerprint cards. The filing shall include the filing memorandum provided by the Clerk of the Circuit Court. Any missing or omitted documents including fingerprint cards where required by law, shall be corrected by the municipal division clerk. The failure of the municipal division clerk to transmit the record shall not affect the defendant's trial *de novo*.

(5) Upon receipt of the municipal division clerk's filing to the Clerk of the Circuit Court, clerk procedures in the Court Clerk Handbook should be followed. In instances that the case has been filed by using the police issued citation as the charging document, the case shall include only one (1) charge per case unless the second charge is a seat belt violation. When the case is filed by formal information, it may include more than one (1) charge per count. The Clerk's office shall notify all parties of the scheduled court date by electronic filing for attorneys or paper mail for *pro se* defendants.

(6) The municipal prosecutor and *pro se* defendant or counsel for defendant are expected to communicate and make good faith efforts to reach a disposition prior to the initial docket setting.

(7) The *pro se* defendant and/or counsel for defendant must appear at the initial appearance. Failure to appear by the *pro se* defendant or counsel for defendant may result in a warrant being issued for a defendant's arrest or the case being set for trial.

(8) Pre-trial and trial dates shall be set at the initial appearance if a resolution of the case has not been reached by the parties. Parties shall be expected to present exclusionary dates to the court at the initial appearance.

(9) In any case, the Circuit Court may assess costs and fines against the defendant as provided by law. A cost bill shall be made available to the defendant by the Clerk's office. A record of the final disposition shall be sent back to the municipal division with original jurisdiction.

(10) The costs and fines 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.

RULE 69.05 DISQUALIFICATION OF JUDGE

(1) A Municipal Judge that is disqualified, pursuant to Missouri Supreme Court Rule 37.53 shall within ten (10) days after his or her disqualification inform the Presiding Judge of the disqualification.

(2) The Presiding Judge shall thereupon transfer another Municipal Judge to hear the case upon which the original Judge was disqualified and said transferred Judge shall have the authority to hear and determine the case.

(3) In a municipality that has appointed a provisional judge to hear and determine cases in those situations 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.

RULE 69.06 AGREEMENT TO SHARE MUNICIPAL COURTROOM

(1) A Municipal Divisions may hold hearings of Municipal Court violations outside the boundaries of the municipality and inside the boundaries of another municipality within St. Louis 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 Director of Judicial Administration. The agreement shall include the name of the Municipal Judge who is assigned to hear cases of the municipality.

(3) Municipalities that do not share a common boundary may not hold Court outside municipal boundaries without the approval of the Presiding Judge.

RULE 69.07 INCORPORATION OF OPERATING RULE #4

The attached Operating Order #4 (which is incorporated herein and made a part hereof and Marked Attachment #1) which is effective with the adoption of these Rules by the Court *en banc*, compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016, including relevant sections of Supreme Court Rule 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," including Appendix A, the Minimum Operating Standards for Municipal Courts: Municipal Divisions ("MOS"). This template marked Attachment 1 shall be adopted by every Municipal Division as Court Operating Order #4 shall supersede any previous Municipal Court Orders delineated or identified as Court Operating Orders # 1, #2 or #3 which are now rescinded.

Attachment *#1*

NOTE: This Order is intended as a template for courts to use in implementing a local municipal division operating rule and local court rules. It contains informational notes within the body of the order which should be deleted before signing the final order. Other sections may contain several options where those that do not apply should be deleted, and/or blanks which must be filled in before signing the final Order.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
_____ JUDICIAL CIRCUIT

MUNICIPAL DIVISION – THE CITY OF _____

MUNICIPAL DIVISION OPERATING ORDER #4

Including Eight Local Court Rule provisions

Superseding Court Operating Orders #1, #2 and #3

Effective Date –September 12, 2018

Background and Purpose of Division Operating Order #4 and Eight Applicable Local Court Rules

A. This Division Operating Order #4 compiles those applicable statutes, Supreme Court Rules, Supreme Court Operating Rules, and standards, as are effective as of September 30, 2016, including relevant sections of Supreme Court Rule 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," including Appendix A, the Minimum Operating Standards for Missouri Courts: Municipal Divisions ("***MOS***"). This Order shall supersede Court Operating Orders #1, #2 and #3, which are hereby rescinded. The term "Municipal Division" shall be referred to herein as "Division."

B. This Order is intended to include in one consolidated Division Order, such relevant statutes, rules and standards, to provide for and achieve procedural fairness, order and convenience for those who appear before this Division. This Order is intended to apply, , to all Court personnel, officers of the Court, attorneys, and litigants, including without limitation the Judge, Court Administrator, Clerk of Court, Prosecuting Attorney, Prosecuting Attorney's Clerk, Bailiff, and security personnel.

C. This Order is not intended to supersede, supplant, or alter any Missouri Supreme Court Rule, including the MOS, or any local circuit court rule adopted which governs the operations of a municipal division and reporting obligation, as provided in the "Protocols for Presiding Circuit Court Judges Supervising Municipal Court Judges" adopted by the Supreme Court in November, 2016. All the provisions of this Order shall be subordinate to Missouri Supreme Court Rules, Missouri statutes, and local circuit court rules, which may differ than the provisions of this Order.

D. This Order also includes in Part I, Section B, several local circuit court rules, which are not technically "operating orders" or "operating rules." The term "Court Administrator" as used in Part I, Section B, and elsewhere, also applies to those Divisions which utilize the term "Court Clerk." The Term "Division Clerk" shall also be considered synonymous, when that term is used in place of "Court Administrator" or "Court Clerk." The same is true for "Deputy Court Administrators," "Deputy Division Clerks, or "Deputy Court Clerks," which are the same position.

PART I – ADMINISTRATION OF MUNICIPAL DIVISION

A. General Administrative Procedures.

1. General Duties of Court Administrator. Court Administrator shall ensure that the Court regularly communicates with the Circuit Clerk and the Presiding Judge on all relevant matters, including the Division's existence. The Court Administrator shall comply with the standards set forth in "Open Records and other Recordkeeping Matters" contained in the MOS, following MOS #10. Such standards shall include maintenance of complete and accurate records of all Division proceedings, including warrants outstanding, bonds posted, case files and dispositions. All documentation "backer sheets" shall be signed by the Judge. The Court Administrator shall ensure that Division's computer data is backed-up, stored in secure offsite locations, and that passwords are kept confidential and periodically changed. Courts using the statewide case management system shall follow any published security guidelines.

2. Case Numbering and Case Indexing. Case index records shall be maintained on all municipal cases. Judgment index records shall be maintained on all municipal judgments. Case indexes shall be maintained for each case filed, including traffic or non-traffic violations. The index shall include the full name of the defendant, case number, date the case was filed with the court, and the case disposition. Confidential cases shall be accessible only by authorized personnel.

   Cases filed by the prosecutor shall be assigned a unique number by the Division. The numbering system shall be that used by the Office of State Court Administrator ("***OSCA***") or that computer software vendor approved by the State Judicial Records Committee. All forms used by the Division shall be numbered sequentially and accounted for, including tickets, summons, complaints, receipt slips, bond forms, and payment agreements. *(Source: §§483.065, 483.075, and 483.082 R.S.Mo.; Supreme Court Operating Rule ("**COR**") 4.04.; payment agreement source State Auditor recommendation, Municipal Clerk Manual ("**Clerk Manual**") Section 1.1c.)*

3. Violation Bureau Schedule – Posting and Availability to Accused. The Judge shall, from time to time, appoint a Court Administrator to be the Violation Bureau Clerk. This shall be by a separate order. The Violation Bureau Schedule shall list and process only those violations authorized by Supreme Court Rule 37.49(c). It shall

be prominently displayed at the place where fines are to be paid. The Court Administrator shall periodically communicate with the police department to ensure, where applicable, the schedule of fines and costs payable through the Violation Bureau is provided to an accused at the same time as a violation notice. *(Source: Supreme Court Rules ("**SCR**") 37.49 and 37.33(b).)*

4. Budget. The Court Administrator shall communicate regularly with the Judge and the City Finance Department ("***City***") regarding any budget issues involving the Division. Any budget disputes shall be resolved through a settlement conference with the Presiding Judge, if necessary. The Court Administrator shall work with the City to identify associated fines and costs revenues for the purpose of the revenue calculations required by law. *(Source: Mo. Constitution, Article II; §479.359 R.S.Mo.; COR 13.)*

5. Advising Litigants of Their Rights in Court. The Court Administrator shall take necessary steps to ensure that defendants are given advice of rights pursuant to the SCR and MOS #9, including a "Notice of Rights in Municipal Division" form as approved by the Supreme Court. *(Source: SCR 37.47, 37.48, 37.50, and 37.58; MOS #9.)*

6. Compliance with Certifications and Reports to Auditors – Highway Patrol. The Court Administrator shall communicate with Missouri State Highway Patrol ("***MSHP***"), OSCA, and the Regional Justice Information System ("***REJIS***") to be compliant with their policies and management agreements regarding information, including terminal operations. The Court Administrator shall communicate with the Judge and with the City to facilitate compliance with requirements of other agencies with respect to the information systems provided to the Division.

B. **Applicable Local Circuit Court Rules**.

NOTE: The following eight provisions are not "operating orders," but in the nature of local court rules, are included here for convenience.

1. Court Administrator. The Court Administrator (or, as known in some Divisions, the "Court Clerk" or "Division Clerk"), shall be the chief administrator of the Division. The Court Administrator and all Deputy Clerks, shall be responsible for the orders contained in Parts I, II and III, except when such orders are applicable only to the Judge, to the Prosecuting Attorney, to the Prosecuting Attorney's Clerk, or to other personnel other than the Court Administrator. The Court Administrator shall, when applicable, cooperate with the City to assist the Court Administrator to effectuate applicable provisions of this Order. To the extent not prohibited by the MOS, or other relevant law or rule, the Court Administrator shall cooperate with the Prosecuting Attorney's Clerk, the police department, and the City.

