

LOCAL COURT RULES

OF THE

29TH JUDICIAL CIRCUIT

REVISED 5/19/11

RULES OF PRACTICE
OF THE
29TH JUDICIAL CIRCUIT OF MISSOURI

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ADMINISTRATION

1. DIVISIONS OF COURT

There shall be six divisions of court which shall be divided as hereinafter listed. Upon adoption of these rules, as amended, and pursuant to an order of the Presiding Judge under the authority of Section 487.010.3 RSMO., each division and the Family Court Commissioner are designated as part of the Family Court.

Division I

Circuit Court, Carthage
Circuit Court, Joplin
Family Court

Division II

Circuit Court, Carthage
Circuit Court, Joplin
Family Court

Division III

Circuit Court, Carthage
Circuit Court, Joplin
Probate Division
Family Court

Division IV

Circuit Court, Associate Division, Carthage
Small Claims Division, Carthage
Municipal Divisions for which a Municipal Judge is not provided
Family Court

Division V

Circuit Court, Associate Division, Joplin
Small Claims Division, Joplin
Family Court

Division VI

Circuit Court, Associate Division, Carthage and Joplin
Family Court

Family Court Commissioner

Family Court

Division VII

Municipal Divisions for which a Municipal Judge is provided

2. HOURS AND TERMS OF COURT

2.1 Hours of Court

The Presiding Judge shall make assignments or take other steps necessary to insure the availability at all hours and times of a Circuit Judge or Associate Circuit Judge* within the Circuit for the purpose of admitting persons to bail.

For the purpose of implementing Section 455.030 RSMo., the Jasper County Sheriff's Department shall have available in its office in Carthage all forms necessary for the filing of petitions for protection from abuse. After business hours or on holidays and weekends, parties seeking to file said petitions shall go to the Jasper County Sheriff's office located at 405 East Fifth, Carthage, Missouri, where all forms will be made available. The Circuit Clerk shall compose a concise set of written instructions for said party's use and shall provide personnel of the Sheriff's Department with adequate training to allow them to assist parties in completing the forms. Upon completion of the forms and signature by the party seeking relief, the Sheriff's personnel shall contact by telephone any Circuit or Associate Circuit judge in the 29th Judicial Circuit and advise the judge of the petition and the particulars written on the petition. The judge by telephone may authorize entry of the ex parte order and the Sheriff shall proceed forthwith to serve the order. On the next business day the Sheriff shall deliver all the papers to the Circuit Clerk in Carthage or Joplin, as appropriate. The Clerk shall officially file the documents, and direct the order to the judge who telephonically authorized the ex parte order and it shall be signed by that judge. The Circuit Clerk shall prepare an appropriate form order for use by the Sheriff and the Associate Circuit judges shall supply a list of dates and times they will be available to conduct hearings on full orders of protection. Said list shall be supplied to the Sheriff on or before the first day of each month and shall be for a period of at least one month.

2.2 Terms of Court

Terms of Court are hereby abolished by these rules. The Circuit Court of this County shall be considered as being in continual session, and it shall not be necessary for a term or special term of such court to be convened or held for such court or the judges thereof to conduct the business of the court with respect to any case or matter before the court.

2.3 Law Days

(No local rule)

2.4 Particular Matters on Particular Days

(No local rule)

3. PLEADINGS

3.1. Caption

*When the terms “Associate Circuit Judge” are used in these rules the terms refer to “Circuit Judge, Associate Division.”

All Pleadings, Petitions, Answers, Motions, Decrees, Judgments, Complaints, Informations and Orders shall be headed as follows:

“In the Circuit Court of Jasper County, Missouri”, followed by the Division number, if known.

If the pleading, etc. pertains to a Probate matter, the words “Division III (Probate)” shall be used.

If the pleading, etc. is one to be filed in Small Claims Division, then the words, “Division IV, Small Claims” or “Division V, Small Claims” shall be used.

If the pleading, etc. pertains to a matter of which a Municipal Judge has jurisdiction, the words, “Division VII, (Name of City)” shall be used.

If the pleading, etc. pertains to a matter which is filed in the Family Court and does not pertain to a juvenile matter, the caption should include the words “Family Court”, followed by the Division number, if known. If the pleading, etc. pertains to a matter filed in the Juvenile section of the Family court, the words “Family Court (Juvenile)” should be used.

3.2 Style

All pleadings and other papers, except exhibits and wills, offered for filing, shall be typed, or printed, or legibly written in ink, on paper which is not larger than 8½ x 11 inches in size.

4. FILING OF CASES

4.1 Method of Filing

All civil pleadings, except initial pleadings requiring a cost deposit, may be filed with the Clerk of the appropriate division by faxing the pleading to the office of the Clerk. All said pleadings shall be timed and dated as of the fax filing. An original of the pleading is not required, unless subsequently ordered by the Court.

In the event filings are made by Facsimile Transmission (FAX), service on parties as required by Supreme Court Rule 42.01 shall be by Facsimile Transmission in close proximity to the time of filing with the Clerk, if said parties have FAX capabilities.

4.2 Criminal Cases

Any arrest warrants and complaints and informations in support thereof and all other authorized warrants, motions and pleadings may be filed with the office of the Clerk of Court by facsimile. Any papers or pleadings so filed shall have the same effect as a filing of an original document even though it may be required to be verified or submitted by affidavit. A facsimile signature shall have the same effect as an original signature. The person filing by facsimile shall retain the original and make it available upon order of the Court except the original of all arrest warrants shall be filed with the Clerk of the Court the next business day.

4.3 Civil Cases

All Circuit Court actions shall be filed with the Circuit Clerk of this County in Joplin or Carthage.

4.4 Family Court Cases

All Juvenile matters shall be filed with the Circuit Clerk in Joplin. In accordance with Section 487.010.2 RSMo., all domestic relations cases, including all actions contemplated by Section 487.080 (1), (2), (5), (7), (8), and (9), may be filed in either Carthage or Joplin but are specifically assigned by Rule 6.2. All actions contemplated by Section 487.080 (6) shall be filed in Joplin and assigned by Rule 6.2. All actions contemplated by Section 487.080 (3) and (4) shall be filed in Joplin and assigned by Rule 6.2.

4.5 Small Claims Cases

(See 4.3)

4.6 Municipal Cases

All Municipal matters shall be filed with the Municipal Clerk of the City or, in the event there is no Municipal Division in said City, the action shall be filed with the Circuit Clerk at Carthage.

5. FEES AND COSTS

5.1 Filing Fee and Cost Deposit

At the time of filing any action, a cost deposit shall be made in accordance with the schedule on file in the Clerk's office where the case is filed. A deposit of \$10.00 shall be made in every case filed in the Circuit Court, in addition to all other deposits. Said deposit shall not be required for actions sent to the county on a change of venue or cases within the probate jurisdiction, cases filed under small claims procedures, applications for trial de novo, or to suits, civil or criminal, filed by the county or state or any city. A deposit of \$10.00 shall be made in every case filed under Chapter 517 RSMo. involving civil actions and proceedings for recovery of money less than \$25,000.00 in addition to all other deposits. Deposits are designated and appropriated for the maintenance and upkeep of the Law Libraries in Joplin and Carthage. The Clerk of the Circuit Court shall account for and pay over to the treasurer of the Law Library Fund the amount of fees due on or before the first day of each month. This rule is promulgated in response to Section 514.440 RSMo.

The Circuit Clerk of Jasper County is designated as treasurer of said fund. The fund shall be maintained as all other funds under the control of the Circuit Clerk. The signatures of two judges of the 29th Circuit shall be required to expend any funds from said account. The Circuit Clerk shall provide a monthly accounting of the funds to the Presiding Judge.

(Effective 2/17/11)

A fee of \$2.00 shall be assessed as costs by the Clerk of the Circuit Court in each court proceeding filed therein for violation of the General Criminal Laws of the State of Missouri, including infractions, and no fee shall be collected in any proceedings when the case or the defendant has been dismissed. Such fee so collected shall be transmitted monthly by the Clerk of each court to the Treasurer of the County who shall keep a separate accounting for said funds and who shall expend said funds only for the purpose of paying for training of Law Enforcement Officers as may be ordered from time to time by the County Court.

5.2 Costs

As authorized by Section 488.5025 RSMo (2003), the Court shall, in addition to any other cost assessment authorized by law, assess a fee of twenty-five (\$25.00) dollars on each person who pays court costs on a time payment basis. A time payment basis shall be any court cost not paid, in full, within thirty (30) days of the date the Court imposed the court cost. Imposition of the time payment fee shall be in addition to any other enforcement provisions authorized by law. If the person pays the cost assessment within said thirty (30) days of the date of imposition of the court cost, the twenty-five (\$25.00) dollar fee shall be refunded to the person.

Ten (\$10.00) dollars of the time payment fee collected pursuant to this rule and as directed by statute shall be payable to the Circuit Clerk, and said fund shall be applied and expended under the direction and order of the Court En Banc of the 29th Judicial Circuit for those purposes set forth in Section 488.5025.2 RSMo (2003). The Circuit Clerk shall establish a

separate account for the deposit of said funds. Eight (\$8.00) dollars of the time payment fee shall be deposited in the statewide court automation fund pursuant to Section 476.055 RSMo. Seven (\$7.00) dollars of the time payment fee shall be paid to the Missouri Director of Revenue, to be deposited to the general revenue fund.

