

RULE 1 DIVISIONS OF COURT

The Sixth Judicial Circuit, Platte County Missouri shall consist of five (5) Divisions as follows:

Division I – Thomas C. Fincham

Division II – James W. Van Amburg

Division III – Abe “Quint” Shafer

Division IV – W. Ann Hansbrough

Division V – Dennis C. Eckold

RULE 2 HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

All divisions shall open at nine o'clock in the forenoon on each day of Court. Special appointments and settings for any other time shall be made with the Judge of the division involved. Attorneys representing parties and Pro Se litigants in jury cases are expected to be in the courtroom by 8:30 a.m. on the first day of trial.

2.2 TERMS OF COURT

The terms of Court shall begin on the first Monday in January, first Monday in May, and first Monday in September.

2.3 LAW DAYS

(NO LOCAL RULE)

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

(NO LOCAL RULE)

RULE 3 PLEADINGS

3.1 CAPTION AND STYLE

All pleadings, motions and papers filed in any cause shall be in compliance with Missouri Supreme Court Rules.

RULE 4 FILING OF CASES

This Local Rule 4 is promulgated under the authority of Missouri Supreme Court Operating Rule 27 and Missouri Supreme Court Rules 43.02(c) and 103.

4.1 All cases, except Probate cases, shall be filed in the Platte County Circuit Clerk's Office in categories of case styles, sequence numbers and particular types of cases as provided in this rule. All Probate cases shall be filed in the Probate Division.

4.2 All cases will have a prefix and number in accordance with the Administrative Rules of the State of Missouri.

4.3 Effective October 1, 2014, all documents and papers filed by attorneys in cases pending in Platte County must be filed electronically, provided that no document may be so filed which exceeds 30 pages in length absent prior court authorization. Cases which require the payment of a filing fee or cost deposit shall be filed electronically and said filing fee or costs shall be paid pursuant to Supreme Court Rule. Non-attorneys are permitted to file papers in the office of the appropriate clerk based on case type. Those documents filed by non-attorneys will be scanned into the electronic file and maintained electronically. Any exhibit stickers placed on documents which are e-filed shall be white with black numbers or letters because other colors do not scan well. All pages, including the first page, of all e-filed pleadings shall be numbered.

Notwithstanding the above, complaints, indictments, informations, documents filed in the municipal divisions, and documents prepared within a courtroom during trials and hearings may be filed on paper.

4.4 Risk of loss in transmission, receipt or illegibility is upon the party so transmitting and filing. If the document is not received or is illegible, it is deemed not filed, except that in the case of partial illegibility, that part which is legible is deemed filed.

4.5 The person filing a pleading or other document shall retain the original and make it available upon order of the Court.

4.6 Court orders, judgments or decrees, including warrants and search warrants may be transmitted to the Clerks of the various divisions or others by electronic transmission, and until receipt of the originally signed

document as herein provided, they shall have the same effect and be acted upon by all persons as if they were the original executed by the Court.

4.7 The next business day following entry of an order which has been filed under this rule, the court shall cause the original of the same to be transmitted to the Clerk of the division so as to be received by the fifth business day following the filing of the same by electronic transmission. For purposes of this rule, “business day” is defined as: any day, not a Saturday, Sunday or legal holiday recognized as such by the Missouri Supreme Court through the Office of the State Courts Administrator.

4.8 In the event the electronic network provided by the Office of State Courts Administrator (which is the network the courts operate under) fails for whatever period of time, all parties are advised to have a “back-up” copy of all documents, exhibits and evidence available for the courts and parties to try to use when such network might be inoperable. This circuit will, in addition, endeavor to develop its own alternative plans to address this situation.

RULE 5 FEES AND COSTS

5.1 FILING FEES AND COST DEPOSITS

In all cases filed in this Circuit, there shall be paid to the Circuit Clerk, for which the Circuit Clerk shall issue a receipt, the proper filing fees as set forth by the Circuit Clerk for the particular action filed. A list of current filing fees can be obtained from the Circuit Clerk's office, and same shall be published on the Platte County Circuit Court website www.plattecircuit6.com. None of the filing fees include service fees unless noted.