2. Minor Traffic Violations – Special Rule. The Court Administrator shall clearly mark the jacket or outside of case files which fall under the current definition of "

Minor Traffic Violations" so that the Division may readily recognize such cases when handling the file. The Court Administrator shall communicate with the Division, and with the Prosecuting Attorney's Clerk and Prosecuting Attorney, so that all court personnel are aware of the limitations with respect to fines, costs, and other conditions imposed upon the Division by legislation. *(Source: §§479.353 and 479.360 R.S.Mo.)*

3. Municipal Ordinance Violations – Special Rule. Fines and costs assessed on a "Municipal Ordinance Violation" (as defined by law) shall not exceed the mandatory maximum schedule set forth by statute. The Court Administrator shall clearly mark the Division files, to report any previous relevant violations of "Municipal Ordinance Violations" so that the Court may not impose a fine in an amount which exceeds the mandatory maximum schedule. *(Source: §§479.350(4) and 479.353(1)(b) R.S.Mo.)*

4. Segregation of Duties. The Court Administrator shall abide by MOS #7 and, as applicable, take all steps necessary to segregate the duties of the Prosecuting Attorney and law enforcement from that of the Court Administrator. The Court Administrator and the Prosecuting Attorney's Clerk shall cause there to be separate filing systems for prosecutor-related documents and communications, from those documents and communications under the authority of the Court Administrator.

5. Hours of Court Administrator's Office. The Court Administrator shall communicate regularly with the Division and with the City so that the Court Administrator's office is open and accessible to the public for the required number of hours per week, or the Court Administrator is available, all in accordance with MOS #8.

6. Confidential and Closed Records.

    a. Identify Records. The Court Administrator shall identify all Division records that contain confidential information and maintain all confidential records in accordance with those procedures set forth in Chapter 5 of the then current Clerk Manual. The Court Administrator shall permit closed records to be inspected by the defendants, courts, and those agencies as are set forth in Section 610.120 R.S.Mo. The Court Administrator shall identify all Court records (including docket entries for cases that have been nolle prossed, dismissed, Substance Abuse Traffic Offender Program ("***SATOP***"), or the defendant found not guilty) that contain confidential information. The Court Administrator, on behalf of the Judge, shall request the city provide adequate and secure file cabinets for the retention of confidential records and closed files. The Court Administrator shall comply with laws regarding confidentiality of identifying information contained in Court documents regarding victims of sexual or domestic assault, or stalking. *(Source: §§595.226, 610.105 and 610.120 R.S.Mo.; Section 5.1 of Clerk Manual.)*

b. Confidentiality of SATOP Programs. If the Division orders the defendant to participate in a SATOP program, the Court Administrator shall file all documents received from the program provider in the case file, and all documents relating to the program assessment, assignments and completion shall remain confidential. *(Source: 42 CFR Part 2, 42 U.S.C. 290 dd-3.)*

7. Record Retention and Destruction. The Court Administrator shall retain all Division records unless there shall be an order signed by the Presiding Judge of the Circuit Court to destroy same. The Court Administrator shall follow COR 8 and the City shall cooperate with the Court Administrator to follow a regular schedule to destroy and/or transfer cases eligible for transfer or destruction in accordance with COR 8. The Court Administrator shall abide by those recommended procedures set forth in Chapter 5 of the then current Clerk Manual. All requests to destroy or transfer records shall be signed by the Presiding Judge. *(Source: COR 8; Section 5.2 of Clerk Manual*.)

8. Conflicts. In order to comply with the requirements of MOS #5, the Judge, in cooperation with the Court Administrator shall, as far as practicable, manage a conflict plan enacted by the Judge, in order to ensure there are no judicial conflicts as prohibited by SCR. The Judge shall recuse himself/herself in all instances when required to do so. Further, the Division, Court Administrator, and other non-judicial personnel shall not perform any functions which constitute an actual or apparent conflict of interest with the impartial performance of their duties. *(Source: SCR 37.53(b)(2); MOS #5 and #7.)*

C. **Reporting Requirements of the Municipal Division**.

1. Reporting to the City. Unless substituted with the report required under COR 4.28, within the first ten (10) days of each month, the Court Administrator shall submit to the City Clerk copies of the dockets of all cases heard during the preceding month by the Division and those cases in which there was an application for a trial de novo. If a record is closed under Chapter 610, R.S.Mo., the Court Administrator shall not include the name of the defendant in the monthly report. For all cases that are nolle prossed, dismissed, or those in which the defendant is found not guilty, the Court Administrator shall supply all the required information, but black out the defendant's name. The Court Administrator may, pursuant to the authority in COR 4.29, substitute submission of the dockets to the City Clerk with the report required to be sent to OSCA under COR 4,28. *(Source: §§479.080.1 and 479.080.3 R.S.Mo., COR 4.28 and 4.29; Section 1.4 of Clerk Manual.)*

2. Reporting to the Department of Revenue.

(a) Case Disposition. The Court Administrator shall report case disposition information on all moving traffic violations, alcohol and drug-related traffic offenses, including suspended imposition of sentence, all convictions while

driving a commercial motor vehicle, including commercial driver's license holders driving a personal vehicle, to the Missouri Department of Revenue ("***DOR***"). The Court Administrator shall abide by the "Case Processing Procedures" found in Chapter 3 of the then current Clerk Manual published by OSCA. The Court Administrator shall ensure that the disposition is received by the DOR within seven (7) days of the disposition. If defendant requests a *trial de novo* within the ten (10) day period after judgment against defendant, then the DOR shall not receive the disposition. *(Source: §§302.225.1 and 577.051 R.S.Mo.; Section 1.4 of Clerk Manual.)*

NOTE: For the judge authoring the order, three options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide Use]

The Court Administrator shall insure the accuracy of data entered into the automated case management system approved for statewide use by the State Judicial Records Committee, so that OSCA can automatically extract required reporting information to electronically provide to the DOR. In an effort to comply with this requirement, the Court Administrator shall actively review and correct data errors identified through the case management system's problem logs.

[2. Divisions Using an Automated Case Management System Approved for Local Use and Approved for Electronic Reporting to the Department of Revenue]

The Court Administrator shall insure the accuracy of data entered into the automated case management system and ensure required reporting information is transmitted electronically in a format approved by the DOR.

[3. Divisions Not Using an Automated Case Management System or Using an Automated System Not Approved for Electronic Submission to Department of Revenue]

The Court Administrator shall complete the report by submitting a completed "Abstract of Court Record," portion of the Uniform Citation, or by submitting a completed "Record of Conviction" form referenced in SCR form 37.B – *Record of Conviction. (Source: SCR 37.B.)*

(b) Crime Victims Compensation Fund. The Court Administrator shall cause a $7.50 Crime Victims Compensation Fund ("***CVC***") surcharge to be assessed on all non-moving and moving traffic violations and all other non-traffic municipal ordinance violations, unless the case has been dismissed, or costs have been waived due to the Division finding the defendant indigent. The Court Administrator shall forthwith cause the CVC charge to be reported to the DOR and disbursed as follows:

95% ($7.13 of each fee) shall be sent to the DOR no less than monthly and 5% ($.37 of each fee) to the general fund of the City in accordance with IV.C, *infra*. *(Source: §§488.5339 and 595.045.6 R.S.Mo.)*

The Court Administrator shall be familiar with and abide by those provisions set forth in Sections 4.2 and 4.3 of the then current Clerk Manual.

(c) Abuse and Lose Procedures. In the event that the Judge shall enter an order suspending or revoking the defendant's driving privileges under the Abuse and Lose law, the Court Administrator shall, within ten (10) days of the order, send any Missouri license surrendered to the Division, along with the certified copy of the Order of Suspension on the official DOR form, to the DOR. The Court Administrator shall follow those procedures regarding Abuse and Lose reporting as set forth in Section 3.8 of the then current Clerk Manual. *(Source: §§577.500 through 577.505 R.S.Mo.)*

(d) Failure to Appear or Pay – License Suspension. The Court Administrator shall notify defendants within ten (10) days of that defendant's failure to dispose of a moving traffic violation, that the Division will order the DOR to suspend that defendant's license in thirty (30) days, if the charges are not disposed of or fully paid. This provision shall not apply to Minor Traffic Violations as defined in Section 479.353 R.S.Mo. (2015). For such violations for which a notice may be sent to defendants, such notification shall not be sent until a summons has been mailed to the defendant and defendant thereafter shall fail to appear. On non-Minor Traffic Violation cases that apply, the Court Administrator shall send the Failure to Appear or Pay Traffic Violation (F.A.C.T.) form to the DOR when a defendant has failed to appear on a court date after a summons has been issued to the defendant, when the defendant fails to appear on a subsequent court date to which the case has been continued, or, when the defendant, without good cause, fails to pay any fine or costs assessed against him or her.

Upon payment of all fines and costs, or, if earlier ordered by the Judge, a compliance notice on forms approved by the DOR shall be issued to the defendant, and the Court Administrator shall forthwith advise the DOR of such compliance. *(Source: §§302.341 and 427.353 R.S.Mo.; Section 3.5 of Clerk Manual.)*

(e) Withholding Renewal of License. In the event a defendant shall fail to appear when ordered, and without being first granted a continuance, and appropriate summons to follow the failure to appear, the Court Administrator shall notify the DOR within ten (10) days of the failure to appear, by using the "Lieu of Bail" form provided by the DOR, except such notification shall not be required if the Court Administrator has utilized the notification procedures set forth in Paragraph 5, *supra.* When the case is disposed of, the Court Administrator shall report the disposition as on any

other traffic case. *(Source: §544.045.4 R.S.Mo.; Section 3.5 of Clerk Manual.)*

(f) Non-Resident Violator Program. In the event a defendant who is not a resident of Missouri fails to appear, the defendant shall be notified by regular mail and given a specific amount of time to dispose of the traffic ticket before notification is made to the DOR. If defendant fails to comply, the Court Administrator shall forward the Non-Resident Violator Compact (NVRC) Form provided by the DOR, to the Compact Administrator at the DOR. This provision shall be in effect for non-resident defendants from all other states in the United States which are members of the Non-Resident Violator Compact. *(Source: §544.046 R.S.Mo.; Sections 3.5 and 3.6 of Clerk Manual.)*

(g) Driver Improvement Programs. In the event that the Judge has ordered a non-CDL holder defendant to complete the Driver Improvement Program, the Court Administrator shall send notice of its completion to the DOR within fifteen (15) days of Program completion. The Court Administrator shall not send any notice of the Driver Improvement Program if the moving traffic violation has been amended to a non-moving violation by the Prosecuting Attorney. *(Source: §302.302 R.S.Mo.; Section 3.7 of Clerk Manual.)*

(h) Ignition Interlock Device. When the Judge shall order the use of an ignition interlock device (*"**IID**")*, the Court Administrator shall forthwith send the Order to install the IID to the DOR properly executed, containing the requirements for the period of the use of the IID. *(Source: §§577.600 through 577.614 R.S.Mo.; Section 3.2 of Clerk Manual.)*

3. Reporting to OSCA.

NOTE: For the judge authoring the order, three options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide Use]

The Court Administrator shall insure the accuracy of data entered into an automated case management system approved for statewide use by the State Judicial Records Committee, so that OSCA can automatically extract required reporting information as provided by COR 4.28. In an effort to comply with this requirement, the Court Administrator shall actively review and correct data errors identified through the case management system and filing and disposition exception reports. *(Source: COR 4.28; Section 1.4 of Clerk Manual.)*

[2. Divisions Using an Automated Case Management System Approved for Local Use]

The Court Administrator shall insure that required reporting information is transmitted either electronically or manually in a format according to provisions of COR Rule 4.28. The Court Administrator shall insure the accuracy of data entered in the case management system. This information shall be submitted to OSCA no later than the 15th day of each month, with data completed from the previous month's Division activity. *(Source: COR 4.28; Section 1.4 of Clerk Manual.)*

[3. Divisions Not Using an Automated Case Management System]

The Court Administrator shall complete and deliver the "Municipal Division Summary Reporting" form to OSCA no later than the 15th day of each month, with data completed from the previous month's Division activity. This data shall be delivered by e-mail or fax to OSCA on the then current form provided by OSCA. The Court Administrator shall complete the form in accordance with the instructions submitted from time-to-time by OSCA, and as contained in the then current Clerk Manual. A copy of the OSCA form shall be submitted to the Judge each month. *(Source: COR 4.28; Section 1.4 of Clerk Manual.)*

4. Reporting to the MSHP (Criminal History Reporting including Intoxication–Related Traffic Offenses, "Fingerprint Cards").