Any municipal division of the Circuit Court which collects a “time payment fee” as provided for in Section 488.5025 RSMo may deposit ten (\$10.00) dollars from each such fee collected into a separate account to be expended for the purposes allowed by said statute. Any such expenditures must be approved by the judge of said division. The clerk for any such municipal division is hereby designated as the treasurer of said fund. Each year prior to the last day of January the clerk and judge of the municipal division shall file a report with the Presiding Judge and the Circuit Clerk of the 29th Judicial Circuit itemizing the amount collected and the expenditures made from said account.

Effective October 20, 2009

5.3 Witness Fees

(No local rule)

5.4 Waiver of Fees

(No local rule)

5.5 Motion for Security

(No local rule)

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

6.1 Jurisdiction and Assignment of Judges

Pursuant to authority granted by Section 478.245, Section 478.50 RSMo. 1986, as amended 1988, and Section 487.080, cases are assigned among the several divisions, judges, and commissioner of this Court as hereinafter set out, subject to the authority of the Presiding Judge to make special assignment of any case.

6.1.0 Jurisdiction

Circuit Judges and Associate Circuit Judges may hear and determine all cases and matters within the jurisdiction of circuit courts, subject to these local rules and the provisions of Article V of the Constitution and laws in pursuance thereof.

6.1.1 Special Assignment of Cases

Notwithstanding the assignment of cases by division, judge or class as hereinafter set out in these rules, the Presiding Judge may, at his discretion, make special assignment of any judge or of any case filed to any division or judge. All cases, the assignment of which is not provided for by these rules, shall be specially assigned by the Presiding Judge.

6.1.2 Assignment of Family Court Cases After a Judgment Has Been Entered and a Subsequent Action Is Filed

As of January 1, 2007, all currently assigned cases in Divisions I, II, III, and IV will automatically be assigned in accordance with Rule 6.2. This will include newly filed cases and actions taken subsequent to the original order, decree or judgment. Should an action commence on a case in which the last action was taken by the judge of Division V, that action will also be automatically assigned in accordance with Rule 6.2.

6.1.3 Absence of Judge

In the absence of any judge of this circuit, any other judge of this circuit, except the judges of Division VII, are assigned and may act in behalf of the absent judge upon any matter which is uncontested, may be heard ex parte, or requires an emergency order or judgment.

6.1.4 Absence of Presiding Judge

The Presiding Judge may by written order, designate another circuit judge to act in the absence of the Presiding Judge when that absence is for an extended period.

6.1.5 Place of Trial

Carthage or Joplin may be designated as the place of trial, irrespective of where the case was filed initially, at the discretion of the judge presiding over the case.

6.1.6 Certification to Circuit Division

(See 6.2)

6.1.7 Trial de Novo

(See 6.2)

6.1.8 Disqualification of Judge

(See 6.2)

6.2 CASES ASSIGNED TO DIVISIONS

6.2.1 Cases Assigned to Division I

(1) Except as otherwise provided, all cases filed in the office of the Circuit Clerk shall be assigned to Division I by the Judicial Information System (JIS) on a random basis.

(2) All cases in which the Judge of Division III is disqualified.

(3) All criminal cases filed in the office of the Circuit Clerk bearing the number assigned to it by the Judicial Information System (JIS) in the Associate Division which ends with the numeral 1, 2, 3, or 4.

(4) Family Court cases arising under Section 487.080 (3) and (4) and any other case filed as a Juvenile case that may be assigned to the judge presiding in Division I on a random basis.

6.2.2 Cases Assigned to Division II

(1) Except as otherwise provided, all cases filed in the office of the Circuit Clerk shall be assigned to Division II by the Judicial Information System (JIS) on a random basis.

(2) All cases in which the Judge of Division I is disqualified.

(3) All criminal cases filed in the office of the Circuit Clerk bearing the number assigned to it by the Judicial Information System (JIS) which ends with the numeral 5, 6, or 7.

(4) All cases in which there is a request for trial de novo.

(5) Family Court cases arising under Section 487.080 (3) and (4) and any other case filed as a Juvenile case that may be assigned to the judge presiding in Division II on a random basis.

6.2.3 Cases Assigned to Division III

(1) All cases assigned to the Probate Division of this Court.

(2) Except as otherwise provided, all cases filed in the office of the Circuit Clerk shall be assigned to Division III by the Judicial Information System (JIS) on a random basis.

(3) All criminal cases filed in the office of the Circuit Clerk bearing the number assigned to it by the Judicial Information System (JIS) which ends in the numeral 8, 9, or 0.

(4) All cases assigned to Division II in which the Judge of Division II is disqualified.

(5) Family Court cases arising under Section 487.080 (3) and (4) and any other case filed as a Juvenile case that may be assigned to the judge presiding in Division III on a random basis.

6.2.4 Cases Assigned to Division IV

(1) All cases assigned to the Circuit Court, Associate Division, at Carthage.

(2) All cases assigned to the Circuit Court, Associate Division, at Carthage where trial by jury is requested.

(3) Municipal Ordinance Violation cases in municipalities for which a Municipal Judge is not provided. All cases from Division VII in which there is a request for a jury trial.

(4) Small claims cases filed at Carthage.

(5) All cases in Division VII in which the regular Judge is disqualified.

(6) All cases involving a preliminary examination in which the Judge of Division V is disqualified.

(7) All cases of the following classes which are filed with the Clerk of the Circuit Court at Carthage:

(a) Civil actions for the recovery of money where the sum demanded, exclusive of interest and costs, does not exceed \$25,000.00, Chapter 517.011 (1) RSMo.;

(b) Actions against any railroad company to recover damages for killing or injuring animals;

(c) Replevin, attachment and mechanics' lien actions where the recovery sought is less than \$25,000.00, Chapter 517.011 (1) RSMo.;

(d) Petitions for review of driver's license revocations, and for hardship driving privileges;

(e) Cases of misdemeanor or infraction except as otherwise provided by law;

(f) Cases arising under Chapters 207 and 208, Revised Statutes of Missouri;

(g) Approval of settlements in actions involving claims by or on behalf of minors;

(h) Uncontested actions involving the title to real estate.

(8) All cases in which the judge of Division V is disqualified.

(9) All cases in which either the Family Court Commissioner or the judge of Division VI is disqualified.

6.2.5 Cases Assigned to Division V

(1) All cases assigned to the Circuit Court, Associate Division, at Joplin.

(2) All cases assigned to the Circuit Court, Associate Division, at Joplin where trial by jury is requested.

(3) Small Claims cases filed at Joplin.

(4) All cases of the following classes which are filed with the Clerk of the Circuit Court at Joplin:

(a) Civil actions for the recovery of money where the sum demanded, exclusive of interest and costs, does not exceed \$25,000.00, Chapter 517.011 (1) RSMo.;

(b) Actions against any railroad company to recover damages for killing or injuring animals;

(c) Replevin, attachment and mechanics' lien actions where the recovery sought is less than \$25,000.00, Chapter 517.011 (1) RSMo.;

(d) Petitions for review of driver's license revocations, and for hardship driving privileges;

(e) Cases of misdemeanor or infraction except as otherwise provided by law;

(f) Approval of settlements in actions involving claims by or on behalf of minors;

(g) Uncontested actions involving the title to real estate.

(5) Actions for determination of support duties as outlined by Section 487.080 (6) RSMo.

6.2.6 Cases Assigned to Division VI

(1) Upon the adoption of these rules and pursuant to an order of the Presiding Judge under authority of Section 487.010.4 RSMo. Division VI shall be the Administrative Judge of the Family Court;

(2) One-half of all cases filed with the office of the Circuit Clerk that are listed in Section 487.080 (1), (2), (5), (8), and (9) RSMo. as selected on a random basis by the Judicial Information System (JIS);

(3) All cases in which the judge of Division IV is disqualified.

(4) Cases arising under the Uniform Reciprocal Enforcement of Support Law in Chapter 454 Revised Statutes of Missouri.

6.2.7 Cases Assigned to the Family Court Commissioner

(1) One-half of all cases filed with the office of the Circuit Clerk that are listed in Section 487.080 (1), (2), (5), (8), and (9) RSMo. as selected on a random basis by the Judicial Information System (JIS);

(2) All cases filed with the office of the Circuit Clerk that are listed in Section 487.080 (7) RSMo.;

(3) Any case assigned to the Family Court Commissioner by the Presiding Judge or the Family Court Administrative Judge that falls under the exclusive jurisdiction of the Family Court.

6.2.8 Cases Assigned to Division VII

(1) Violations of Municipal Ordinances of municipalities for which a Municipal Judge is provided.

6.2.9 Jasper County Juvenile Office

Prior to the establishment of the Family Court in the 29th Judicial Circuit by these rules, as amended, the Jasper County Juvenile Office operated as a division of the Jasper County Circuit Court. By the establishment of the Family Court the Juvenile Office operates as a part of the Family Court with all cases described under Section

487.080 (3) and (4) RSMo., and any case known as a juvenile case being assigned for hearing, disposition, and review by Divisions I, II, and III of the Jasper County Circuit Court acting as a part of the Family Court. The Presiding Judge shall have direct supervision of the Jasper County Juvenile Office and Jasper County Detention Center. However, he has the authority to delegate that supervision, or any part thereof, by separate order to any other Circuit Judge presiding in Divisions I, II, and III who may not be serving the capacity of Presiding Judge of the 29th Judicial Circuit.