Attorneys filing cases shall pay said fees pursuant to an approved method as set forth in Rule 4 of these rules.

Pro-se litigants filing cases shall pay via credit/debit cards, cashier's checks, money orders, or cash. No personal checks shall be accepted.

All satisfactions of judgment or releases of judgment need to be notarized and contain a statement as to whether or not the Court costs have been satisfied.

PROBATE: The deposit required for Probate cases shall be in an amount equal to the fees set forth in Missouri Supreme Court Operating Rule 21.

5.2 WITNESS FEES

(NO LOCAL RULE)

5.3 WAIVER OF FEES

Applications to the court for permission to sue as a poor person must be accompanied by the petition (unless already filed) and by an affidavit stating the inability of the applicant to pay or provide security for the costs of the suit and whether any prior application to proceed as a poor person has been made in the cause. The judge assigned to the case shall determine whether the application will be granted.

5.4 MOTION FOR SECURITY FOR COSTS

All motions for security for costs shall be filed pursuant to Missouri Supreme Court Rule 77.

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

6.1 ASSIGNMENT OF CASES BY LOCAL COURT RULE OR ORDER

6.1.1 The following classes of cases are assigned and shall be filed by the Circuit Clerk of Platte County, Missouri as follows:

A. All actions for Dissolution of Marriage, Legal Separations, Child Support, Separate Maintenance, Child Custody, Family Access Motions, and Petitions for Orders of Protection for Adults, including injunctive relief thereto, shall be assigned equally, at random, to Division III and IV. Petitions for Orders of Protection of Children shall be assigned to Division IV.

B. All Actions for child support enforcement and cases arising under the Uniform Child Custody Jurisdiction and Enforcement Act shall be assigned equally, at random, to Divisions III and IV. All Paternity cases shall be assigned to Division I.

C. All cases of misdemeanors, except bad check cases and criminal non-support cases are assigned to Division V. All cases of infractions, except as noted herein, are assigned to Division V. All bad check cases and criminal non-support cases are assigned equally, at random, to Divisions III and Division IV. All misdemeanor charges involving driving while intoxicated, driving while suspended, and driving while revoked and the companion tickets thereto are assigned to Division V. All other traffic is assigned to Division V.

D. Felony cases prior to the filing of an information shall be assigned equally, at random, to Divisions III and Division IV.

E. Small claims cases as provided in R.S.Mo. 482.300 through 482.365 and such other cases that could have been heard and determined by an Associate Circuit Judge without assignment under provisions of law in effect on January 1, 1979, including but not limited to replevin, attachment and mechanic's lien actions where the recovery sought is less than \$5,000.00, actions for unlawful detainer authorized by Chapter 534, and actions for rent and possession authorized by Chapter 535, shall be assigned to Division V.

F. Petition for Review of Driver's License Revocation, Director of Revenue Administrative Hearings, and for Hardship Driving Privileges, shall be assigned to Division III.

G. Proceedings for Change of Name of a person, uncontested proceedings for the approval of settlements of suits involving claims by persons less than eighteen years of age and uncontested actions involving the title to real estate shall be assigned equally, at random, to Division I and Division II.

H. All civil actions and proceedings for the recovery of money under Chapter 517 R.S.Mo and any case where plaintiff elects to proceed under Section 478.250 (2) R.S.Mo shall be heard in Division V. In any case where the Plaintiff elects to proceed under Section 478.250 (2), the Plaintiff shall, at the time of the

filing of his or her petition, also file a separate pleading designating that the case be heard and determined as provided by Section 478.250 (2) R.S.Mo. The Plaintiff shall furnish the Circuit Clerk sufficient copies of this separate pleading so that one may be served on each Defendant. Said case shall remain in Division V and shall be heard on the record under the civil practice and procedure applicable before Circuit Judges.

I. All cases appealed from municipalities shall be assigned to Division V.

J. All probate matters shall be filed in Division II. The Judges of Divisions I, III, IV and V are appointed and shall have concurrent jurisdiction and authority with the Judge of Division II in all probate cases.