The Court Administrator shall report to the MSHP any violations of municipal ordinances involving alcohol or drug related driving offenses or any violations deemed to be "comparable ordinance violations" as defined by Section 43.503 R.S.Mo. and as listed in the Missouri State Charge Code Manual. The Court Administrator shall report violations without undue delay or within 30 days of case disposition.

At any court appearance for any reportable offense, the Court Administrator shall inform the Division that the defendant needs to be fingerprinted and photographed, if not already obtained. The order for fingerprints shall contain the offense, charge code, date of offense and any other information necessary to complete the reporting.

For any reportable violation, the Court Administrator shall report to the MSHP a record of all charges filed, including all those added subsequent to the filing of the case, amended charges, and all final dispositions of cases where the central repository has a record of an arrest. The Court Administrator shall abide by reporting requirements found in Sections 1.4 and 3.3 of the then current Clerk Manual. *(Source: §§479.172, 43.503 R.S.Mo.; Sections 1.4 and 3.3 of Clerk Manual.)*

Dispositions that must be reported to the MSHP are:

- Not guilty, dismissed, nolle prossed or acquittal
- Plea of guilty or finding of guilt
- Suspended imposition of sentence
- Suspended execution of sentence
- Probation
- Conditional sentences
- Sentences of confinement

NOTE: For the judge authoring the order, two options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide Use]

The Court Administrator shall insure the accuracy of data entered into an automated case management system approved for statewide use by the State Judicial Records Committee, so that OSCA can automatically extract required reporting information and forward it to the MSHP. In an effort to comply with this requirement, the Court Administrator shall actively review and correct data errors identified through the case management system's problem log reports. *(Source: §§ 43.503 and 43.506 R.S.Mo.; Sections 1.4 and 3.3 of Clerk Manual.)*

[2. Divisions Using an Automated Case Management System Approved for Local Use or a Manual Case Management System]

The Court Administrator shall insure that required reporting information is transmitted manually by completing and sending to the MSHP the Prosecutor Action and/or Court Action Segment(s) of the State Criminal Fingerprint Card, which contains an Offense Cycle Number (OCN), pursuant to Section 43.506 R.S.Mo. *(Source: §§ 43.503 and 43.506 R.S.Mo.; Sections 1.4 and 3.3 of Clerk Manual.)*

The Court Administrator shall provide any information received by the Division Administrator to the Judge, so that the Judge shall comply with the statutory requirement to receive "adequate instruction on the laws related to intoxication-related traffic offenses." *(Source: §479.172.1 R.S.Mo.)*

5. Reporting Intoxication-Related Traffic Offenses to Circuit Court *en banc*

The Court Administrator shall prepare a report twice annually, by June 30th and December 31st, which shall include, but shall not be limited to, the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending in that Division. The Division shall submit said report to the Circuit Court *en banc*. The report shall include the six-month period beginning January 1st and ending June 30th and the six-month period beginning July 1st and ending December 31st of each year. The report shall be submitted to the Circuit Court *en*

banc no later than sixty (60) days following the end of the reporting period. The Judge shall attach the same report to the Presiding Judge in accordance with I.C.7. of this Order by January 1st of the year, recognizing that there is no sixty (60) day period to submit the report following the end of the reporting period as there is for the report to the Circuit Court *en banc*. *(Source: §479.172.3 R.S.Mo.; MOS; Section 1.4 of Clerk Manual.)*

NOTE: For the judge authoring the order, two options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions Using Automated Case Management System Approved for Statewide]
Unless instructed by the circuit court to provide additional information or report in a different manner, the Court Administrator shall run the Report.net reports described in Chapter 1 of the then current Clerk Manual and complete the "Municipal Division Summary Reporting Form." The Court Administrator shall send the "Municipal Division Summary Reporting Form" along with a cover letter to the Presiding Circuit Judge to meet the semi-annual reporting requirement to the Circuit Court *en banc.*

[2. Divisions Using an Automated Case Management System Approved for Local Use or a Manual Case Management System]
Unless instructed by the circuit court to provide additional information or report in a different manner, the Court Administrator shall use the "Municipal Division Summary Reporting Form" that is submitted monthly to OSCA to meet the semi-annual reporting requirement to the Circuit Court *en banc*. The Court Administrator shall make copies of each month's report for the required reporting period and send along with a cover letter to the Presiding Circuit Judge.

6. Reporting to OSCA and MSHP (Intoxication-Related Traffic Offense Written Policy)

The Court Administrator shall provide a signed copy of this Order to the MSHP and OSCA at the addresses shown below. If any revisions are made to this Order, the Court Administrator shall provide a revised copy to the MSHP and OSCA. *(Source: §479.172 R.S.Mo.; Section 1.4 of Clerk Manual.)*

Addresses and facsimile numbers where copies shall be sent are:

Office of State Courts Administrator
Attention: Court Services Division, DWI Reporting Policy
P.O. Box 104480
2112 Industrial Drive
Jefferson City, Missouri 65110
Fax: 573-522-5961

Missouri State Highway Patrol
Criminal Justice Information Services Division
P.O. Box 9500
Jefferson City, Missouri 65102
Email: mshpcjis@mshp.dps.mo.gov

7. Reporting to the Presiding Circuit Judge. The Court Administrator shall meet with the Judge to review the "Minimum Operating Standards Form" to be submitted semi-annually to the Presiding Circuit Judge, to ensure compliance with the items to be certified in such Form. *(Source: MOS #10.)*

8. Reporting to State Auditor. The Court Administrator shall meet and confer with the Judge to ensure that the City shall timely file with the State Auditor, together with the City's report due under Section 105.145 R.S.Mo., the City's certification of its substantial compliance signed by the Judge with the Division procedures set forth in Section 79.360.1(1)(10) R.S.Mo. The Court Administrator and the Judge shall meet periodically to review the provisions of Section 479.360(1) in order to ensure compliance with the State Auditor requirements.

9. Reporting to Judge. The Court Administrator shall assemble the reports submitted to DOR, the MSHP, OSCA, the Presiding Circuit Judge, and the State Auditor, and maintain same in a file for periodic review by the Judge, so that the Judge is aware that all reporting requirements have been complied with for the previous period.

10. Reporting to the Department of Insurance. The Court Administrator shall report all unsatisfied judgments against bail bond agents and sureties, and subsequent satisfactions of those judgments, to the Department of Insurance. The Court Administrator shall utilize those procedures set forth in the Clerk Manual. (*Source*: *§ 374.763 R.S.Mo.; Section 2.3 of Clerk Manual.)*

D. **Fines, Division Costs, Surcharges and Fidelity Bonds**.

1. General Rules.

(a) The Court Administrator shall utilize his/her best efforts so that on each case adjudicated by the Judge, the Judge's appropriate fines are assessed and general Division costs are assessed only in the amounts set forth by statute or ordinance. These shall include CVC surcharges, police officer standard and training commission ("***POST***") surcharges, law enforcement training fine ("***LETF***") surcharges, recoupment, and other legal surcharges as set forth by law and city ordinance. Those fines and costs that shall be collected shall be remitted timely to the City, and to the DOR respectively, in accordance with this Order. *(Source: MOS #4.)*

(b) The Court Administrator shall use the OSCA Cost Card on municipal division costs as a reference. Dismissal upon payment of costs shall not be

permitted. Division costs shall not be assessed against indigent defendants, as per law. *(Source: §479.353(4)(5) R.S.Mo.; MOS #4.)*

(c) The Division shall be in compliance with the then current statutes regarding community service utilization and its costs or fees. (*Source: §479.360.1 R.S.Mo.; MOS #2 and #4.)*

(d) The Court Administrator shall have present at all times in the courtroom sufficient copies of procedural forms so as to allow defendants to present evidence of their financial condition in assessing their ability to pay, and for the Division to establish payment plans. The Court Administrator shall have other forms as available from OSCA to comply with requirements by law. *(Source: §479.360.1 R.S.Mo.; SCR 37.65; MOS #2.)*

2. Overpayment. The Court Administrator is not required to refund any overpayment of court costs of $5.00 or less. The Court Administrator is not required to pursue collection of underpayments of court costs of less than $5.00.

NOTE: For the judge authoring the order, two options for reporting are listed below. Retain only the appropriate section [minus text in brackets] that applies to the type of case management system operating in the Division. The other sections, as well as this note, should be deleted.

[1. Divisions with no written agreement from the county commission or council that the city may retain funds.]

The Court Administrator shall pay such overpaid funds to the county on a regular basis when there is an overpayment of $5.00 or less.

[2. Divisions with a written agreement from the board or council that the city may retain the funds]

The Court Administrator shall pay the overpaid funds to the city on a regular basis in the event that there is an overpayment of $5.00 or less and a written agreement exists with the county that allows the city to retain the overpayments.

(Source: Court Cost: City Ordinance; CVC: §§488.5339. and 595.045 R.S.Mo.; POST: §488.5336 R.S.Mo.; LETF: §488.5336 R.S.Mo.; Overpayments/ Underpayments: §488.014 R.S.Mo.)