The judges of Division I, II, and III are authorized to act in the absence of each other or the disqualifications of each other in the disposition of cases described in Section 487.080 (3) and (4) RSMo., and when all are disqualified the Presiding Judge of the Circuit shall assign a judge of the Family Court or request assignment from the Supreme Court as may be required.

No person shall be employed or have their employment terminated in the Jasper County Juvenile Office or the Jasper County Detention Center without the prior written consent and approval of the Presiding Judge of the Circuit.

The judges of Divisions I, II, and III acting in concert may adopt rules and regulations governing the operation of the Jasper County Juvenile Detention Center and personnel rules and regulations governing employees of the Jasper County Juvenile Office except that no such rules or regulations shall be applicable to persons retained in their licensed professional capacity. Should the judges disagree on any matters covered in this paragraph, then the matter shall be referred to the Court En Banc for resolution.

6.2.10 Effective Date of Rule

The effective date of these amended rules shall be January 1, 2007.

7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

The court clerks shall not permit the removal of court files except by the clerks, bailiffs, court reporters, secretaries to the judges, and judges. Files may be mailed to visiting judges by certified or other secured public or private carrier upon the request of a visiting judge if the request is timely received. A file may also be transported to a visiting judge by an available deputy sheriff. Otherwise, no files shall be removed, mailed, or transported from the office of the clerk where they are maintained.

7.1 When Allowed

(No local rule)

7.2 Duplicating Policy

(No local rule)

8. PUBLICATION OF DOCKETS

8.1 Trial Docket

(No local rule)

8.2 Dismissal Docket

(No local rule)

9. COURTROOMS

9.1 Assignment of Courtrooms

(No local rule)

9.2 Place of Hearing

(See 6.1.5)

9.3 Use of Counsel Table

While addressing the Court, counsel may sit at the counsel table or, optionally, stand at a respectful distance from the Court and witness. Counsel shall not approach the bench or a witness on the stand without permission of the Court.

9.4 Courtroom Decorum and Dress

To maintain the dignity, decorum and respect due the Court and jury, attorneys should insist their clients and witnesses dress properly for all court appearances.

9.5 Who Is Permitted Within Bar

(No local rule)

9.6 Use of Cameras and Photographic Equipment

The use of cameras and photographic equipment for broadcasting, televising, recording or taking photographs in the courtrooms and areas immediately adjacent thereto is forbidden. The possession of all such equipment on the second and third floors of the Joplin Courts Building and on the third floor of the Carthage Courthouse is prohibited while any division of Court is in session or in recess on that floor.

Exceptions may be made as provided by Administrative Rule 16.

10. COURT REPORTERS AND COMPENSATION FOR SAME

The Presiding Judge may employ certified Court Reporters on a contract basis for use in trials and hearings to be paid for from Jasper County funds.

11. RECORDING OF JUDICIAL PROCEEDINGS

In any case assigned to Division IV, Division V, Division VI, or the Family Court Commissioner to be heard upon the record as authorized by law, and in any Probate Division case, the Judge may utilize electronic, magnetic or mechanical sound, or video recording devices, or a court reporter, or a stenographer for the purpose of preserving the record.

Electronic, magnetic or mechanical sound, or video recording devices may be used in lieu of a certified court reporter in any division at the discretion of the judge presiding.

12. MONIES PAID INTO COURT

All clerks of this Court shall comply with Section 483.310, RSMo. 1978 concerning monies paid into Court. No interest earned on any such monies from the office of the Circuit Clerk shall be expended except with the written approval of the Presiding Judge.

12.1 Bond in Civil Cases

(No local rule)

13. COMMUNICATIONS WITH COURT

(No local rule)

13.1 Oral Communications with the Court

(No local rule)

13.2 Written Communications with the Court

All motions, briefs, letters, or communications by any party relating to a matter pending in the court must be addressed to the clerk, with copies to all other parties, who will lay them before the Court in due course. Requests for trial or motion settings shall be made in accordance with Rule 36.1. Any other letter or communication relating directly or indirectly to any pending matter, addressed to any judge of the Court will not be considered by the Court. The Clerk may return any such letter or communication to the sender or may refer such letter or communication to the appropriate entity or person.

14. TIME STANDARDS

This Circuit shall comply with the case processing time standards set forth in Administrative Rule No. 17 approved and adopted by the Supreme Court of Missouri, En Banc, on the 24th day of November, 1992 to become effective on the 1st day of July, 1993, as amended by order of the Supreme Court of Missouri dated July 26, 1996 to become effective January 1, 1997. The following policies, procedures and rules shall be and are adopted to implement Administrative Rule No. 17, to provide litigants, witnesses, victims and other citizens with a dispute resolution system that is reasonably predictable as to when cases will be disposed:

A. CIRCUIT CIVIL

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. Discovery shall commence at the earliest time permitted by the Rules of Civil Procedure and counsel are responsible for completing discovery in the shortest possible time which is reasonable with the least expense and without necessity of judicial intervention.

3. Unless there is a request for oral argument filed with any pretrial motion or objections to discovery and same is ordered by the Court in accordance with Local Court Rule 33.1, motions and objections to discovery shall be ruled upon the written motion, supporting suggestions, and opposing suggestions. The moving party shall serve and file with the parties motion a brief written statement of the reasons in support of the motion. Within twelve (12) days from the date the motion or objections to discovery are filed, each party opposing the motion or posing objections shall serve and file a brief written statement of the reasons in opposition to the motion or the objections to discovery. The request for oral argument, if any, shall be stated in a separate pleading attached to the motion or objections to discovery together with counsel's estimate of time required to conduct the requested hearing.

4. Within 120 days after the filing of the petition, counsel shall confer and a proposed scheduling order shall be filed identifying and suggesting:

- (a) the date experts shall be identified;
- (b) the last date for amendment of pleadings and joinder of parties, and;
- (c) the date all discovery will be completed.

If counsel are not in agreement on any date identified in 4. (a) – (c), it should be so specified and the reason for disagreement. The failure of a party or party's counsel to participate in good faith in the framing of the proposed scheduling order may result in appropriate sanctions. After consultation with all counsel, counsel for plaintiff is

responsible for preparing a draft of the proposed scheduling order. Recognizing that litigation with complex substantive procedural issues or litigation involving extraordinary circumstances may require additional time to dispose of the case, in any case in which the deadline for completion of discovery exceeds 180 days after the petition is filed, counsel shall inform the Court in the proposed order why the extended period of time is believed necessary. If the proposed scheduling order exceeds the time standards of Administrative Rule No. 17, counsel shall, by separate memorandum which accompanies the proposed scheduling order, set forth in detail facts that support the conclusion that the case involves extraordinary circumstances which require additional time to conclude the case.

5. Trial settings and continuances from trial settings shall be governed by Local Court Rules 36.1 and 34.1, respectively. If the parties have not requested a trial setting within the said 180 days, the Court may sua sponte order a pretrial conference with the attorneys and a trial date may be set at that conference.

6. If 365 days have elapsed since the filing of the petition and the case has not been concluded, the case may be scheduled on a dismissal docket and the parties shall appear to conclude the matter or prove up extraordinary circumstances which require additional time.

B. DOMESTIC RELATIONS

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. Except for pendente lite motions for child support, spousal support, custody and/or visitation, unless there is a request for oral argument filed with any pretrial motion, or objections to discovery and same is ordered by the Court in accordance with Local Court Rule 33.1, motions and objections to discovery shall be ruled upon the written motion, supporting suggestions, and opposing suggestions.

3. If 120 days have elapsed since the filing of the petition and the case has not been concluded, the case may be scheduled on a dismissal docket and the parties shall appear to conclude the matter or prove up extraordinary circumstances which require additional time.

C. ASSOCIATE CIVIL

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. If 120 days have elapsed since the filing of the petition and the case has not been concluded, the case may be scheduled on a dismissal docket and the parties shall appear to conclude the matter or prove up extraordinary circumstances which require additional time.

D. ASSOCIATE CRIMINAL

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. At time of arraignment the Court shall set a date certain for preliminary hearing or trial. Continuances will be granted only on a showing of good cause presented to the Court.

3. If 45 days have elapsed since the arraignment, the preliminary examination or trial shall be conducted within 15 days or the parties shall prove up extraordinary circumstances which require additional time.

E. CIRCUIT FELONY

1. The date of commencement and conclusion of the case will be as defined by Administrative Rule No. 17.

2. At time of arraignment the Court shall set a date certain for the hearing of any pretrial motions and/or guilty pleas. Also, at time of arraignment, the Court will set a date for trial and an alternative date for trial if the case is not tried on the original date. If a Judge is disqualified after arraignment, the Clerk shall immediately docket the request for disqualification and place the file before the disqualified Judge in chambers. If the request is timely and otherwise is in compliance with the rules of procedure, the Judge shall immediately grant the disqualification and transfer the case to another Judge in compliance with local rules. The receiving Judge shall immediately set a date to hear pretrial motions and/or guilty plea(s) and a trial date.

3. Any continuance motion will not be favorably considered unless there has been strict compliance with Supreme Court Rules 24.08, 24.09 and 24.10. Any continuance motion that would extend the time beyond the time standards shall plead facts which will support a finding that the case involves issues which are complex substantive or procedural issues or that the litigation involves extraordinary circumstances which require additional time to dispose of the case. Before the Court grants a continuance beyond the time standards, it must make a factual finding of exceptional circumstances.