K. Cases may be transferred between the Divisions of the Circuit Court of Platte County, Missouri, by Order of the Presiding Judge. Where there is statutory concurrent jurisdiction, cases may be transferred by agreement of the Associate Circuit Judges.

L. All post judgment motions and applications in civil cases and criminal cases, except as otherwise provided in these Rules, shall be assigned to the Judge rendering the Judgment.

M. The Judges of Division I, Division II, Division III, and Division V shall have concurrent jurisdiction and authority with the Judge of Division IV in all domestic relations cases, and all juvenile cases, including adoptions.

N. The Judges of Division I, Division II, Division III, Division IV and Division V shall have concurrent jurisdiction and authority over all actions for Dissolution of Marriage, Legal Separations, Child Support, Separate Maintenance, Child Custody and Child Support, Family Access Motions, Petitions for Orders of Protection of Adults and Children, including injunctive relief relative thereto.

O. In the event a party to an action that is assigned to a Division presided over by an Associate Circuit Judge invokes third-party procedure or demands a jury trial, the action shall remain in that Division, and the Associate Circuit Judge of that Division shall hear said action on the record under the civil practice and procedure applicable before Circuit Judges.

6.2 SPECIAL ASSIGNMENT

(NO LOCAL RULE)

6.3 ASSIGNMENT TO CIRCUIT JUDGES

All other cases shall be assigned to Division I and II equally, at random.

6.4 CERTIFICATION TO CIRCUIT DIVISION

(NO LOCAL RULE)

6.5 TRIAL DE NOVO

(NO LOCAL RULE)

6.6 DISQUALIFICATION OF JUDGE

6.6.1 Upon application for change of judge or disqualification of a judge, the name of the Judge requested to be changed or disqualified shall be stated in the application, and the Judge shall transfer the case to the Presiding Judge for hearing or reassignment.

6.6.2 In the event a Motion for Change of Judge requests a change from the Circuit Judge who is also the Presiding Judge, the case shall be assigned to the other Circuit Judge who may hear the case or transfer the case to any available Associate Circuit Judge.

6.7 ABSENCE OF JUDGE

In the absence of any Judge, the Presiding Judge may assign another Judge to sit in the Division of the absent Judge and perform all the duties of the absent Judge.

6.8 ABSENCE OF PRESIDING JUDGE

In the absence of the Presiding Judge, or in the case of the Presiding Judge's inability to act or when it is necessary or expedient, the Presiding Judge may designate any Circuit Judge to act in the Judge's place. In the event the Presiding Judge is absent or unavailable and has failed to designate an acting Presiding Judge, the other Judge shall act as Presiding Judge. If both Circuit Judges are absent or unavailable, the Associate Judge with the most judicial seniority shall act as the Presiding Judge and continue in successive order of seniority as needed to act as Presiding Judge.

RULE 7 WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

7.1.1 No official files of the Circuit Court, or any division thereof, shall be removed from the Office of the Circuit Clerk except by employees of the Circuit Court.

7.2 DUPLICATING POLICY

7.2.1 Persons may obtain a copy of any file in the Platte County Circuit Clerk's Office, not made confidential by Statute or Court Order, at a cost of \$1.00 per page. Certification or authentication of the copied text requires an additional cost of \$1.00. Persons may obtain a copy of any file in the Probate Clerk's Office, not made confidential by Statute or Court Order, at a cost of \$1.00 per page. Certification or authentication of the copied text requires an additional cost of \$1.50.

7.2.2 No charge shall be made for attested, certified or authenticated copies of documents furnished to any department of Platte County, Missouri, to any state agency or department where such copies are requested in connection with any pending proceeding, or to any party who has been allowed to proceed in forma pauperis.

7.2.3 The Circuit Clerk's Office shall not photocopy any depositions or written transcripts on file with the Court unless ordered by a Judge.

RULE 8 PUBLICATIONS OF DOCKETS

(NO LOCAL RULE)

8.1 TRIAL DOCKET

(NO LOCAL RULE)

8.2 DISMISSAL DOCKET

(NO LOCAL RULE)

RULE 9 COURTROOMS

(NO LOCAL RULE)

9.1 ASSIGNMENT OF COURTROOM

(NO LOCAL RULE)

9.2 PLACE OF HEARING

(NO LOCAL RULE)

9.3 USE OF COUNSEL TABLE

9.3.1 Objections shall ordinarily be made at the counsel table.

Attorneys shall not come to the bench without permission of the Judge.