3. Receipts for Payment of Fines, Division Costs and Surcharges. The Court Administrator shall issue a pre-numbered receipt for all collections and provide such a receipt to the payer if payment is made in person, and retain a duplicate copy of the receipt in the receipt book or maintain the receipt in an approved automated system. In the event that the automated system is unavailable, manual receipts shall be issued and the payment shall be accounted for immediately following the restoration of the automated system. If payment is made by mail, the Court Administrator shall file the original copy of the receipt with the case file

information, or maintain the original receipt in a pre-numbered receipt book or approved automated system cross-referenced with the docket entry, unless the payer requests the receipt be returned by mail, and provides a self-addressed, stamped envelope. *(Source: COR 4.53 and Section 4.5 of Clerk Manual.)*

4. Electronic Payments. The Court Administrator shall communicate with the City to create an appropriate system to allow court payments online and further, to make available free, online access to information about pending cases, outstanding warrants and scheduled Division dockets. *(Source: MOS #6.)*

5. General Compliance with Recommended Accounting Procedures for Municipal Divisions; Deposit of Fines, Costs, Surcharges and Bonds to be placed into Applicable Accounts.

   (a) The Court Administrator shall follow those recommended accounting procedures for municipal divisions as set forth in Section 4.5 of the Clerk Manual. The Court Administrator shall cooperate with the City to comply with the provisions of law limiting the percentage of revenue from Municipal Ordinance Violations and Minor Traffic Violations for reporting purposes. (*Source: §479.359 R.S.Mo.)*

   (b) The Court Administrator shall deposit all fines, costs, surcharges and bonds collected in the Division's or City's bank accounts on a daily basis, or when the amount on hand reaches $100.00, if not on a daily basis. The Court Administrator shall, to the extent possible, work jointly with the City to effectuate all deposits by delivery of same for deposit by police officers or other city personnel. The Court Administrator shall cause specific surcharges, including, but not limited to, CVC, POST, LETF, police recoupment, and, if applicable, domestic violence and inmate security surcharges, to be placed as separate line items or in separate accounts and to be remitted to the proper entity or account no less than monthly. *(Source: COR 21; Section 4.5 of Clerk Manual; MOS "Open Records and Other Recordkeeping Matters" and "Financial and Bookkeeping" provisions.)*

6. Fidelity Bonds. The Court Administrator shall request the City to maintain fidelity bonds, in an amount established by the City, in consultation with its auditors, covering the Court Administrator and all other personnel who handle collection or deposit of fines, court costs and surcharges related to the Division. The Court Administrator shall obtain a copy of the declaration sheets of any such bonds obtained by the City to keep in the Division permanent files. *(Source: Section 4.5 of Clerk Manual; MOS "Financial and Bookkeeping" provisions.)*

E. **Surety Bonds and Confinement**.

1. Bond Qualifications. The Court Administrator shall keep a list of those sureties who have qualified to post surety bonds. No person shall be accepted as a surety on any bail bond unless he or she is licensed by the Department of Insurance. *(Source: SCR 37.29 and §374.710 R.S.Mo.)*

   No lawyer, elected or appointed official or municipal or state employee shall be accepted as a surety on any bond unless related to the defendant.

2. Cash Bond Schedule. Any cash bond schedule approved by the Judge shall provide for procedures to comply with law. Such procedures shall include, but not limited to the following:

   (a) Procedures to prevent defendants from being held longer than 48 hours on Minor Traffic Violations and 72 hours on other violations without being heard by the Judge in person, by telephone or via video conferencing.

   (b) Procedures for the Court Administrator and others requiring reasonable efforts to communicate to the city police department the "24 hour Rule," as described in Section 544.170.1 R.S.Mo., relating to the right to review of conditions for release when no "conditions for release" have been imposed.

   (c) Procedures for the Court Administrator to communicate with the Judge and with the city police that there shall be no confinement to coerce payment of fines and costs, except after compliance with SCR 37.65.

   (Source: §§479.360.1, 479.360.2, 544.170.1 R.S.Mo.; SCR 37.1, 37.20 and 37.65; MOS #1.)

3. Unclaimed Bond Funds and other Funds. The Court Administrator shall follow those procedures set forth in the then current Clerk Manual to pay to the State Treasurer's Office Unclaimed Property Division, all funds unclaimed for three (3) years and cash bonds unclaimed for one (1) year, from the date the bond was due back to a person. The Court Administrator shall send a letter of notification and otherwise reasonably attempt to contact the person and return the funds. Said report shall be sent to the State Treasurer's Office by November 1st of each year, and the Court Administrator shall remit said unclaimed funds with the report. The Court Administrator shall request the City assist in processing, reporting and remitting to the State Treasurer. *(Source: §§447.532, 447.539. and 447.595 R.S.Mo.; Section 4.4 of Clerk Manual.)*

F. **Warrants**.

1. The Court Administrator shall follow those procedures and guidelines concerning warrants as directed by the Judge, and in compliance with MOS #1. The Court Administrator shall ensure that warrants are signed only by the Judge, unless the exception of a specific warrant ordered by a Judge shall be signed by the Court

Administrator is applicable. The Court Administrator shall ensure that when a case is dismissed by the prosecuting attorney or otherwise finally resolved, or when the circumstances that justified issuance of a warrant no longer exist, that the Judge is informed to cancel any outstanding warrants in that case as soon as practicable. *(Source: SCR 37.45.)*

2. The Court Administrator shall work with the Judge to create procedures to ensure that the recall and cancellation of all outstanding warrants is communicated to the police department by the Court Administrator without delay. The Court Administrator shall coordinate with the police department and the Judge to make sure there is a duty judge available at all times to rule promptly upon warrants, bails, conditions, and pretrial release, and other matters. *(Source: Chapter 2 of Clerk Manual; MOS #1.)*

G. **Administrative Search Warrants**. The Court Administrator shall keep the application and any supporting affidavits, and a copy of all search warrants issued by the Judge in the records of this Division. *(Source: Chapter 542 R.S.Mo.; Section 2.11 of Clerk Manual.)*

[*NOTE: Section G is only applicable for Divisions that have city ordinances allowing the issuance of administrative search warrants.]*

H. **Accounting Procedures**. The Court Administrator shall to the fullest extent possible, abide by those accounting procedures as are mandated by law, and in particular as are set forth in Chapter 4 of the then current edition of the Clerk Manual. (*Source: §§479.080, 479.350, 479.353, 479.359, 483.075, and 483.082 R.S.Mo.; Chapter 610 R.S.Mo.; SCR 37; MOS "Financial and Bookkeeping" provisions; COR 4, 8 and 21.)*

In particular, the Court Administrator shall work with the Judge and the City, to ensure that the "Financing and Bookkeeping" provisions of MOS are abided by as far as can be practicably accomplished.

I. **Marriage Records**. If the Judge performs marriages, the Court Administrator shall communicate with parties desiring to have a marriage solemnized by the Judge. The Court Administrator shall require that the parties provide a marriage license and a Certificate of Marriage blank form to the Court at least ___ days [*NOTE: Number of days should be entered by local court based on local need]* before a scheduled wedding to ensure adequate review of such license.

The Court Administrator shall assist the Judge in completing the license and the Certificate of Marriage. The Court Administrator shall retain a full record of the solemnization performed by making a copy of the completed marriage license and a copy of the executed Certificate of Marriage, and keeping both documents in a permanent binder or folder. The Court Administrator shall cause the executed marriage license return to be sent to the appropriate licensing official as soon as possible, but not later than 10 days after the marriage is performed. *(Source: §§451.110 through 451.130 R.S.Mo., COR 14)*

PART II – ORDERS REGARDING OPEN DIVISION AND EXCEPTIONS

A. **General Rule**.

1. Division Shall be Open to the Public. The Division courtroom shall be open to the public of all ages and large enough to reasonably accommodate the public, parties and attorneys. The Court Administrator and Judge should take reasonable steps if it appears that longer hours or additional court dates are required to meet this provision. *(Source: §479.360.1 R.S.Mo.; MOS #8.)*

2. Opening of Division Doors. Division personnel shall open the doors to the courtroom at least one hour prior to the commencement of the Division's docket, unless a different order of the Division shall specify otherwise.

3. No Refusal of Entry. Division personnel shall not refuse entry by any person, whether defendant or other person, except and unless such person shall be in violation of any published dress code, is acting in an inappropriate manner, or if such entrance would violate the Fire Code. Division personnel shall have the right to ask persons entering the courtroom if they are a defendant or visitor, but only for purposes of directing where to sit, or to mark a name off the docket. Division personnel shall have the right to check purses, camera bags, and similar items.

4. The Division's website and general correspondence shall not state that certain persons are prevented from attending any session of Division, except that there may be reference stating that those not in compliance with any published dress code adopted by the Division will not be admitted.

B. **Exceptions and Limitations to the Above General Rules Regarding Open Division**. The Division recognizes and shall abide by the provisions of Sections 476.170, 479.060, 479.360 and 479.060 R.S.Mo. and MOS #8, requiring that the courtroom be open to the public of all ages and large enough to reasonably accommodate the public, parties and attorneys. The following are limited exceptions to this General Rule, as set forth in Paragraphs 1 through 5 below:

1. Disruptive Persons. If any person attending a Division session shall become disruptive in any manner, including, but not limited to, talking in anything other than a respectful whisper, creating other noise, not remaining seated, or in any other way becoming disruptive as observed by the Division personnel, that person shall be first cautioned by Division personnel, and if the offensive conduct is not immediately corrected, removed from the courtroom. The name of any defendant associated with the disruptive person shall be recorded. The defendant may be allowed to stay outside until the Judge permits re-entry to take up defendant's case.

2. Persons under the Clear Influence of Alcohol or Drugs. If any person attending a court session shall appear to Division personnel to be clearly under the influence of

alcohol and/or drugs, that person shall be, if a defendant, asked for his or her name and then be asked to leave the courtroom. The defendant shall be asked to remain outside the courtroom for determination by the Division whether to continue the matter or take other action. If the affected person is not a defendant or witness in a trial, that person shall be removed from the courtroom.

3. Appropriate Attire. When a person who desires to enter the courtroom does not meet any published dress code adopted by the Division, Division personnel shall require that said person leave the courtroom until such time as the person is appropriately dressed to meet the Code, or the Judge may continue the case upon request of the Prosecuting Attorney or defendant.

4. Overcrowding in Violation of the Fire Code. In the event of large attendance, bailiffs, police officers and other Division personnel shall count the persons present in the courtroom and shall limit access so as not to be in violation of the Fire Code. The number of persons who may be present in the courtroom without violation of the Fire Code is _____.

When it appears to the Division during any single Division session, that there will be more persons attempting to enter the courtroom than are permitted under the Fire Code, then the Division shall take such appropriate action as would be consistent with all legal and constitutional requirements.