GENERAL RULES

21. ATTORNEYS

21.1 Resolution of Conflicting Trial Settings

(No local rule)

21.2 Entries of Appearance

(No local rule)

21.3 Conduct of Attorneys

Attorneys should show proper respect for the time and convenience of jurors and witnesses by bringing before the Court prior to the date of trial all pre-trial motions and other matters that can be disposed of before the trial date.

Attorneys shall not converse with jurors during their term of service, about court procedure, jury service, verdicts or cases which have been, or may be, tried during such term of service. The Court shall advise the jurors of this rule on their first day of service. The bailiffs shall not permit anyone near the doors to the jury room during the deliberations of the jury, nor shall the bailiffs attempt to overhear the jury deliberations.

21.4 Withdrawal of Attorneys

(No local rule)

21.5 Failure of Attorney to Answer Docket Call

(No local rule)

21.6 Appointment of Attorneys

From and after the date of this rule, the Court will select Guardian Ad Litem, for service in Juvenile and Family Court cases, pursuant to the following process:

- (a) Family Court Cases: Cases brought pursuant to Sections 210, 452, 454 and 455, except those proceedings concerning adoption, shall be assigned a Guardian Ad Litem upon findings that a Guardian Ad Litem is necessary or required to be appointed. A Guardian Ad Litem will not be automatically appointed. A formal motion for request to appoint a Guardian Ad Litem must be filed with the Court and provided to all parties of record. The party making request for Guardian Ad Litem will be required to file a notice of hearing to address the motion for appointment. If no formal objection to appointment is made within 20 days of the filing of the request, then the Court will consider such appointment without hearing.

Should the Court find that it is necessary to appoint a Guardian Ad Litem, then such appointment shall be made using Form 21.6A (attached as Appendix C to these rules). Costs of Guardian Ad Litem in these matters shall be paid by the parties as may be assessed against the parties from time-to-time.

- (b) Juvenile Court Cases: Cases brought pursuant to Section 211 and all adoptions shall be assigned a Guardian Ad Litem and counsel for children from the list of attorneys contracted with the county for service. Attorneys appointed to represent parents in 211 proceedings, or in proceedings for termination of parental rights/adoption shall also be appointed from the list of contract attorneys. Should all contract attorneys be used or have a conflict with the matter, then a duly qualified Guardian Ad Litem attorney from the Jasper County Bar shall be so appointed.
- (c) Fees: A Guardian Ad Litem who is paid by the parties shall be paid a fee upon an hourly fee as determined by the Court as reasonable fee for the services of the Guardian Ad Litem.
- (d) Contracted Guardian Ad Litem: The County shall, on an annual basis, contract with attorneys to serve as Guardian Ad Litem, and attorneys for parents and children, in proceedings that occur in the Juvenile Court. The selection of attorneys to serve shall be made by the Presiding Juvenile Judge. The number of attorneys placed under contract shall be at the discretion of the Presiding Juvenile Judge. The compensation provided shall be determined by the Presiding Juvenile Judge. The cost of contracted attorney Guardian Ad Litem shall be included in the Jasper County Juvenile Office budget each year.
- (e) Guardian Ad Litem Evaluations: The Presiding Juvenile Judge shall evaluate the performance of each contracted attorney from time-to-time. The Presiding Juvenile Judge may elect to end the contract or not renew the contract of any attorney Guardian Ad Litem based on the evaluation.
- (f) Assignment of Cases: Cases in Juvenile Court proceedings where contracted Guardian Ad Litem are used will be assigned by case number.

Guardian Ad Litem in appointments in Family Court shall be appointed by the Judge at his/her discretion, from the list of qualified and approved attorneys.

- (g) Recoupment of Cost of Delinquency Representation by Contracted Attorneys: The Court shall upon conclusion of dispositional orders in every Delinquency case and any Status case where a juvenile is placed on probation, cause a judgment to be entered in favor of Jasper County, for the services rendered.
- (h) Qualifications to serve as Guardian Ad Litem: All persons appointed to serve as Guardian Ad Litem shall be an attorney in good standing with the State of Missouri. They shall have completed the required training as provided for in the Guardian Ad Litem Standards as made part of the Supreme Court Rules.

The presiding judge shall be responsible to maintain a list of all currently qualified attorneys. Any attorney wishing to serve as a Guardian Ad Litem shall provide the necessary proof of training yearly with the secretary of the presiding judge. Such proof of training shall be provided no later than July 31 of each year. The Presiding Judge shall make at a minimum, yearly review of the list, to insure that all those appearing on the list have provided the necessary documentation to qualify to serve as Guardian Ad Litem.

**IMPLEMENTATION PLAN FOR
STANDARDS FOR GUARDIAN AD LITEMS IN THE
JUVENILE AND FAMILY COURT DIVISION**

**TWENTY-NINTH JUDICIAL CIRCUIT
JASPER COUNTY, MISSOURI**

This plan is being enacted with the goal of implementing the Missouri Supreme Court Standards for Guardians Ad Litem.

Dissemination of Guardian Ad Litem Standards: The 29th Judicial Circuit shall disseminate the Standards by posting a copy of the same on the bulletin board maintained outside the main office of the Circuit Clerk. Each division that addresses issues where the appointment of Guardians Ad Litem occurs shall be provided a copy of the most current standards for reference when needed.

Appointment of Guardians Ad Litem: Guardians Ad Litem shall be appointed at any time in a proceeding where the law requires such appointment or where there are sufficient findings made to justify the appointment. A form order has been developed and enacted as part of the local court rules to be used in the appointment of all Guardians Ad Litem.

Qualifications of Guardians Ad Litem: Any attorney seeking to serve in the capacity of Guardian Ad Litem must provide documentation as required by the Supreme Court Standards for Guardian Ad Litem, to the presiding judge, of completion of required training. Such documentation must be provided at least once a year and in the form as provided for in the Standards. Before any attorney's name is added to the list of available Guardians Ad Litem, their documentation shall be reviewed by the presiding judge to verify eligibility. The presiding judge shall then notify the presiding secretary and the Court en Banc of the addition of the name to the Guardians Ad Litem list. The presiding judge's secretary shall notify all judges/commissioners as well as the Juvenile Office when there are additions or deletions from the list.

Minimally, the presiding judge shall review the list of eligible attorneys and verify they have provided the needed documentation of training. Such review shall occur within 30 days of the beginning of each calendar year.

Training: Training for attorneys to serve as Guardians Ad Litem shall be at the expense of the attorney. Any training designated and approved as Guardian Ad Litem training, basic or advanced shall be accepted as sufficient training.

From time-to-time, the Jasper County Bar, Jasper County Juvenile Office, or the Circuit Court may provide training, duly approved by the Missouri Bar for continuing education, that will also qualify as Guardian Ad Litem training. If no such local training is available, then training offered/acquired in other locations may be offered as evidence of compliance with the Standards on training.

Local Rules: Local rules have been developed and enacted to provide for the procedure for appointment of Guardians Ad Litem as well as the periodic reviews of the performance of Guardian Ad Litem.

Periodic Review of Guardian Ad Litem: From time-to-time, the presiding judge shall of his/her own action, review the number of cases assigned to any Guardian Ad Litem. If an attorney believes they are unable to properly fulfill their responsibilities and duties as a Guardian Ad Litem, they are responsible to notify the judge in the matter, decline new appointments or request their name to be removed from the list of qualified Guardians Ad Litem

Development and Review of Plan: The initial implementation plan shall be developed by the Court en Banc. Periodic reviews of the plan shall be performed by the Court en Banc or a committee as they may from time-to-time assemble from members of the Jasper County Bar. Any such committee shall include at a minimum one judge who routinely hears matters involving Guardians Ad Litem and one attorney who routinely serves as a Guardian Ad Litem.

21.7 Agreement of Attorneys

(No local rule)

21.8 Advice to Clients and Witnesses of Courtroom Procedures

(No local rule)

22. APPOINTMENT OF GUARDIAN AD LITEM

Effective January 1, 2011, all Guardians Ad Litem applying in Juvenile and Family Court matters shall comply with the Standards for Guardians Ad Litem as approved by the Missouri Supreme Court. (See Local Rule 21.6 above.)

23. TRANSCRIPTS

(No local rule)

24. EXHIBITS

(No local rule)

PRETRIAL MATTERS

32. DISCOVERY

32.1 Use of Discovery and Certification to Circuit Division

(No local rule)

32.2 Interrogatories

32.2.1 Form of Objections

Deleted – See Rule 32.8.

32.2.2 Use as Evidence

When a party intends to use interrogatory answers as evidence, he shall provide all adverse parties and the Court with written copies of the specific interrogatories and answers, numbered and dated as originally filed.

32.2.3 Motor Vehicle Accident Cases

TF Form 1 (Standard Interrogatories In Motor Vehicle Accident Case for Plaintiffs and Defendants) shall be used first by all parties to any case involving a motor vehicle accident.

TF Form 1 entitled “Standard Interrogatories In Motor Vehicle Accident Case (For Plaintiffs and Defendants)”, a copy of which is attached as Appendix B to these Rules, is approved for use in actions involving motor vehicle accidents.