9.3.2 Attorneys shall not lean upon the bench nor appear to engage the Judge in a confidential manner.

9.4 COURTROOM DECORUM AND DRESS

9.4.1 Appropriate attire shall be worn by all attorneys and parties while in Court. Judicial discretion may be exercised otherwise in extreme situations.

9.4.2 The swearing of witnesses shall be an impressive ceremony and not a mere formality.

9.5 WHO IS PERMITTED WITHIN THE BAR

9.5.1 During the trial of any case, or the presentation of any matter to the Court, no person, including members of litigants' families, shall be permitted within the Bar of the Courtroom proper, other than attorneys, Court personnel, litigants and witnesses called to the stand, except by leave of Court.

RULE 10 COURT REPORTERS, TRANSCRIPTS AND COSTS

10.1 Preparation of any transcript by an official court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. If any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript. If the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due prior to the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it.

10.2 Transcripts of all recorded hearings and other Court proceedings will be prepared only by the Office of State Courts Administrator Transcribing Services or by a certified court reporter at the expense of the requesting party. This rule applies whether the commemoration of the event be made by the reporter himself/herself or by electronic recording device, unless directed by statute or Supreme Court Rule. Audio recordings are not available pursuant to the local court rule.

10.3 All transcripts of cases on appeal recorded on electronic sound recording shall be prepared by the Office of State Courts Administrator or by an official court reporter.

10.4 All transcripts of cases to be used for purposes other than appeal shall be prepared by an official court reporter.

RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

There shall be no audio, photo or video recording of any judicial proceeding without the permission of the Court.

No party shall be allowed to bring a cell phone into the courthouse without the permission of the Court.

RULE 12 MONEY PAID INTO COURT

12.1 BOND IN CIVIL CASES

12.1.1 Original bonds in all civil actions, except in the Probate Division, pending or to be commenced in the Circuit Court shall be filed with the Circuit Clerk and shall be kept in a safe place which is not accessible to the public.

12.1.2 The Circuit Clerk shall cause a true copy of such bond to be placed in the original file of the case with an appropriate notation thereon from which the original bond can readily be located.

12.1.3 There shall be a docket sheet entry made of the filing of each original bond.

12.1.4 All bonds in civil cases shall be in accordance with applicable Missouri Supreme Court Rules and Missouri Statutes.

12.2 Bonds in Traffic Cases

When the defendant has posted a cash bond, and the defendant then fails to appear on the designated court date, the cash bond posted for a traffic violation may be forfeited and applied to satisfy the scheduled fine and costs and the record shall reflect a conviction on the charged offense.

RULE 13 COMMUNICATION WITH COURT

13.1 ORAL COMMUNICATIONS WITH THE COURT

(NO LOCAL RULE)

13.2 WRITTEN COMMUNICATION WITH THE COURT

13.2.1 Any party or attorney for a party sending a written communication to a Judge, his clerk, or secretary shall send a copy thereof to counsel of record for all parties and to all other parties not represented by counsel.

13.2.2 Written communications from any non-party to a Judge, his clerk, or secretary shall be reflected by a docket entry stating the date of the written communication, type of written communication and the sender. Said written communication shall be placed in a non-public portion of the court's file. Any such written communications shall be accessible only upon the court's authorization.

RULE 20 COURT HEARINGS

20.1 Counsel should seek agreement with opposing counsel and the division clerk (or Judge) on the date and time for all Court trials or hearings. The use of telephone conference is encouraged to obtain a date and time for hearing.

20.2 Whenever opposing counsel cannot agree on the setting of a trial or hearing as provided in Rule 20.1, the movant shall file a motion for hearing or trial setting and provide notice thereof.

RULE 21 ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

21.1.1 When an attorney has more than one case set for trial at the same time in different divisions, the trial of the lowest numbered case shall have precedence. A case which is delayed due to this rule shall be tried at the earliest possible time.