5. Children. Subject to the right of the public of all ages to attend Division sessions, the Division may limit the presence of children unaccompanied by an adult. This shall not apply to persons under the age of seventeen (17) who are present in the courtroom as a defendant. For children sixteen (16) and under, the Division shall be open except as follows:

(a) When a child becomes noisy or will not remain seated, the parents or guardians of that child will be asked to remove said child or children. The bailiff or police officer shall record the name of the defendant associated with the child, and ask that the defendant and children remain in the hallway or outside the courtroom until their name is called on the docket. At such time as the defendant's name is called, the bailiff shall summon the family, including children, who may then enter the courtroom for purposes of arraignment or other business with the Division.

(b) The Division may exclude children if the nature of a matter being heard may be, in the Division's discretion, inappropriate for children.

(Source: §§476.170, 479.060, 479.360 and 479.060 R.S.Mo.; MOS #8.)

C. **Closing of the Courtroom**. Other than closure to those persons as set forth in Sections B.1 – 5, if the Judge, Prosecuting Attorney or defendant, desires to close the courtroom during any particular motion or trial, the Judge shall will conduct a brief hearing on

whether to enter an order to close the proceedings and shall be guided by the following Sections:

1. The proponent of closure must present a showing of a compelling interest for such closure. The Judge shall balance the public's right of access with the interest identified by the proponent of closure and shall determine whether the interest identified by the proponent is such that closure of the courtroom is essential to preserve the interest under the circumstances.

2. Anyone present in the courtroom when the closure motion is made, shall be given an opportunity to object to the closure.

3. The proposed method for curtailing open access shall be in the least restrictive means available for protecting the interest identified by the proponent of closure.

4. The order shall be no broader in its application or duration than necessary to serve its purpose.

See: State ex rel. Pulitzer, Inc. v. Autrey, 19 S.W.3d 710 (Mo. App. E.D. 2000) and *State v. Salazar*, 414 S.W.3d 606 (Mo. App. S.D. 2013).

D. **Retention of Rights**. The Judge retains the right to post and enforce additional rules of conduct in order to maintain the integrity and decorum of the courtroom, not to conflict with MOS #8.

PART III – OTHER GENERAL RULES

A. **Fax and Electronic Memoranda**.

1. This Division shall be always open for purposes of receiving faxes, electronic entries of appearance and motions. Notwithstanding, entries of appearances and motions for continuances shall be submitted for any particular court session no later than twenty-four (24) hours prior to the scheduled court date.

2. Requests for warrant recall may be submitted by fax.

B. **Access to Division Files**. Members of the public, news media and attorneys of record shall have access to open Division records. There shall be an exception that requests to review files not on the docket must be made prior to the start of Division docket proceedings. The Court Administrator shall not be required to pull files not on the docket during Division sessions unless there is sufficient time to do so. *(Source: Chapter 610 R.S.Mo.; COR 2 and 4; MOS #8.)*

C. **Access required by ADA**. Pursuant to the American with Disabilities Act, this Division shall provide, based on expressed needs, auxiliary aids or services to interpret any

proceeding for a person who is deaf or hard of hearing. This requirement applies to a person who is a party, juror, witness, spectator, or a juvenile whose parent, guardian or foster parent is deaf or hard of hearing if the juvenile is brought to any proceeding**.** *(Source: §§476.750-476.766 R.S.Mo.)*

SO ORDERED:

DATE_____ Judge, City of _____

SUPREME COURT OF MISSOURI

en banc

September 19, 2016 as Amended December 14, 2016

In re: MODEL LOCAL RULE 69.01 - DETERMINING INDIGENT STATUS IN MUNICIPAL DIVISION CASES

O R D E R

1. The Court hereby approves for distribution the following model local rule:

69.1 DETERMINATION OF INDIGENT STATUS

(a) A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court the following "Statement of Financial Condition."

STATEMENT OF FINANCIAL CONDITION

Name: _____ Case Number: _____

Address: _____

Your Age and Date of Birth: _____

Phone Number: _____ (Is it OK to text you at this number? Yes/No)

1) **If you plead guilty or are found guilty, can you pay your fines and costs today?** Yes/No

If you answered "No," why not? _____

_____

_____

If you answered "No" to Question #1, or if you want the court to consider your financial situation, please answer the following questions and provide the following information:

2) Are you currently in the custody of the Children's Division or DYS? Yes/No

3) Have you spent a night in jail during the past year because you were unable to post a bond?

Yes/No If "Yes," how much was your bond? $_____

4) Are you receiving public assistance? Yes/No If "Yes," please tell us what type of public assistance you are receiving (for example, food stamps, TANF, Medicaid, housing assistance, other types of public assistance): _____

_____

_____

5) Please list the following income from the **previous <u>month</u>** for your **entire <u>household</u>**:

Take home pay for the month including overtime and bonuses:_ Social security income (including social security disability): _____

Workers' compensation income: _____

Unemployment income: _____

Retirement income: _____

All other income: _____

Total: _____

6) How many people live in your household? _____

7) Do you have cash, bank accounts, or any other assets, including vehicles or real estate free of debt, that totals more than $5,000? Yes/No If "Yes," what type

_____

_____

If you are facing the possibility of jail time and cannot afford to hire a lawyer, you are entitled to have a lawyer appointed by the court to represent you.

Do you want a lawyer to represent you in this case? Yes/No

Can you afford to hire a lawyer to represent you in this case? Yes/No

Are you asking the court to give you some more time to hire a lawyer? Yes/No

Are you asking the court to appoint a lawyer for you today? Yes/No

The above information is true and correct to the best of my knowledge under penalty of law.

_____
Applicant

[The above form is for the Judge's use and does not replace the Legal Aid Application.]

(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)(A) Has unencumbered assets totaling under $5,000, and

(B) Has total household monthly income below 125% of Federal Poverty Guidelines, which currently are:

1 household person:	$1,238
2 household person:	$1,669
3 household person:	$2,100
4 household person:	$2,531
5 household person:	$2,963
6 household person:	$3,394
7 household person:	$3,826
8 household person:	$4,259

[Add $433 for each additional person]

2. The state courts administrator shall provide copies of this order to every presiding circuit court judge and such other persons as the administrator deems appropriate.

3. It is ordered that notice of this order be published in the Journal of the Missouri Bar.

4. It is ordered that this order be published in the South Western Reporter.

Day – to – Day

PATRICIA BRECKENRIDGE
Chief Justice

RULE 70 PARTITION

[No local rule]

RULE 71 ADMINISTRATIVE REVIEWS

(1) This rule shall apply to all proceedings for judicial review of final agency decisions except those involving suspension or revocation of drivers' licenses and as otherwise provided by law of Supreme Court Rule. Nothing contained in this rule shall be deemed to affect the time within which a proceeding for judicial review must or may be commenced, or the time within which the agency record must or may be filed.

(2) Within thirty (30) days after the record on appeal has been filed in the Court, plaintiff or relator may file a copy of his brief and, if properly requested or required by the Court, proposed findings of fact with the Court and shall deliver or mail one copy thereof to each of opposing counsel. Within twenty (20) days thereafter, defendant or respondent may file a copy of his brief and, if properly requested or required by the court, proposed findings of fact with the Court and shall deliver or mail one copy thereof to each of opposing counsel. Within ten (10) days after defendant or respondent has filed a brief, plaintiff or relator may file a copy of a reply brief with the Court and shall deliver or mail one copy to each of opposing counsel. Service upon opposing counsel may be shown in any manner permitted by Supreme Court Rule.

(3) Thereafter, all parties shall notify the clerk of the division hearing the cause that it is ready for submission. By leave of court, oral argument may be granted; and each counsel will be notified of the date and time by the clerk at least fourteen (14) days in advance. The Court will entertain requests for specific dates and times, provided there is a consensus of all parties intending to present argument.

(4) Except for motions for stay or for temporary relief where authorized by law, the Court will not entertain requests for argument or other review proceedings unless and until all briefs and proposed findings of fact have been filed with the Court as above described.

(5) When the parties waive the filing of, or within the time prescribed in this rule fail to file, a brief, the matter shall be considered as

taken under submission by the Court.

(6) Waivers of this rule will be granted only in extreme and unusual circumstances and only then upon a proper showing of good cause. Hence, failure to file briefs in accordance with this rule will ordinarily result in forfeiture of the right to file.

Rule 72 PROBATE

Rule 72.1 Circuit Clerk Appointing Authority

The Probate Court of St. Louis County is a division of the Circuit Court of St. Louis County. The Circuit Clerk is the Clerk of the Probate Division, as referred to in Chapters 472, 473, 474, and 475 RSMo, and is the appointing authority for all non-statutory employees of the Probate Division.

Rule 72.2 Electronic Filing in the Probate Division

(A) Except as otherwise provided herein, all probate matters shall be filed in accordance with Supreme Court Rule 103 and Supreme Court Operating Rule 27. Attachments, including exhibits, that are part of any filing shall be filed electronically at the same time. The probate division has designated documents that should be filed as separate documents and documents that should be filed as attachments to a document. The designations are set out in checklists of filing requirements included in the various packets of forms located on the division's website at: http://wp.stlcountycourts.com/probate-court/probate-forms/

(B) Original Documents to be Filed. The original of the following documents shall be filed physically with the probate division after it is electronically submitted. Your pleadings cannot be completed until said originals are filed with the court:

1) Original wills and original codicils. Upon electronic filing, the will or codicil will be conditionally accepted. Final acceptance of a will or codicil will not occur until the original has been filed physically in the probate division;

2) Original commissions.

(C) Self-Represented Parties. 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.

(D) Forms Promulgated by the Probate Division. Forms promulgated by the probate division are preferred and found online at http://wp.stlcountycourts.com/probate-court/probate-forms/. Attorneys and registered users shall use the forms promulgated by the probate division that are applicable to the matter being filed in the probate division or forms substantially similar to those promulgated.

(E) Size – Type – Font. Any pleading, writing, or document created for the purpose of filing in the probate division shall:

1) All e-filed pleadings must be typewritten;
2) Be on paper of size 8 ½ x 11 inches;
3) Have portrait orientation;
4) Have a left, right, top, and bottom margin of not less than one inch. Page numbers may appear in the bottom margin, but no other text may appear in the margin;
5) Have all pages consecutively numbered;
6) Use characters that are not smaller than 12 point, Times New Roman font;
7) Be double-spaced, except that the certificate of service and signature block may be single spaced.

(F) Exception. A writing or document that has not been created for the purpose of filing in the probate division and is attached to a pleading at the time it is filed shall not be subject to the size-type-font requirements of subsection (E).