32.2.4 Form of Interrogatories: Form and Procedure In Civil and Domestic Actions

(1) Any party propounding interrogatories in civil or domestic relations actions shall leave an appropriate space for the answer to each interrogatory.

(2) A copy of the interrogatories shall be served upon adverse counsel. Interrogatories are not to be filed with the Court except as provided by paragraph 4 hereof. The interrogating party shall show on the interrogatories the Certificate of Mailing and shall file with the Court at the time they are mailed a separate Certificate of Mailing of Interrogatories which shall include the following:

(a) The party to whom mailed.

(b) The date of mailing.

(c) Designation of pleading as first interrogatories, second interrogatories, etc.

(d) The signature of attorney or party mailing the interrogatories.

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

(4) The adverse party shall prepare the affidavit to be signed by the appropriate party and attach it as a last page of the interrogatories and then file the completed original containing the answers with the Clerk of the Court, mailing a copy to each party.

32.3 Depositions

(No local rule)

32.4 Motions for Sanctions

(No local rule)

32.5 Criminal Discovery

When either the State or the defendant is making response to discovery said response shall be made directly to the party requesting discovery. A copy shall not be filed in the Court file. When the response is made a certificate shall be prepared by the party making the response describing generally what is being furnished, the date furnished, and the signature of counsel.

32.6 Discovery in Domestic Relations Cases

DR Form 1 entitled “Summary of Marital and Non-Marital Property and Liabilities”, a copy of which is attached as Appendix A to these Rules, is approved for use in actions for Dissolution of Marriage or Legal Separation.

Except where there is a signed separation agreement DR Form 1 (Summary of Marital and Non-Marital Property and Liabilities) shall be filed in the Court file before the trial of the case regardless of whether the case is contested or uncontested.

No other discovery shall be filed in the Court file unless ordered by the Court. However, when counsel is responding to discovery requests, excluding DR Form 1, counsel shall respond directly to the requesting party and shall file a certificate in the Court file with a description of the items furnished, the date furnished, and signature of counsel.

32.7 Request for Production of Documents in Civil Cases

When a party makes a response to a request for production of documents, a copy of said documents shall not be filed in the Court file unless so ordered by the Court. When a party is making a response to the request for production of documents, the party shall respond directly to the party making the request and file with the Clerk of the Court a certificate with a description of the items furnished, the date furnished, and signature of counsel.

32.8 Form of Objections to Interrogatories, Request for Documents And Things, Requests for Admissions and of Genuineness of Documents, and Requests For Physical and Mental Examinations; Request for Oral Argument

(1) A party who files objections to any requests for discovery made pursuant to Supreme Court Rules 57, 58, 59 and 60 or objections to answers to said discovery shall set forth the objection(s) in a separate pleading. The pleading shall restate the interrogatory request, or answer in full, giving the number thereof. The objection shall state the specific reasons why the matter is objectionable.

(2) Notwithstanding Local Rule 33.1, if a party requests oral argument on any said objection, said request will be printed in bold type on the face of the pleading which states the objection, giving the time needed for oral argument. If the non-objecting party requests oral argument, that party shall, within five (5) days of the receipt of the objection follow the procedure set forth in Local Rule 33.1. Absent a request for oral argument, said objection will be ruled upon by the Court without hearing and counsel notified of the ruling.

33. PRETRIAL MOTIONS

33.1 Hearing Dates

If the pleadings, motions, or other papers require action of the Court thereon, and cannot be heard ex parte, or cannot be ruled on without a hearing, a request for hearing thereon shall be filed with the secretary of the Court, who shall thereafter obtain a hearing date and give all parties at least seven (7) days notice of said date. A party who requests such a hearing shall file clear, concise and pertinent suggestions in support of his position with the Clerk of the court simultaneously with the filing of such motion, pleading or other paper. Provided, however, that a party filing a motion for temporary maintenance or temporary child support shall not be required to file suggestions in support of such motions. A request for hearing or oral argument may be granted or refused at the discretion of the Court and all parties shall be notified of the Court's decision and action thereon.

33.2 Briefs in Support of Motions, When Required

(See 33.1)

33.3 Oral Arguments – When Desired and How Requested

(See 33.1)

33.4 Motions in Limine

(No local rule)

34. CONTINUANCES

34.1 Civil Cases

All motions for continuance must be filed seven (7) days before trial and no application for a continuance will be considered by the Court not filed as aforesaid, unless the applicant for continuance shall show that, considering the reason for the continuance and the time when the applicant obtained knowledge of that reason, the motion for continuance, though not filed at least seven (7) days prior to the trial date, is nevertheless timely filed and in such event, the Court in its discretion, may grant the continuance.

34.2 Criminal Cases

Continuances shall be granted only on Court order for good cause shown. The application for continuance shall be in writing, signed and verified by the attorney for the State if filed by the State. If the application is filed on behalf of the Defendant, it shall be signed and verified by the Defendant. All applications shall set forth facts upon which the application is based.

35. PRETRIAL CONFERENCES

(No local rule)

36. SETTING CASES FOR TRIAL

36.1 Request for Trial

Any party may, in writing, request a trial setting. A written request to the trial judge shall reflect that a copy thereof has been mailed to opposing counsel; written objection to a trial setting must be filed within seven (7) days after receipt of said notice. Such objection must specify the reasons why the case should not be set for trial. Upon receipt of such written objections, the Court will then set the request for hearing on a date certain and notify the parties.

The following are some, but not necessarily all, of the specific objections which should be filed in opposition to a request for trial setting:

(a) That the Court should set the time and place for a pretrial conference. the subjects to be covered at said pretrial conference should be specifically set forth in the objection.

(b) That there are specific questions of law or evidence of which the Court should be apprised and to which the parties are entitled to a ruling prior to the commencement of the trial.

(c) Any matter that could properly be raised by a motion in limine.

(d) Any other legitimate reason why the trial setting should be delayed.

When no objection is filed to the request for setting or following the hearing upon the objection filed in opposition to a request for setting, the Court will set the case for a date certain.

36.2 Date of Calendar Call

(No local rule)

36.3 Preparation of Calendar

(No local rule)

36.4 Calendar Call

(No local rule)

36.5 Removal and Inactive Calendar

(No local rule)

36.6 Revision of and Removal from Prepared Calendar

(No local rule)

36.7 Special Assignments

(No local rule)

37. DISMISSALS

37.1 Dismissal Docket

The Judges of the Circuit may annually, at such time as may be designated by the Court, review their respective files, both at Carthage and at Joplin, and in any pending action wherein it shall appear upon said review that there has been no docket entry for a period of one year immediately prior to the date of such review, the Clerk shall forthwith, in writing, notify counsel for all parties that said action is set for a day certain for dismissal for failure to prosecute. Said written notice shall be mailed by said Clerk to all counsel of record not less than ten (10) days prior to the date of said setting. Except for good cause shown, on the date designated in said notice, such action shall be dismissed for failure to prosecute at the cost of the plaintiff or plaintiffs.

37.2 Reinstatement of Cause

(No local rule)

SETTLEMENT AND DEFAULT

41. SETTLEMENT

41.1 Notice of Settlement

When a case is set for trial and is thereafter settled, counsel shall immediately notify the Court so that time can be allotted to another case.

42. DEFAULT

When any case or matter is called for hearing and either or both parties fail to appear, the same may be dismissed for want of prosecution without prejudice or judgment entered, or other appropriate order made in the discretion of the Judge.

TRIALS

51. COURT-TRIED CASES

(No local rule)

51.1 Default and Uncontested Matters

(No local rule)

51.2 Contested Matters

(No local rule)

51.3 Preparation of Findings of Fact and Conclusions of Law

(No local rule)

52. SELECTION OF JURY

(No local rule)

52.1 Jury Questionnaires

(No local rule)

53. JURY TRIALS

(No local rule)

53.1 Instructions

In all civil trials, all instructions that any party can reasonably anticipate giving on any issue on which they bear the burden of proof, shall be furnished to the trial judge with a copy to all counsel at least 14 days in advance of trial. All converse instructions shall be furnished to the Court and counsel at least 7 days in advance of trial. This rule requires the Plaintiff to submit a full packet of completely packaged instructions 14 days in advance of trial.

53.2 Closing Arguments

(No local rule)

53.3 Juror Note-Taking

Notwithstanding the effective date of these rules, as amended, this Local Court Rule shall be effective January 1, 2002, when Rule 69.03, Missouri Rules of Civil Procedure, as amended, becomes effective.

To fully implement the mandatory provisions of said Rule 69.03, juror note-taking shall be permitted upon the Court's own motion or upon the request of any party or juror. Said request shall be made before the jury is sworn. If the request is not timely made, the Court may, in its discretion, deny the request.

The jury shall be made aware of their right to request permission to take notes. If a request is timely made, the bailiffs shall supply stenographic note pads with an appropriate cover clearly marked with the juror number to each juror and alternate jurors before opening statements. The bailiffs shall pick up the note pads at each recess and deliver them to the Court, and the Court shall insure that they are kept secure and not reviewed by anyone. The note pads shall be redistributed when Court reconvenes. At the conclusion of the trial and before the jury is discharged, the bailiff shall retrieve each note pad and immediately destroy all the notes without their review by anyone. The destruction shall be under Court supervision.