21.1.2 If a trial setting in a division is delayed because an attorney is “engaged” before an Appellate Court or in a trial in a Court other than the Circuit Court of Platte County, Missouri, said case shall be reset for trial at the earliest possible time after such attorney becomes available.

21.1.3 The term “engaged” in these Rules is meant the actual and necessary participation of any attorney in the trial or hearing of a case. No attorney, however, shall be considered as so engaged unless he has complied with Local Rule 34.1.2 and has given written notification to the Judge of the Platte County division where his case is set; designating the other Court and the approximate time he will be necessarily so engaged.

21.2 ENTRIES OF APPEARANCE

21.2.1 Any attorneys retained in a case shall file an entry of appearance for the party or parties the attorney represents. Employment of counsel after trial setting shall not be grounds for delay of trial. All attorneys practicing before the Court shall be qualified and in compliance with Missouri Supreme Court Rules.

21.3 CONDUCT OF ATTORNEYS

21.3.1 Attorneys, during trial, shall not exhibit familiarity with witnesses, jurors, or opposing attorneys, and the use of first names shall be avoided. In jury argument, no juror shall be addressed individually, or by name.

21.3.2 Only one attorney shall examine a witness on direct examination and only one attorney shall cross-examine a witness for the other side, unless the defendants answer separately and plead separate and distinct defenses. This Rule shall not apply in criminal cases where there are several defendants represented by different counsel.

21.3.3 A motion to exclude witnesses must be made before any evidence is heard.

21.3.4 In order to promote a high level of professionalism and courtesy and to improve professional relationships, the following principles shall be observed by attorneys:

(1) Civility and professionalism among all lawyers is essential to the operation of our legal system.

(2) Communicate professionally and respectfully in all forms, including electronic media. Unless specifically permitted or invited by the court, communications between lawyers should not be sent to the court.

(3) Never knowingly deceive another while engaged in the practice of law.

(4) Honor promises and commitments made while engaged in the practice of law.

(5) Respect the time and schedule of others and work cooperatively in scheduling all matters.

(6) Seek sanctions only when supported by the facts and law and such action is necessary for the protection of the client.

(7) Avoid unfounded and unreasonable attacks on other lawyers and the judiciary and educate others so that such attacks are minimized or eliminated.

(8) When circulating documents to counsel, explicitly highlight all changes proposed.

21.4 WITHDRAWAL OF ATTORNEYS

21.4.1 Withdrawal of an attorney of record in civil cases should be accompanied by the entry of appearance of another attorney of record. Absent such entry of appearance, such withdrawal may be filed by a party or with leave of Court, in order to assure compliance with Supreme Court Rules and may be granted without hearing.

21.4.2 Where there is no entry of appearance by another attorney, application for withdrawal should be filed showing the full address of the client; and either the written consent of the client should be shown or the application should be served on the client along with notice calling up the application for hearing (with a statement to the client that he need not appear unless he wishes.)

21.4.3 If leave to withdraw is granted, copies of an order allowing the withdrawal are to be mailed by the Clerk to the party and to the various attorneys not present at time withdrawal is granted.

21.5 FAILURE TO APPEAR

21.5.1 Failure of an attorney or party to appear after a case has been set for trial shall be grounds for dismissal either with or without prejudice or default judgment, without further notice.

21.6 AGREEMENT OF ATTORNEYS

21.6.1 Agreements made by counsel will be recognized if consistent with the business and duties of the Court and not contrary to law or Court Rules. No agreement respecting the assignment of cases to a particular trial division shall be recognized.

21.7 ADVICE TO CLIENT AND WITNESSES OF COURTROOM

PROCEDURES

21.7.1 Attorneys shall advise their clients and witnesses of the formalities of the Court, including proper attire, and seek their full cooperation to avoid embarrassment and delays.

RULE 22 APPOINTMENT OF GUARDIAN AD LITEM

In recognizing that Missouri children have the right to adequate and effective representation in child welfare cases, the Sixth Judicial Circuit provides the following as a plan for implementation of the guardian ad litem standards.

(1) All attorneys requesting to be appointed as a Guardian ad Litem shall follow all statutes and rules setting forth the standards for such appointment.