(G) Entry of Parties. Attorneys shall be responsible for entering all parties into the e-filing system. Pursuant to Missouri Supreme Court Operating Rule 4.07, if the party is a person and the information is reasonably available, the full Social Security number for each party must be provided to be included on the system generated Filing Information Sheet. Parties shall include:

1) Petitioner(s);
2) Decedent;

3) Minor(s);
4) Respondent(s);
5) Spouse;
6) All Heirs;
7) All Legatees/Devisees;
8) Plaintiff(s);
9) Defendant(s).

(H) Death and Birth Certificates.

1) In all proceedings filed pursuant to chapters 473 and/or 474 RSMo , a copy of the death certificate shall be electronically filed with the court.
2) In all proceedings regarding a minor child, a copy of the child's birth certificate shall be electronically filed.

(I) Multiple Minors in Common Proceeding. Where more than one minor is involved in a common proceeding, there shall be a separate filing for each such minor. Filings fees for all common cases will be waived after the first filing fee is paid.

(J) MO Healthnet Waivers. No administration of a decedent's estate will conclude without the filing of a waiver of Mo HealthNet claims by the State of Missouri. No waivers shall be required on Affidavits for Collection of Small Estates, Applications for Refusal of Letters or Petitions to Determine Heirs.

(N) Requests for Extension of Time.

a. **Inventory or Bonds.** A request for additional time to file an inventory or bond shall be in writing and must be electronically filed. The request shall identify the reason for the continuance and shall provide a date, no more than thirty days from the division's deadline for filing of the inventory or bond. The division's approval or denial of the request will be available on Case.net.

b. **Settlements or Statements of Account.** Details that address requests for extensions of time in filing settlements or statements of accounts are found in Local Rule 72.3.

c. **Documents to Open New Estates – Correction of Deficiencies.** The division will review documents filed to open a new estate. A checklist itemizing deficiencies in the filing will be available on Case.net. The checklist will include a due date for submitting corrections. A request for additional time to submit corrections shall be in writing and must be electronically filed. The request shall identify the reason for the continuance and shall provide a date, no more than thirty days from the division's deadline, for filing the corrections. The division's approval or denial of the request will be available on Case.net. If corrections are not filed by the due date or on any date as otherwise ordered by the division, the matter will be dismissed for failure to prosecute.

Rule 72.3 Electronic Filing of Settlements in the Probate Division

(A) Electronic Filing. In accordance with Supreme Court Rule 103 and Court Operating Rule 27, all reports in lieu/interim/annual and final type settlements including statement of accounts, along with required verification of accounts shall be filed electronically.

(B) Vouchers. All vouchers shall be filed as an attachment to the settlement and shall be the official record of the court. Such vouchers must be numbered and submitted as one electronic file in consecutive order consistent with the listing of disbursements on the settlement. In the event a settlement shall contain more than seventy-five (75) vouchers, the filing party may file such vouchers in paper form with the auditing department of the probate court. The filing party may retrieve them from the court within 90 days after approval of the settlement, unless the court directs differently. If they are not retrieved within this time frame, the court will give notice to the filing party that they will be destroyed within 10 days from said notice. It shall be the responsibility of the filing party to retain such receipts and vouchers until the case shall have become final for all purposes,

including the final determination of any appeals, in order that said receipts and vouchers may be made available upon order of the court. Verification of Accounts. All verification of accounts shall be e-filed as a separate document and not as an attachment to the settlement.

(C) Documents to be filed as additional documents/not attachments. Petitions to Approve the Settlement, Notices or Waivers from all interested persons, and the Final Settlement/Statement and Proposed Order of Distribution should all be submitted as additional documents and not as attachments to the Final Settlement.

(D) Corrected Settlement. Every amendment to or correction of a settlement shall be accompanied by a Settlement Corrections Submission form and shall specifically identify the correction(s) or amendment(s) requested. When a correction or an amendment is filed, the attorney shall use the Settlement Corrections Submission form and shall attach only those pages of the settlement containing the correction(s) or amendment(s). An entirely new settlement shall not be attached to the Settlement Corrections Submission form when amendment or correction is requested.

(E) Extension requests.

1) **To File a Settlement or Statement of Account:** A written request for additional time to file a settlement or statement of account must be e-filed detailing the reason for the continuance along with a suggested due date of not more than 30 days per request. Approval or denial of said request will be available on Case.net.

2) **To Correct Deficiencies on an Audited Settlement:** After a settlement has been audited, a checklist itemizing the deficiencies will be available on Case.net. The checklist will include a due date for making corrections. If the corrections are not completed by the due date or a request for additional time submitted *as set out in item (1) above*, an order to show cause will be issued.

Rule 72.4 Petitions of Expend

The following items shall be deemed approved and shall not require a Petition to Expend Funds in Supervised Decedent's estate or Conservatorships::

a) Bond Premiums, taxes, and any other items allowed by statute;

b) Accountant fees up to $750 for annual tax preparation;

c) Prepaid funeral for Protectee in Conservatorships up to $7,500 (must still comply with requirements of § 475.120 RSMo);

(d) Brokerage fees up to 1.2% of the value of the brokerage account;

(e) Safe deposit boxes up to $150 annually;

(f) Copies of bank statements up to $10 per statement;

(g) Appraisals for real and personal property owned by the estate up to $500; and

(h) Insurance for real and/or personal property owned by the estate.

Rule 72.5 Application of Rules of Civil Procedure to Adversary Proceedings

(A) All actions filed with the probate division of this circuit seeking relief under the following provisions of the Revised Statutes of the State of Missouri are declared "adversary probate proceedings" within the meaning of and as that term is defined in Section 472.140.2, RSMo of the probate code:

1) Durable Power of Attorney Law, Section 404.727 RSMo (action for accounting from and/or breach of fiduciary duty of attorney-in-fact);
2) Missouri Uniform Trust Code Sections 456.6-604 RSMo (trust contests), 456.7-706, RSMo (removal of trustee), and 456.10-1001 RSMo (breach of trust);
3) Nonprobate Transfers Law of Missouri, Section 461.054.1 RSMo (disqualification of beneficiary designations for fraud, duress, or undue influence);

(4) Probate Code Sections 472.013, RSMo (fraud under probate code) 473.340 (discovery of assets), 474.150, RSMo (gifts in fraud of marital rights), and 474.155 (breach of contract to make a will).

(B) Pursuant to Rule 41.01(b), Mo.R.Civ.Proc., and Section 472.141(2) RSMo, all of Rules 41 through 101 of the Missouri Rules of Civil Procedure shall apply in those "adversary probate proceedings listed in subsection (a) of this Rule.

(C) Pursuant to Administrative Order entered March 3, 2014, every adversary probate proceeding filed in the probate division will be opened as a separate case and will be assigned a separate case number. It will have the same case name as the original estate or other related action but will also contain the designation "adversary matter" or ADV. The case number listed on pleadings already filed in a pending adversary matter will be changed to reflect the new case number. Subsequent pleadings filed in the adversary matter should bear the new case number. Orders issued by the court in the adversary matter shall be issued under the new case number. When the adversary matter is concluded, the case file opened as the adversary matter will be closed.

Rule 72.6 Minor Guardianships

Rule 54.12(c), Mo.R.Civ.Proc. shall be applicable in all cases involving a Petition for Guardianship of a Minor. The Court will only consider ordering publication under Rule 54.12(c) if all requirements outlined in the rule are met.

Rule 72.7 Emergency Court Settings in Decedent Estates, Adult Guardianships and Conservatorships, and Minor Guardianships and Conservatorships

(A) Any Petition or Motion for Emergency or Expedited Hearing in a Decedent Estate, Adult Guardianship and/or Conservatorship, and Minor Guardianship and/or Conservatorship, including, but not limited to, Petitions filed pursuant to Section 475.075.15 RSMo, shall be verified or contain an affidavit identifying specific

facts identifying the nature of the sudden or unforeseen circumstances which give rise to the emergency and said facts must be stated with particularity.

(B) Petitions filed pursuant to Section 475.075.15 RSMo will only be set for hearing within five business days, if the verified facts of the petition show that "an alleged incapacitated or disabled respondent has no guardian or conservator and an emergency exists that presents a substantial risk that **serious physical harm** will occur to respondent's person or **irreparable damage** will occur to respondent's property because of the respondent's failure or inability to provide for the respondent's essential human needs or to protect the respondent's property…" (emphasis added). Due to the substantial resources required to set a petition within five days, serve a respondent and interested parties within five days, and for a court-appointed attorney to be assigned and meet with a Respondent, and conduct a hearing within five days, parties should only file emergency petitions under Section 475.075.15 RSMo when the stringent statutory requirements are specifically pled and met. If the requirements outlined in Section 475.075.15 RSMo are not pled and met, then the Court will issue an order denying the emergency and instead set the matter for hearing at a later date.

(C) If a party needs an expedited hearing on a guardianship or conservatorship matter, but the facts do not support an emergency setting within five business days under Section 475.075.15, then he or she may file a petition for an expedited hearing. Please note that Section 475.075.15 is not applicable to minor guardianships and/or minor conservatorships.

(D) All counsel filing an action subject to Local Rule 72.7 shall be responsible for contacting the clerk to obtain a hearing date immediately after the action is filed.

RULE 73 SMALL CLAIMS

[No local rule]

RULE 74 TRUST ESTATES

74.1 INVENTORY

[No local rule]

74.2 REPORTS

[No local rule]

74.3 RECORD

[No local rule]

74.4 AUDIT

[No local rule]

RULE 75 RE BANKRUPTCY

The Circuit Court recognizes the automatic stay of certain actions against debtors pursuant to 11 USC 362.

The Court also recognizes that the notice or suggestion of bankruptcy filed in Circuit Court often fails to provide proof that the state court case in question is listed as a debt in the bankruptcy, the identity and address of the bankruptcy trustee, and/or any instructions regarding the disposition of monies of the debtor held in the Registry of the Circuit Court or by the Sheriff.

The Circuit Court is of the opinion, within the strictures of the bankruptcy code, that it is unreasonable for the Circuit Clerk or the Sheriff to bear the burden of determining the effect that a bankruptcy might have on a case in Circuit Court.

THEREFORE, the procedure regarding Circuit Court cases in which a notice or suggestion of bankruptcy has been filed shall be as follows:

(1) CASES PENDING PRE-JUDGMENT

(A) A party shall file suggestion of bankruptcy whenever a party believes that the bankruptcy or automatic stay provision of bankruptcy code has an effect on a state court case filed in this circuit. The suggestion of bankruptcy shall include the name of court in which the bankruptcy was filed and the bankruptcy case number. The party shall file when known the identity and address of the bankruptcy trustee and instructions on the disposition of any monies of the debtor held by the court. A copy of the suggestions of bankruptcy shall be served on each party to the law suit in accordance with Rule 43.01.