54. JUDGMENT ENTRY

54.1 Contested Cases

When so directed by the Court, counsel shall prepare an appropriate judgment and shall furnish the same to the Court for approval when the matter is heard.

54.2 Default or Uncontested Cases

(See 54.1)

61. ADOPTION

(No local rule)

61.1 Filing Requirements

(No local rule)

61.2 Home Study

(No local rule)

62. DRIVERS' CASES

(No local rule)

62.1 Applications for Hardship Driving Privileges

(No local rule)

62.2 Petitions for Review

(No local rule)

62.3 Breathalyzer Test

(No local rule)

63. ASSOCIATE DIVISION CASES

(No local rule)

64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO 1978 (COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)

(No local rule)

65. CIVIL COMMITMENT

(No local rule)

66. CONDEMNATION

(No local rule)

67. CRIMINAL CASES

67.1 Pretrial Release

67.1.1 Motions to Set Bond and for Bond Reduction

(No local rule)

67.1.2 Deposit of Operator's License

(No local rule)

67.1.3 Qualifications of Bondsmen

Sureties may file their qualifications with the Presiding Judge who will inform the other judges of the persons who have qualified pursuant to law.

Approval of sureties and bail bonds is discretionary with the judge presiding in each division.

On or before June 1st of each year the judge presiding in each division shall inform the Prosecuting Attorney and the Sheriff of Jasper County, Missouri, the names of sureties approved in the judge's division. Said list shall be updated by each judge as may be required.

67.1.4 Release of Information to Bondsmen in a Closed File

After any file has been closed, a person posting bond or other form of surety may be advised of the status of the claim or charge for which the bond or surety was filed.

67.2 Preliminary Hearing

(No local rule)

67.3 Grand Jury

Grand Juries shall be summoned, qualified and impaneled on the call of a majority of the Court En Banc.

The Presiding Judge shall charge and supervise the grand jury with the advice and consent of a majority of the Court En Banc.

67.4 Attorneys

(No local rule)

67.5 Arraignments

(No local rule)

67.5.1 In General

(No local rule)

67.5.2 Dates

(No local rule)

67.6 Discovery

(No local rule)

67.7 Motions

(No local rule)

67.8 Plea Bargaining

(No local rule)

67.9 Guilty Plea

(No local rule)

67.9.1 Where Entered

(No local rule)

67.9.2 Petition to Enter a Plea of Guilty

(No local rule)

67.10 Calendar

(No local rule)

67.11 Probation and Parole

(No local rule)

68. DISSOLUTION OF MARRIAGE

68.1 Filing Requirements

In all cases for dissolution, separate maintenance or annulment of marriage, counsel shall file with the petition the Vital Statistic Certificate required by law. Forms may be obtained from the Clerk of the court.

68.2 Separation Agreement

(No local rule)

68.3 Child Support

Civil Procedure Form No. 14, as provided for by Rule 88 of the Supreme Court of Missouri shall be filed with the Clerk of the Court before trial or hearing by each party in all domestic relations cases where child support is to be determined.

68.4 Forms of Decree

(No local rule)

68.5 Filing of Financial Statements

(No local rule)

68.6 Modification of Decree

(No local rule)

68.7 Payment of Child Support and Maintenance

All payments of child support and maintenance being paid through the court shall be paid directly to the Family Support Payment Center, P.O. Box 109002, Jefferson City, Missouri, 65110-9002.

68.8 Parent Education Program

As required by Section 452.600 RSMo., effective August 28, 1998, in a petition for dissolution of marriage, motion to modify same or any postjudgment proceeding involving custody or support, where there is at least one unemancipated child named in the action, all parties to the action shall attend Focus on Kids, a court approved educational session to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects.

All parties shall attend said program within sixty (60) days after service of process or of receipt of the petition or motion if service is waived. Proof of attendance shall be filed in the Court file. Certification of attendance shall be made to the Court or Division Clerk before any case is set on the docket for final disposition. If parties fail to attend the session as required by this rule and Missouri law, they risk their action being dismissed or responsive pleadings stricken. The Court may also impose any other sanction appropriate under Missouri law.

This rule may be waived by the Court upon application of a party showing good cause. In accordance with Section 452.605 RSMo., "good cause" includes, but is not limited to, situations where the parties have stipulated to the custody and visitation of the child or children in issue.

68.9 Family Access Fee

(No local rule)

68.10 Temporary Custody and Visitation

Upon the filing of a verified petition, absent an enforceable court order to the contrary, the parent with actual custody of any minor unemancipated child(ren) of the marriage shall have temporary legal custody as currently provided by law. Such temporary custody shall be subject to the reasonable visitation rights of the other parent however, which visitation shall include the following minimum periods for children two (2) years of age and above:

One weekday evening each week from 6:00 p.m. to 8:00 p.m.; alternate weekends from 6:00 p.m. Friday to 6:00 p.m. Sunday; the visitation parent's birthday and the birthday of each child, from 9:00 a.m. (or the time the child's school is out) until 8:00 p.m.; Thanksgiving, July 4th, Labor Day and from the beginning of the child(ren)'s school vacation for Christmas until 9:00 a.m. Christmas Day in even numbered years; Memorial Day, Easter and from 9:00 a.m. on Christmas Day until the end of the child(ren)'s school vacation in odd numbered years.

For children below the age of two (2) years visitation shall be as set forth above, but shall not include any overnight visitation, and the daytime hours shall be from 9:00 a.m. to 6:00 p.m.

These minimum reasonable temporary visitation rights may not be altered, modified or amended except by mutual agreement of the parents or by specific court order. The parent obtaining physical custody of the child(ren) shall provide transportation. The parents are obligated to exchange information with one another concerning the health, education and welfare of the child(ren). Access to records and information pertaining to the minor child(ren) including, but not limited to medical, dental and school records, shall not be denied to the non-custodial or visiting parent.

68.11 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, actions for declaration of paternity, and change of name may be entered upon the affidavit of either or both parties when:

(a) The Respondent in an action for dissolution of marriage, legal separation, declaration of paternity or change of name has been served in a manner provided by the Missouri Rules of Civil Procedure and is in default; and in all actions for change of name where there is no named Respondent; or

(b) 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

(c) The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleadings; and

(d) There is no genuine issue as to any material fact; and

(e) 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 submitting 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.

68.12 Mediation of Child Custody and Visitation – Mediation Defined

Mediation under this local rule is the process by which a neutral mediator, selected by the parties or appointed by the court, assists the parties in reaching a mutually acceptable agreement as to issues of child custody and visitation. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise, and finding points of agreement. An agreement reached by the parties is to be based on the decisions of the parties and not the decisions of the mediator. The agreement reached can resolve all or only some of the disputed issues.

68.13 Mediation – When Ordered – Appointment of Mediator

(1) In every case filed after January 1, 2005, involving contested issues of custody and/or visitation, the parties shall participate in a minimum of two hours of mediation pursuant to Missouri Supreme Court Rule 88.02 through 88.08 and this local rule unless waived by the court or hereinafter set forth. In all family-law related cases referred to mediation by the terms of this rule, the parties are encouraged to mediate any or all other issues including, but not limited to, child support, property division and maintenance. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties and the mediator.

(2) If mediation is appropriate under this rule, then the parties shall do the following within sixty days of filing of the petition: select a mutually agreeable mediator, schedule the initial mediation session and notify the court of the proposed date and the name of the mediator. Mediation shall be completed within thirty days of notification of the court.

(3) If the parties cannot agree upon a mediator within the sixty day period they shall notify the court in writing and the court shall appoint a mediator from the court approved list.

(4) Some cases may be inappropriate for mediation, which may include those with a history of domestic violence. If the case is deemed inappropriate for mediation due to domestic violence or for any other reason determined by the mediator, the mediator shall notify the court in writing.

(5)The mediator shall inform the court of his/her acceptance of appointment in writing. Within ten days of completion of mediation the mediator shall file with the court a notice indicating the compliance with the minimum two hours of mediation pursuant to this rule, notice of the completion of the case as to whether or not the issues were settled, and any memo of understanding of the parties.

68.14 Mediation – Qualification of the Mediator

Any person wanting to be appointed as a mediator shall be qualified under the provision of Supreme Court Rule 88.05 and shall submit proof of said qualifications to the office of the Circuit Clerk. Disqualifications of a mediator shall be ordered upon the filing of a written application within ten days of appointment. Each party is entitled to one disqualification. The Circuit Clerk shall maintain a list of qualified mediators including their name, phone number, address, and what they will charge for the initial two hour session.

68.15 Duties of the Mediator

(1) The mediator in writing shall:

(a) Inform the parties of the costs of mediation;

(b) Advise the parties that the mediator does not represent either or both of the parties;

(c) Define and describe the process of mediation to the parties;

(d) Disclose the nature and extent of any relationships with the parties and any personal, financial, or other interest that could result in a bias or conflict of interest;

(e) Advise each of the parties to obtain independent legal advice;

(f) Disclose to the parties' attorneys any factual documentation revealed during the mediation if at the end of the mediation process the disclosure is agreed to by the parties;

(g) Ensure that the parties consider fully the best interests of the children and that the parties understand the consequences of any decision they reach concerning the children.

(2) The mediator may meet with the children of any party and with the consent of the parties, may meet with other persons.