(2) The list of approved guardians' ad litem shall be maintained by the Clerk of the Circuit Court.

(3) Guardian ad litem training may be provided by a qualified entity approved by The Missouri Bar for providing continuing legal education training and shall be accredited by the Judicial Education Committee.

(4) An affidavit showing proof of training shall be submitted to the Clerk of the Circuit Court by guardian ad litem on or before July 31 of each year or as provided by the guardian ad litem standards. This affidavit shall also acknowledge that the guardian ad litem has reviewed the guardian ad litem standards.

RULE 23 TRANSCRIPTS (Repealed)

RULE 24 EXHIBITS

The attorney is responsible for all exhibits before, during and after trial. Trial exhibits should be pre-marked for identification by the attorneys prior to trial.

Plaintiff/Petitioner exhibits shall be marked in numeric order and Defendant/Respondent exhibits shall be marked in alphabetical order.

An exhibit list and a witness list shall be provided to the Judge, Clerk, Court Reporter and opposing counsel prior to trial.

RULE 25 SPECIAL PROCESS SERVERS

Pursuant to Section 506.140 R.S.Mo., and except as provided by statute or Supreme Court Rule, any request for special process server shall require:

(a) The filing of an application.

(b) A proposed order of appointment of special process server.

Special Process Servers may not serve Garnishments or other judgment collection proceedings, except for motions for debtor examinations. The Clerk of the Circuit Court shall keep a list of qualified Special Process Servers who shall have been approved by the Court for appointment and the Clerk or Deputy may appoint any person from the list without the approval of a Judge.

RULE 26 TRAFFIC VIOLATIONS BUREAU

26.1 There is established by this Rule a Traffic Violations Bureau. All county and state traffic violations are assigned to Division V. The Circuit Clerk is designated as the Traffic Violations Clerk. The Circuit Clerk or Deputy Clerks are authorized to accept waivers of appearance, waivers of trial, pleas of guilty and payment of fines and court costs in traffic matters.

26.2 The Prosecuting Attorney shall provide the appropriate Charge Code for all cases filed by a Uniform Citation.

26.3 Requests to set aside a guilty plea on traffic matters shall be done by filing with the Traffic Violations Clerk a Motion to Set Aside Guilty Plea and a corresponding Order for submission to the Court.

26.4 The Court utilizes ebench in traffic cases and does not have hard copies of the tickets or information filed in such cases which may be amended or dismissed by the State. Therefore, Attorneys seeking amendments or dismissals on any traffic cases must bring to Court a copy of the tickets or the information as copied from Case.net to present to the Prosecutor. Any Prosecutor approved amendments and dismissals shall be scanned in by the Clerk following the Court's approval of the plea.

26.5 Attorneys may walk through pleas on traffic cases which will also require providing a Case.net copy of the tickets to be amended or dismissed. Walk through amendments on traffic cases may be done during Court Business hours any day of the week except Wednesdays and can be approved by any available Judge. Walk through pleas and "add ons" will not be processed on Wednesdays or any day after 4:00 p.m.

26.6 If a defendant dies and the cause has not yet achieved final disposition and a suggestion of death has not been made or has been delayed, then the court may rely upon receipt of a certified copy of the death certificate, or such other reasonable proof of death as may be presented and approved by the Court, and such cause or any pleading in the cause may be dismissed with or without prejudice upon order of the Court.

RULE 32 DISCOVERY

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

(NO LOCAL RULE)

32.2 INTERROGATORIES

(NO LOCAL RULE)

32.3 DEPOSITIONS

(NO LOCAL RULE)

32.4 MOTION AND SANCTIONS

In any civil action where answers to discovery are more than three days late, the attorney who propounded the discovery shall mail a “golden rule” letter to opposing counsel. The “golden rule” letter shall notify opposing counsel of exactly what discovery has not been answered, the date the discovery was due, and shall provide opposing counsel with a date at least 10 days in the future when the discovery must be received by the propounding attorney.

In the event the discovery is not received within the period specified in the “golden rule” letter, then the propounding attorney may file a motion to compel with the Court, which will be summarily ruled on by the court without hearing, requiring all discovery responses to be provided within ten (10) days of the court order. A copy of the “golden rule” letter sent to opposing counsel shall be attached to the motion to compel as an exhibit.