(B) Upon the filing of a notice or suggestion of bankruptcy, all action against the debtor shall be stayed for 30 days unless otherwise ordered by the court. The plaintiff shall file proof that the lawsuit in question is not subject to bankruptcy or that the plaintiff

has sought relief from the automatic stay within 30 days of the filing of the suggestion of bankruptcy. Failure to provide proof as stated in the sentence above or to obtain relief from the automatic stay within a time set by the court shall result in a dismissal without prejudice of the claim against the defendant who filed bankruptcy.

(2) POST-JUDGMENT COLLECTION ACTIONS

(A) A party shall file suggestion of bankruptcy whenever a party believes that the bankruptcy or automatic stay provision of bankruptcy code has an effect on a state court case filed in this circuit. The suggestion of bankruptcy shall include the name of court in which the bankruptcy was filed and the bankruptcy case number, along with the identity and address of the bankruptcy trustee. Upon receipt of the identity and address of the bankruptcy trustee, the Circuit Clerk and/or Sheriff shall transfer any proceeds of the debtor to that bankruptcy trustee. A copy of the suggestion of bankruptcy shall be served on each party to the law suit in accordance with Rule 43.01.

(B) Upon the filing of a notice or suggestion of bankruptcy which does not contain the information listed in (A) above, all monies of the debtor held in the Registry of the Circuit Court or by the Sheriff, or received by the Circuit Clerk or the Sheriff from a garnishee, shall be held for thirty (30) days. If, within those thirty (30) days, the judgment creditor provides the Circuit Court with proof that the debt in question is not subject to bankruptcy, or that the judgment creditor has obtained an Order for Relief from Automatic Stay, any monies of the debtor held in the Registry of the Circuit Court or by the Sheriff shall be paid out (to the judgment creditor) pursuant to Rule 90. If, at the conclusion of those thirty (30) days, judgment creditor has not provided the Circuit Court with proof that the lawsuit in question is not subject to bankruptcy, or that the judgment creditor has obtained an Order for Relief from Automatic Stay, all monies of the debtor held in the Registry of the Circuit Court or the Sheriff, or received by the Circuit Clerk or the Sheriff, shall be held as unclaimed funds unless further order of the court otherwise directs.

Reserved for Future Use

POST TRIAL

RULE 81 EXECUTION

(1) Executions shall not be issued by the Circuit Clerk except upon written application by the judgment-creditor or his attorney. The written application shall contain the following:

(a) style and number of case in which judgment was obtained;

(b) date judgment entered or last revived;

(c) the amount of the original judgment, the amount of accrued interest on the original judgment, and the amount of the judgment and interest still unsatisfied;

(d) the full name and current address, if known, of the judgment debtor;

(e) a full description of the property to be executed on;

(f) the return date on the execution;

(g) any special instructions to be provided the sheriff performing the execution.

(2) Costs to apply toward sheriff's fees shall be paid to the clerk at the time of the filing of the application.

(3) Request for execution in cases heard under practices and procedures applicable under Associate Circuit Judges shall be filed with the appropriate clerk.

81.1 COSTS IN EXECUTION SALES

Motions to tax costs involved in the execution and sale of property pursuant to judgment shall be filed with the division where such judgment is entered. Notice shall be given to opposing parties. The setting of said motion shall be obtained from the respective courtroom clerk or chief clerks.

RULE 82 GARNISHMENT

82.1 GARNISHMENT PROCEEDINGS

All garnishment proceedings shall be filed in the original case file in which the judgment was entered. Proceedings in connection therewith, including the approval of pay-out orders, shall be held in the division of the Court to which the case was assigned and the judgment entered. The setting of any motion shall be obtained from the respective division clerk. (Effective November 1, 1999)

82.2 TERMINATION OF CONTINUOUS WAGE GARNISHMENT

In addition to as otherwise provided by law, a continuous wage garnishment shall terminate if a garnishor fails to file a statement of judgment balance as provided by Supreme Court Rule 90.19 (b) and (c).

Upon termination of a continuous wage garnishment, the Clerk of the Circuit Court shall provide notice to all parties and the garnishee of the Order of Termination.

RULE 83 JUDICIAL SALES

[No local rule]

October 11, 1985

Reserved for Future Use

INTERNAL ORGANIZATION

RULE 100 ADMINISTRATION RULES

100.1 PRESIDING JUDGE

100.1.1 ELECTION

(1) The Circuit and Associate Circuit Judges of the Twenty-First Judicial Circuit shall elect a Circuit Judge from their number to serve as presiding Judge of the Twenty-first Judicial Circuit for a term of two (2) years, provided that any sitting Presiding Judge shall remain in office until removed or until a successor is duly elected pursuant to these rules.

(2) The election of the Presiding Judge shall be in October of each even numbered year for a term to begin the following January 1. Said election shall take place at a meeting of the Circuit and Associate Circuit Judges to be held in the conference room of the Court en banc in Clayton, Missouri. Other matters may be considered and acted upon by the Circuit Judges at said meeting, but no other business need be transacted at said meeting. The minutes of the election shall be taken by a Certified Court Reporter.

(3) Said election meeting shall be held at a time and date designated in a call for said meeting issued at least three (3) days in advance by the incumbent Presiding Judge who shall communicate it promptly to each Judge entitled to vote for Presiding Judge for the Twenty-first Judicial Circuit. The incumbent Presiding Judge shall preside at said election in accordance with existing Circuit Court rules.

(4) At said election meeting each Circuit Judge and each Associate Circuit Judge shall be entitled to nominate one Circuit Judge for Presiding Judge of the Circuit. However, no candidate shall be deemed nominated until his or her nomination is

seconded by another Judge present and voting at said meeting.

(5) The election will be by secret ballot. Each Circuit and Associate Circuit Judge shall have one vote. The duly nominated candidate receiving the vote of the majority of the Circuit and Associate Circuit Judges shall be elected. No proxy vote shall be permitted.

(6) At the same meeting an Assistant Presiding Judge shall be nominated and elected in the same manner and for the same term as the Presiding Judge.

100.1.2 DUTIES OF PRESIDING JUDGE

The Presiding Judge is the general administrative authority of the Court. The Presiding Judge shall preside over all court en banc meetings, handle media and government contact and serve as a non-voting member, ex officio, of all committees.

100.1.3 DISPUTE RESOLUTION - PROCEDURE

[No local rule]

100.1.4 REMOVAL OF PRESIDING JUDGE

(1) At any time during the term of a Presiding Judge on the written request of 40% of the Circuit and Associate Circuit Judges, the Presiding Judge of the circuit shall promptly issue a call for a meeting of the Circuit and Associate Circuit Judges to consider and decide whether the Presiding Judge shall be removed as Presiding Judge and a different Presiding Judge elected to serve for the remainder of the term of the Presiding Judge. If the Presiding Judge is unable or unwilling to issue such a call promptly, the Judicial Administrator shall issue such a call through the Court Services Officer.

(2) The call for such removal election meeting

shall designate the conference room of the Court en banc as the place of the meeting, a time for said meeting not less than three (3) days and not more than five (5) days subsequent to the date of the call; and the Judicial Administrator or the assistant shall communicate said call promptly to each Circuit and Associate Circuit Judge. The call for such meeting shall state the purpose of the meeting but no grounds for removal of the Presiding Judge need to be stated.

(3) At the time, place and date stated in the call for such a meeting the then Presiding Judge shall not preside. The Judicial Administrator shall preside until the Circuit and Associate Circuit Judges by majority of those present and voting shall elect by secret ballot a chairman of the meeting. Thereafter, said chairman shall preside over the meeting in accordance with existing Circuit Court rules.

(4) At such meeting the voting shall be by secret ballot on the issue of removing the then Presiding Judge.

(5) Prior to voting on the issue of removing the Presiding Judge, each Circuit and Associate Circuit Judge present at the meeting shall be given at least one opportunity to express his or her views on the removal issue.

(6) No Presiding Judge of the circuit shall be removed as Presiding Judge prior to the expiration of his or her term as Presiding Judge unless and until seventeen (17) or more Circuit and Associate Circuit Judges vote to remove him or her at a duly called removal election meeting.

(7) In the event of such removal of the then Presiding Judge, the chairman of the meeting shall at once call for a meeting for the election for a different Presiding Judge of the circuit to serve out the remainder of the term of the removed Presiding Judge. Such election meeting shall be called for not less than three (3) days, or nor more than five (5) days subsequent to the removal of the former Presiding Judge. Such election shall be conducted in

accordance with the procedures and requirements set out in Rule 100.1.1. The Assistant Presiding Judge shall serve as Presiding Judge until the election of a new Presiding Judge.

100.1.5 BUDGET COMMITTEE

(1) A budget Committee and a Chairman thereof shall be appointed by the Presiding Judge. Said committee shall include the Probate Judge, the Family Court Administrative Judge, 1 Associate Circuit Judge and 2 other Circuit Judges. Said committee shall meet at the call of the Chairman.

(2) The duties of the Budget Committee shall include the preparation, submission and administration of a unified budget for all the divisions of this Court. In that regard, all divisions of this Court shall submit budget estimates to the Budget Committee on or before June 1 of each year or at such other time as the Budget Committee shall designate.

(3) The Budget Committee shall review said budget estimates and prepare the budget for the divisions of this Court for submission to the County Administration, subject to the approval of a majority of the Circuit and Associate Circuit Judges.

100.1.6 RULES COMMITTEE

(1) A Rules Committee and a Chairman thereof shall be appointed by the Presiding Judge.

(2) The Rules Committee shall meet at the call of the Chairman.

(3) The Rules Committee shall review existing rules, propose modifications to the rules and make recommendations concerning said rules and modifications to the Circuit and Associate Circuit Judges.

100.1.7 DEATH OR RESIGNATION OF PRESIDING JUDGE

In the case of the death or resignation of the Presiding Judge, the Assistant Presiding Judge shall become the Acting Presiding Judge and shall serve in that capacity until the next Court en banc meeting. At the Court en banc meeting next after the death or resignation of the Presiding Judge, elections, for the remainder of the unexpired term(s), shall be held for the position of Presiding Judge and for Assistant Presiding Judge, if necessary. The election shall be governed by the procedures contained in Rule 100.1.1.

100.1.8 SURCHARGE COMMITTEE

(1) A Surcharge Committee, the "Surcharge Committee", and a Chairperson thereof shall be appointed by the Presiding Judge. The Surcharge Committee shall meet at the call of the Chairperson.