(3) The mediator shall make a written memorandum of any understanding reached by the parties. A copy of the memorandum shall be provided to the parties and their attorneys, if any, at the time of filing notice of compliance. The mediator shall advise each party in writing to obtain legal assistance in drafting any agreement or for reviewing any agreement drafted by the other party.

68.16 Termination of Mediation

(1) At any time after two hours of mediation either party may terminate mediation.

(2) The mediator shall terminate mediation whenever the mediator believes:

(a) The continuation of the process would harm or prejudice one or more of the parties or the children; or

(b) That the ability or willingness of any party to participate meaningfully in mediation is so lacking that a reasonable agreement is unlikely.

(3) The mediator shall report the termination of mediation to the court. The mediator shall not report the reason for the termination unless the mediator believes the court should appoint a different mediator in the case.

68.17 Confidentiality

(1) Mediation proceedings shall be regarded as settlement proceedings. With the exception of information released pursuant to 88.06(a)(6), any communications relating to the subject matter of such disputes during the mediation by any participant, mediator, or any other person at the mediation shall be a confidential communication.

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

68.18 Setting of Domestic Cases For Trial

No case shall be set for trial without the parties furnishing to the court proof that the rules dealing with mediation have been followed.

68.19 Payment For Mediation

Each party shall pay to the mediator one half of the fee prior to the start of mediation. Any party may ask the court to order reimbursement of the mediation fee from the other party at the final hearing of the case. No amendment in pleadings is required to make this request.

69. MUNICIPAL DIVISION

In municipal ordinance violation cases which are heard in Division IV, the fine and costs are to be collected and disbursed by the Jasper County Sheriff's Department, the proceedings are conducted in the courtroom at Carthage or Joplin. The Sheriff's Department shall collect and recover the sum of \$2.00 as service cost for each execution related to a municipal matter unless the defendant is found indigent by the court.

If municipal ordinance violation cases are heard by Division IV in facilities provided by a municipality, the fine and costs shall be collected and disbursed by the Municipal Clerk. If the municipality has no City Clerk, the fine and costs shall be collected and disbursed in accordance with Section 479.260.

70. PARTITION

(No local rule)

71. ADMINISTRATIVE REVIEWS

(No local rule)

72. PROBATE

(No local rule)

73. SMALL CLAIMS

(No local rule)

74. TRUST ESTATES

(No local rule)

74.1 Inventory

(No local rule)

74.2 Reports

(No local rule)

74.3 Record

(No local rule)

74.4 Audit

(No local rule)

POSTTRIAL

81. EXECUTION

Executions shall issue only upon request of the party entitled thereto or counsel representing said party. Forms therefor shall be furnished by the Clerk.

82. GARNISHMENT

(No local rule)

83. JUDICIAL SALES

(No local rule)

INTERNAL ORGANIZATION

100.

100.1 PRESIDING JUDGE

100.1.1 Election

A meeting of the Judges of Divisions I, II, III, IV, V, and VI of this Circuit shall be held during the month of November in each even numbered year for the purpose of electing a Presiding Judge. Such meeting shall be called by written notice signed by the Presiding Judge or by any two judges of the circuit. The Presiding Judge shall be elected by a majority vote of all the Judges of Divisions I, II, III, IV, V, and VI of this Circuit by secret ballot taken at such meeting. The Presiding Judge shall take office at midnight on December 31st next following his election and shall serve for a term of two years.

100.1.2 Duties of Presiding Judge

The Presiding Judge shall have those powers set forth in Section 478.240 RSMo. subject to the limitations set forth in said section.

The Presiding Judge shall call such meetings as the business of the Court may require. A record of the meetings may be preserved if requested by any judge. Any Judge of Divisions I, II, III, IV, V, or VI may request the calling of a meeting.

All orders issued by the Presiding Judge shall be in writing and filed in the Office of the Circuit Clerk, unless otherwise directed by the judges.

100.1.3 Dispute Resolution – Procedure

(No local rule)

100.2 Local Court Rules

100.2.1 Formulation

(No local rule)

100.2.2 Publication

(No local rule)

100.3 Library Fund

(See 5.1)

100.4 Storage of Records

(No local rule)

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 Reporter's 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

The Clerk of this Court shall comply with Section 484.310 RSMo. 1978 concerning monies paid into Court. No interest earned on any such monies shall be expended by the Circuit Clerk except with the approval of the Presiding Judge.

100.5.2 Clerk Appointed Trustee

Upon notification from the Missouri Department of Social Services of a client's assignment of support rights to the Division of Family Services pursuant to 454.415 RSMo. 1986, notification from the Missouri Division of Social Services that a client has requested collection service from the Division of Social Services pursuant to 454.430 RSMo. 1986 of the filing of an Administrative Order by the Missouri Division of Social Services pursuant to 454.495 RSMo. 1986, the Circuit Clerk is appointed trustee for all support payments due, including arrearages accrued until further order of this court.

100.5.3 Clerk Appointed Process Server

Pursuant to Section 506.140 RSMo. 1986, as amended, the Circuit Clerk may appoint a special process server for an individual case in which a special process server is requested by a party. The order appointing the individual shall designate the special process server by name and address and said order shall designate the process being served. The appointment shall be for the service of the designated process only.

100.6 Selection of Venirepersons

Venirepersons shall be summoned on or before the first Tuesday of January, March, May, July, September and November of each year or as soon thereafter as possible.

The Venirepersons drawn shall be available for jury trials, either criminal or civil, during the sixty (60) day period for which they are called, in either Joplin or Carthage.

(a) The names and present address (if living) of each respective spouse and the date and place of marriage to each respective spouse;

(b) The names and dates of birth of each child born of each respective marriage;

(c) For each such marriage, state if prior marriages were terminated by death or dissolution (divorce) and if by dissolution, state the location of each such decree of dissolution, including city, state, court and case number; and

(d) If the marriage was terminated by death, state the date and place of death of each spouse.

(6) Have you ever been convicted of a felony or misdemeanor? If your answer to this interrogatory is anything other than an unqualified "no", please state the name, date and place of each court in which the conviction was entered, describe the name of the charge involved, and the penalty or fine imposed.

(7) Do you expect to call at trial any expert witness, whether or not the witness has been retained by you or on your behalf? If so:

(a) As to each retained expert witness, state the expert's name, address, occupation, place of employment and qualifications to give an opinion, the general nature of the subject matter on which the expert is expected to testify, and the expert's hourly deposition fee;

(b) As to each non-retained expert witness, state the expert's name, address, and field of expertise.

(8) What is the extent of your formal education?

(9) Regarding the accident described in the petition, state the names and addresses of each person known to you, your attorneys, insurers, or representatives as follows:

(a) Who witnesses or claimed to have witnessed the accident;

(b) Who claimed to have been at or viewed the scene of the accident or any of the participants within sixty minutes after it occurred;

(c) Who claimed to be a witness to any skid marks, gouge marks, debris or other physical evidence resulting from the accident, and;

(d) Who were occupants in the vehicle you were driving.

(10) State whether any photographs were made of the scene of the accident described in your petition which show the vehicles in their final resting place, or any skid marks, gouge

marks, debris or other physical evidence which you claim or allege resulted from the accident; and state whether any photographs were made of any of the vehicles involved in the accident which reflect their physical condition immediately after the accident; and state whether any photographs were made of any of the persons involved in the accident which reflect their physical condition immediately after the accident; and state whether any photographs were made of any of the persons involved in the accident which photographs reflect their physical condition or injuries received as a result of the accident. If your answer is anything other than an unqualified "no", please state:

(a) The number of photographs taken and a general description of the items depicted in each respective photograph; and

(b) The date and time that each photograph was taken and the name, address and telephone number of the present custodian of each picture.

(11) In the twenty-four hour period immediately preceding the accident described in plaintiff's petition, did you consume any alcoholic beverage? If your answer is in the affirmative, state:

(a) The type of each such beverage consumed; and

(b) The quantity of each such beverage consumed, together with the location and approximate time such beverage was consumed.

(12) In the twenty-four (24) hour period immediately preceding the accident described in plaintiff's petition, did you take any form of drug, narcotic, sedative, tranquilizer, or other medication? If your answer is in the affirmative, please state:

(a) The nature of the drug, narcotic, sedative, tranquilizer, or medication taken;

(b) The time of taking same;

(c) The dosage taken;

(d) The reasons for taking same; and

(e) Whether such drug, narcotic, sedative, tranquilizer or medication was obtained through a prescription and, if so, the name and address of the person prescribing same.

(13) If you were riding in a vehicle involved in the collision mentioned in plaintiff's petition, please describe the vehicle you were riding in identifying same by make, model and the name and address of the owner.

(14) If you were operating a vehicle at the time of the accident described in the petition, did you hold a valid operator, chauffeur or other type of driver's license? If your answer to this interrogatory is anything other than an unqualified "no", please state the following:

- (a) The type of license and date of issuance;
- (b) The state of issuance;
- (c) Restrictions, if any;
- (d) Any points against the license at the time of the accident; and

(e) Whether you have ever had an operator or chauffeur license suspended, cancelled or revoked? If your answer is anything other than an unqualified "no", please state:

- (i) The date of each such revocation;
- (ii) The reason of each such revocation; and
- (iii) The inclusive dates of each such revocation.

(15) With regard to the trip which you were making at the time of the accident, please describe the starting point of said trip, your ultimate destination, any stops made before the accident and any intended stops and the route you had or intended to follow.