In the event the order to compel is not complied with, then, after hearing, sanctions may be imposed on the party who has failed to respond when requested by the propounding party.

32.5 CRIMINAL DISCOVERY

(NO LOCAL RULE)

32.6 INVESTIGATIVE SUBPOENAS

The Circuit Judges and Associate Circuit Judges are authorized to issue investigative subpoenas pursuant to Section 56.085, R.S.Mo. Each subpoena shall be accompanied by a written request.

Each request must explain that the evidence sought is expected to be material to a pending criminal investigation.

The Clerk of the Circuit Court shall retain a copy of the request and the subpoena.

32.7 SEARCH WARRANTS

32.7.1 Applications for search warrants shall be made only by the Prosecuting Attorney or an Assistant Prosecuting Attorney. Applications for a search warrant shall be accompanied by a written affidavit of a peace officer verified by oath or affirmation. The application and affidavit may be submitted by facsimile or other electronic means. The oath or affirmation may be administered by the Court using telephonic or video means.

The warrant, application, affidavit, or execution of said warrant shall not be deemed invalid for the sole reason that the warrant, application, affidavit and/or execution thereof rely upon electronic signatures of the peace officer or prosecutor seeking the warrant, or the judge issuing the warrant. Search warrants shall be executed in accordance with Chapter 542 of the Revised Statutes of Missouri.

32.7.2 After a search warrant return is filed, and before a copy of it is released to the public, a Court may Order information on the copy to be redacted if the application, affidavits, and search warrant:

a. contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or

b. contains information that would jeopardize a criminal investigation, including information which would disclose the identity of any source wishing to remain confidential or a suspect not in custody; or

c. contains information which would disclose techniques, procedures or guidelines for any law enforcement investigation or prosecution.

RULE 33 PRETRIAL MOTIONS

All motions shall be filed with the Circuit Clerk and noticed up for hearing prior to the date of trial. Counsel shall file with the motion a notice of the date and time the motion will be heard. Any motion not ruled on prior to the date of trial is deemed abandoned and denied.

33.1 HEARING DATES

DIVISION I: All civil motions shall be noticed up for the first three Fridays of the month at 9:00 a.m. All criminal motions shall be noticed up for any Thursday of the month at 9:00 a.m.

DIVISION II: All civil motions shall be noticed up for the first three Fridays of the month at 9:00 a.m. All criminal motions shall be noticed up for any Thursday of the month at 9:00 a.m.

DIVISION III: All civil motions shall be noticed up for the first three Thursdays of the month at 9:00 a.m. All criminal motions shall be noticed up on any Tuesday of the month at 9:00 a.m.

DIVISION IV: All civil motions shall be notice up for the first three Thursdays of the month at 9:00 a.m. All criminal motions shall be noticed up on any Tuesday of the month at 9:00 a.m.

DIVISION V: All civil motions shall be noticed up on any Thursday of the month at 9:00 a.m. All criminal motions (except traffic) shall be noticed up on Tuesdays at 1:30 p.m. All motions involving traffic cases are to be noticed up on the first four Wednesdays of the month at 1:30 p.m.

33.2 BRIEFS IN SUPPORT OF MOTIONS

(1) The Court encourages the filing of suggestions and briefs. Oral argument on motions may be made to the Court unless waived by the parties or not required by the Court.

(2) It shall be the responsibility of the parties to notice all motions for hearing. At least five (5) days written notice shall be given for the calling up of motions unless the same is waived by the Court.

33.3 ORAL ARGUMENTS – WHEN DESIRED AND HOW REQUESTED

(NO LOCAL RULE)

33.4 MOTIONS IN LIMINE

(NO LOCAL RULE)

RULE 34 CONTINUANCES

34.1 CIVIL CASES

34.1.1 Motions for continuances may be filed in the office of the Circuit Clerk.

34.1.2 All applications for continuance shall conform to Supreme Court Rule and be presented to the Court no later than five (5) days before trial date except for cause arising thereafter.