(2) The Surcharge Committee shall review expenditures of the surcharge collected pursuant to Sections 488.426 and 488.429, RSMo, (the "Surcharge Fund"), shall review the Director of Judicial Administration's proposed annual budget for operation of the St. Louis County Law Library, shall submit a proposed annual budget for operation of the St. Louis County Law Library to the Court en banc, shall review reports from the Director of Judicial Administration concerning maintenance and upkeep of the St. Louis County Law Library.

(3) The Surcharge Committee shall report to judges of the Court en banc the Committee's recommendations for disbursements from the Surcharge Fund.

100.1.9.1 CHIEF JUVENILE OFFICER

(1) Appointment of Chief Juvenile Officer

In accordance with Supreme Court Operating Rule 14.01, the division of the Presiding Judge shall be designated a division of the Family Court by administrative order and the Presiding Judge shall be the appointing authority of the Chief Juvenile Officer. The procedure for the filling of a vacancy in the position of Chief Juvenile Officer shall be consistent with existing Family Court policies and hiring procedures. All other administrative powers and authority regarding the Family Court shall be retained by the Administrative Judge of the Family Court under Chapter 487 RSMo.

(2) Supervision of Chief Juvenile Officer

The Family Court Administrator shall exercise supervisory authority over the Chief Juvenile Officer. Pursuant to Section 211.351, RSMo, the terms of employment of the Chief Juvenile Officer shall be subject to the Human Resources Policy Manual of the Family Court.

(3) Effective Date

This rule shall become effective July 1, 2016.

100.2 LOCAL COURT RULES

100.2.1 FORMULATION

Proposed Local Rules of Court shall be “The Rules of Court”, when adopted by a majority of the Circuit and Associate Circuit Judges. Immediately following their adoption, the Presiding Judge shall certify and transmit the Rules to the Clerk of the Missouri Supreme Court and the Clerk of the 21st Judicial Circuit and obtain receipts therefore. Said receipts shall be filed with the Judicial Administrator. The effective date of said Rules shall coincide with the acknowledgment by the respective clerks of their receipt of said Rules, unless otherwise designated.

100.2.2 PUBLICATION

[No local rule]

100.3 SURCHARGE FUND

(1) Pursuant to Section 488.426.1, RSMo., the Circuit Clerk shall collect a surcharge of $20.00 from any party filing a civil suit to be heard under practices and procedures applicable before Associate Circuit Judges and any civil suit in the Circuit Court provided that such surcharge shall not be collected by the county or state or any city.

(2) All sums collected by the Circuit Clerk pursuant to this rule shall be deposited monthly by the Circuit Clerk pursuant to Section 488.429 RSMo., to the surcharge fund, the "Surcharge Fund".

(3) Pursuant to Section 488.429.1, RSMo., the Court, en banc, designates the St. Louis County Treasurer as treasurer of the Surcharge Fund to act from time to time as directed by the Court en banc.

(4) Pursuant to Section 4.440 of the St. Louis County Charter, the Court, en banc, directs the Director of Judicial Administration to carry out any duties and obligations the Court may have for maintenance and upkeep of the St. Louis County Law Library, as provided by Section 488.429.1, RSMo., consistent with the Court en banc's instructions, and further directs the Director of Judicial Administration to submit to the Surcharge Committee an annual proposed budget for operation of the St. Louis County Law Library, to authorize expenditures for operation of the St. Louis County Law Library as provided by the budget approved by the judges of the Court en banc, to make recommendations to the Surcharge Committee regarding the application and expenditure of the Surcharge Fund for maintenance and upkeep of the St. Louis County Law Library and to report to the Surcharge Committee, from time to time, as directed by the Surcharge Committee.

(5) The Director of Judicial Administration shall also be responsible for the direction, control, staffing, and supervision of St. Louis County Law Library employees and all matters relating thereto.

RECORDS AND FILES

100.4 STORAGE OF RECORDS

100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES AND THEIR CONTENTS

[No local rule]

100.4.2 REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES AND THEIR CONTENTS

[No local rule]

100.4.3 RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTER NOTES

[No local rule]

100.4.4 IDENTIFICATION OF REPORTERS' NOTES

[No local rule]

100.4.5 INDEX

[No local rule]

100.4.6 STORAGE OF NOTES

[No local rule]

100.4.7 NOTES OF SUBSTITUTE REPORTERS

[No local rule]

100.4.8 STORAGE OF NOTES UPON RETIREMENT, TERMINATION OR DEATH OF COURT REPORTER

[No local rule]

100.4.9 BOXING AND STORING OF OLD NOTES

[No local rule]

100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS AND SPACE FOR STORAGE OF COURT REPORTER NOTES

[No local rule]

100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS

[No local rule]

100.4.12 PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL RECORDS

[No local rule]

100.5 CLERK'S DUTIES

[No local rule]

100.5.1 MONIES PAID INTO COURT

[No local rule]

100.6 SELECTION OF VENIREMEN

[No local rule]

100.7 COURT EN BANC MEETINGS

(1) A meeting of all Judges shall be called by the Presiding Judge for 12:00 p.m. on the second Wednesday of each month, or for such other date and time as the Presiding Judge determines appropriate. Further, a meeting of all Judges shall be called by the Presiding Judge when forty percent 40% of the Judges request it. Finally, a meeting of all Judges may be called on such days and at such times as the Presiding Judge determines is appropriate.

(2) Except in emergencies, the Presiding Judge's call of a meeting en banc shall be issued at least three (3) days prior to the meeting. It shall be accompanied by a proposed agenda which shall include any matters which any other Judge has asked the Presiding Judge to put on the Court en banc's agenda. Any Judge who desires thereafter to have a matter added to the proposed agenda shall so advise the Presiding Judge at the earliest possible moment, and in any event at least two (2) days prior to the meeting. Upon receipt of a timely request to add a matter to the proposed agenda, the Presiding Judge shall promptly notify all the Judges that said matter has been added to the proposed agenda.

(3) A quorum for a Court en banc meeting shall be a majority of the Circuit and Associate Circuit Judges.

(4) No proxies shall be allowed at Court en banc meetings.

(5) Except where law or these rules provide otherwise, all business transacted by the Court en banc shall be by a vote of the majority of the Circuit and Associate Circuit Judges.

(6) The Court Administrator and the Court Services Officer shall attend the executive sessions unless a majority of the Circuit and Associate Circuit Judges present decide otherwise. If any action is taken by the Court en banc while meeting in executive session, such action (but not the discussion or votes cast) shall be recorded in writing in summary form by the Court Services Officer, if present, or if the Court Services Officer is not present, then by some

Judge designated by the Presiding Judge. Such summary record of actions taken during executive sessions shall be included in the minutes of meetings en banc.

(7) The Presiding Judge shall preside over meetings en banc, participate fully in the discussion of matters, but shall have no more vote than any other Judge. Rulings of the Presiding Judge or other person presiding at the meeting shall be final unless they are appealed. If any Judge present appeals any such ruling, the matter shall be put to an immediate vote, but the ruling shall stand unless a majority of those Circuit and Associate Circuit Judges present and voting shall vote to reverse the ruling.

(8) The minutes of meetings en banc shall be taken and prepared by either the Director of Judicial Administration's Administrative Secretary or the Court en Banc's Legal Secretary, or such other person selected by the Judicial Administrator and approved by the Presiding Judge and shall be submitted in draft form to the Presiding Judge, who shall approve or correct them as promptly as possible. As approved or corrected by the Presiding Judge, the full minutes shall be distributed to all the Judges, and those portions of the minutes which are of direct concern to other officials in the County Government shall be excerpted and given to them for their information. The full minutes so distributed to the Judges shall be deemed approved unless amended or corrected at the next Court en Banc meeting.

(9) If the Presiding Judge is absent from the courthouse, the Assistant Presiding Judge shall act as the Presiding Judge during the period of his absence. If neither is available, the Presiding Judge shall appoint another Judge as acting Presiding Judge.

(10) Any actions or orders of the Presiding Judge or Assistant Presiding Judge that have occurred since the last meeting of all the Judges or Circuit Judges, as the case may be, may be reviewed at the next Court en banc meeting, by a majority of the Circuit and Associate Circuit Judges, under their supervisory authority. Such orders or actions may thereafter be approved, revised or rescinded by resolution of a majority of the Circuit and Associate Circuit Judges.

(11) Consistent with Rule 100.7(7) there shall be no parliamentarian elected, selected or appointed at Court en banc meetings.

100.8 BOARD OF JAIL VISITORS

[Repealed - Effective September 9, 1998]

100.9 TIME PAYMENT FEE FUND

(1) The Circuit Clerk shall collect the maximum fee allowed by §488.5025.1 RSMo. from each person who pays a court-ordered judgment, penalty, fine, sanction, or court costs on a time payment basis, including restitution and juvenile monetary assessments.

(2) The Circuit Clerk shall establish a Time Payment Fee Fund with that portion of the Time Payment Fee collected pursuant to paragraph 1 and retained pursuant to by §488.5025.2 RSMo.

(3) Money on deposit in the Time Payment Fee Fund shall be used as directed by order of Court en banc.

100.10 COMMISSIONER REVIEW COMMITTEE

(1) The Presiding Judge shall appoint four judges to serve on the Commissioner Review Committee. The Committee shall be comprised of two Circuit Judges and two Associate Circuit Judges.

(2) Any and all complaints concerning a Commissioner of this court shall be referred to the Commissioner Review Committee for appropriate review, and any investigation as the Committee finds necessary. The Committee may dismiss without further action any complaint that it finds does not have merit. If three members of the Committee find that the complaint requires further action the complaint and a recommendation of the committee shall be referred to the Court en banc.

(3) A complaint and recommendation sent to the Court en banc shall be set on the next Court en banc agenda. The Court en banc shall determine what if any action to take on the complaint. If the Court en banc determines that possible action may be taken against a Commissoner, the matter shall be set for a hearing before the Court en banc with notice to the commissioner before any action can be taken against a Commissioner.

(4) In the event that a hearing is scheduled by the Court en banc, the Commissioner shall be given notice and opportunity to appear and to present evidence to the Court en banc. Formal Rules of evidence do not apply. The Presiding Judge shall preside over the hearing and make any necessary rulings. A majority vote of the Court en banc is required in order to take action against a Commissioner. The vote of the Court en banc is final.

(5) The Director of Judicial Administration shall provide support services to the Committee and serve as a non-voting member of the Committee.

COURT RULES
21st JUDICIAL CIRCUIT

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