ADDITIONAL INTERROGATORIES DIRECTED TO DEFENDANTS

(1) At the time of the accident described in plaintiff's petition, were you performing any job, task, favor, or undertaking for or on behalf of any person, business, partnership or corporation? If so, state:

(a) The name and address of the person or entity for whom you were performing such job, task or undertaking; and

(b) The nature of the job, task, or undertaking you were performing.

(2) At the time of the accident described in plaintiff's petition, did a policy or did policies of liability insurance cover and/or the vehicle you were operating? If your answer is in the affirmative, state for each policy:

(a) The name and address of each insurer;

(b) The name and address of each named insured under each policy;

(c) The policy number of each policy;

(d) The nature of the coverage provided under each such policy;

(e) The limits of liability afforded under each such policy;

(f) The name and address of the custodian of each such policy; and

(g) Attach a copy of each and every such insuring agreement or policy to your answers to these interrogatories.

ADDITIONAL INTERROGATORIES DIRECTED TO PLAINTIFFS

(1) Except for the present lawsuit, have you ever had or made any other claims or suits for injury or disability: If your answer to this interrogatory is anything other than an unqualified “no”, please state:

(a) The approximate date of each such other claim or suit;

(b) The nature of your claimed injury or disability;

(c) The name and address of each person, firm or corporation against whom such claim or suit was filed;

(d) The name and address of the court, commission or other body before whom such claim or suit was filed, if any, and the amount of money received by you by way of settlement or judgment for each such claim or suit;

(e) The approximate date, location and circumstances of the occurrence causing you injury or disability;

(f) The names and addresses of all doctors, hospitals, or other practitioners who examined or treated you for any claims or injuries or disabilities as mentioned above; and

(g) The name and address of the insurance company, if any, with which you filed a claim for injury or disability.

(2) Have you, during the five (5) years immediately prior to answering these interrogatories, made written application for health, life, accident or disability insurance? If your answer to this interrogatory is anything other than an unqualified “no”, then state the nature of each such application, the person or business entity to whom such application was submitted, the date of each respective application, and the address to which each application was submitted.

(3) Are you making a claim for lost income or wages, either past or future, due to the accident described in your petition? If your answer to this interrogatory is anything other than an unqualified “no”, please state:

(a) The amount of loss being claimed for past wages and future;

(b) State the method of calculation of such lost wages, including amount of time lost, hourly wages, commissions, piece work, salary, etc.; and

(c) Please state whether you have worked or been employed since the date of the accident described in your petition, and if so, please state the date you first returned to work.

(4) Have you made a complete recovery from the personal injuries which you claim arose out of the accident described in your petition? If your answer to this interrogatory is anything other than an unqualified “yes”, please state the following:

(a) Describe the injuries which you contend you received;

(b) Describe those complaints and injuries from which you are presently suffering and describe the complaints and injuries from which you have recovered; and

(c) State the name and address of the persons who have knowledge of your injuries.

(5) State the name and address, including street, city and state, of each healthcare provider or healthcare institution, where you have been seen, treated or examined for all injuries for which you are seeking recovery in this action.

(6) State the name and address (street, city and state) of each healthcare provider, or healthcare institution, where you have been seen, treated or examined within the last fifteen (15) years immediately prior to the date that you answered these interrogatories not otherwise disclosed in your answers to these interrogatories.

(7) Have you suffered any significant physical or mental injury, illness or disease either before or since the date of the accident referred to in your petition? If your answer to this interrogatory is anything other than an unqualified “no”, state:

(a) Describe the nature of each such injury and the date, place and circumstances of each such injury as well as the names and addresses of all witnesses to said injury; and

(b) If the circumstances were such as to require investigation by any police or law enforcement or insurance company officials, give the name and address of each such police agency, insurance company or investigator.

(8) Please itemize all medical special damages for which you are seeking recovery in this action.

(9) Please state whether any recovery which may be made by you in this action, whether by settlement or judgment, is subject to any right of subrogation, assignment or lien, statutory or otherwise? If your answer to this interrogatory is anything other than an unqualified “no”, please state:

(a) The nature and amount of each such interest, claim or lien; and

(b) The name and address of each party claiming such interest, lien or claim.

(10) Have you received any money from or on behalf of anyone for the injuries you claim to have received in this accident? If so, state:

(a) The amount of money received; and

(b) The source of such payments.

(11) Have any funds been expended by or on behalf of any governmental entity (such as Medicare funds, Medicaid funds, Veterans Administration funds, etc.) on your behalf in connection with any of the injuries alleged in the petition? If your answer to this interrogatory is anything other than an unqualified “no” please identify the amounts and healthcare provider to whom said funds have been paid.

INTERROGATORY TO SPOUSE OF PLAINTIFF

(1) Are you making a claim for loss of services, consortium or for medical, hospital and associated expense incurred in the treatment of your spouse? If so, please answer the following question:

(a) If you are making a claim for medical, hospital or associated expense incurred in the treatment of your spouse, state the total amount of your claim and attach an itemized list of the bills or expenses for which you are seeking recovery.

APPENDIX C
(Rule 21.6A)

IN THE FAMILY COURT OF JASPER COUNTY, MISSOURI
29TH JUDICIAL CIRCUIT

Vs	Petitioner		Case No. _____
	Respondent		

**ORDER APPOINTING GUARDIAN AD LITEM AND
ORDER TO RELEASE PROTECTED INFORMATION**

The Motion for Appointment of Guardian Ad Litem for the minor child/children in this cause comes before the Court for consideration. Pursuant to Sections 452.423 and 452.490 RSMo 2000, it is ordered as follows:

1. _____ whose address is, _____ is appointed to represent the interest of the minor child/children, _____ and shall be the legal representative of the child/children throughout these proceedings.

2. The Guardian Ad Litem shall be a party to this cause; shall be provided with copies of all pleadings and other papers herein; shall be notified before any action affecting the child/children is taken by either of the parties or their counsels; shall file such pleadings or reports and move or petition the Court for such relief as he shall deem appropriate or necessary,

and shall be a party to any stipulation or agreement (whether incidental, temporary or permanent) and to any settlement affecting the interest or welfare of the child/children.

3. Further, the Guardian Ad Litem may examine, cross examine, subpoena witnesses and offer testimony at any hearing pursuant to Section 453.423 RSMo.

4. The Guardian Ad Litem shall conduct all necessary interviews with persons having contact with or knowledge of the child/children in order to ascertain the child/children's wishes, feelings, attachments and attitudes. If appropriate the child/children shall be interviewed.

5. Upon presentation of an attested copy of this order to any agency, hospital, organization, school, person or office, including the clerk of this Court, pediatrician, psychologist, psychiatrist, Department of Social Services, Children's Division, or law enforcement agency, the aforementioned shall permit the Guardian Ad Litem to inspect and copy any records to the minor child/children and his/her/their parents.

6. The Court acknowledges the Guardian Ad Litem may request the disclosure of records and/or information which may contain individually identifiable protected health information (PHI) of or pertaining to the child/children in this case. The documents requested are or may be confidential and may not be disclosed except in compliance with the Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. Part 160. The Court finds the PHI regarding the child/children is relevant to the issues in this case and necessary for the Guardian Ad Litem to adequately represent the child/children. Disclosure is therefore reasonably necessary to these proceedings for the limited purposes of determining and pursuing the best interest of the child/children.

IT IS THEREFORE ORDERED that any “covered entity” disclosed to the Guardian Ad Litem, any and all protected health information (PHI) in the possession of the covered entity without limitation.

IT IS FURTHER ORDERED that the disclosure shall be made on the following conditions:

A. The party or person receiving the records pursuant to this Order is prohibited from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which the information is requested pursuant to 45 C.F.R. Section 164.512(e)(1)(v)(A); and

B. The Guardian Ad Litem receiving the records pursuant to this Order shall either return the protected health information disclosed pursuant to this Order to the covered entity or destroy all protected health information (including all copies made) at the end of the litigation or proceeding pursuant to 45 C.F.R. Section 164.512(e)(1)(v)(B).

7. All communications between the Guardian Ad Litem and the child/children shall be privileged, and shall not be disclosed by the Guardian Ad Litem except as he or she shall deem appropriate in the effective representation of the minor child. No party, counsel for a party, or any one else acting on behalf of a party or otherwise, shall attempt to obtain information from the minor child/children in any manner about any communication between the Guardian Ad Litem and the minor child/children.

8. The Guardian Ad Litem is hereby vested by the Court with all powers, privileges and responsibilities necessary or desirable for the full and effective performance of the Guardian Ad Litem’s duties and obligations to the child/children, and as such, shall faithfully discharge said

duties. If the Guardian Ad Litem is in doubt at any time after the scope of limitation of the authority he apply to the Court on an emergency basis if necessary for clarification or ratification of that authority and his or her acts as Guardian Ad Litem.

9. Petitioner and Respondent shall each pay to the Guardian Ad Litem the sum of \$_____ for a total temporary fee of \$_____, for Guardian Ad Litem fees, against which the Guardian Ad Litem may charge a reasonable hourly fee for time incurred in this matter. Said sums shall be paid by Petitioner and Respondent to the Guardian Ad Litem on or before _____.

Dated: _____
_____, Judge/Commissioner

Copies of the foregoing were mailed/faxed this _____ day of _____, 20____, to:

County Circuit Clerk

By _____ D.C.