34.1.3 Once a trial setting is made, such case will not be continued except for good cause; an attorney/party shall file a written motion duly filed and notice given pursuant to local rule. Any motion for continuance must be heard at least three (3) days before the day the case is set for trial unless the grounds arise thereafter. Agreements between attorneys for continuances are not binding upon the Court.

34.2 CRIMINAL CASES

(NO LOCAL RULE)

RULE 35 PRETRIAL CONFERENCE

The Court upon request of either party or upon its own motion may order a pretrial conference to clarify issues and to expedite trial.

RULE 36 SETTING CASES FOR TRIAL

36.1 REQUESTS FOR TRIAL

(SEE 36.4)

36.2 DATE OF CALENDAR CALL

(NO LOCAL RULE)

36.3 PREPARATION OF CALENDAR

(NO LOCAL RULE)

36.4 CALENDAR CALL

(1) Cases are set by motion for trial setting and appropriate notice

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

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)

RULE 37 DISMISSALS

37.1 DISMISSAL DOCKET

All cases, except domestic relations cases, remaining undetermined and not active for one (1) year, unless good cause shown by written motion shall be subject to dismissal for want of prosecution. Domestic relations cases remaining undetermined and not active for six (6) months, unless good cause shown by written or oral motion, shall be subject to dismissal for want of prosecution.

All cases where service of summons has not been obtained, notice of mail completed, or notice by publication commenced within a reasonable time after filing of the case, may be dismissed by the Court.

Prior to dismissal of any case for want of prosecution the Clerk of the Circuit Court shall give notice to the attorneys of record, or interested parties, that on a day and time certain the Court will determine whether said case should be dismissed for want of prosecution, and at said time and place the attorneys of record, and interested parties, will have an opportunity to be heard.

37.2 REINSTATEMENT OF CAUSE

(NO LOCAL RULE)

RULE 41 SETTLEMENT

41.1 NOTICE OF SETTLEMENT

The Court and the Division Clerk shall be notified promptly if a case is settled after it has been set for trial.

RULE 42 DEFAULT

(NO LOCAL RULE)

RULE 51 COURT-TRIED CASES

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

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

RULE 52 SELECTION OF JURY

52.1 JURY QUESTIONNAIRES

Jury questionnaires shall be available on the day of any jury trial by contacting the Jury Commissioner or Circuit Clerk. At the completion of the voir dire examination each attorney or pro se party shall return the jury questionnaires to the Jury Commissioner or Circuit Clerk. No copies shall be made of jury questionnaires.

Attorneys shall not, as part of the voir dire examination, examine a member of the jury panel as to any matter contained on the jury questionnaire, except as to events that have occurred since the signing of the questionnaire, without the permission of the Court.

52.2 JUROR NONDISCLOSURE

Counsel for each party or the party, if acting pro se, shall search the names of all jurors through the Supreme Court's on-line case.net system prior to the discharge of the alternate jurors(s) in the trial. Any claim of juror nondisclosure as to prior litigation is considered waived by the party, if no objection is made to that juror prior to the discharge of the alternate juror(s). The waiver provided in this Rule is only applicable to prior litigation information that is available in the case.net system at the time of trial.

RULE 53 JURY TRIALS

53.1 INSTRUCTIONS

(NO LOCAL RULE)

53.2 CLOSING ARGUMENTS

53.2.1 In cases tried before a jury, the plaintiff, except as otherwise provided herein, shall have the privilege of opening and closing the argument. Should plaintiff decline to make the opening argument, Plaintiff will be considered as thereby waiving the privilege of closing the same, and shall not be allowed to do so.

The defendant shall nevertheless have the privilege of making his argument. Before the argument begins, the Judge will announce how much time will be allowed on each side for argument, each side being allowed the same length of time. The plaintiff may apportion the time allotted between plaintiff's opening and closing argument as plaintiff may choose, provided plaintiff shall not consume more than one-half of this time in plaintiff's closing argument. In those cases in which the Judge decides that the defendant has the affirmative of the issues, defendant shall have the opening and closing of the argument in like manner and under the same restrictions as stated above. The Judge may change the order of argument as above prescribed in a particular case where the circumstances in the opinion of the Judge require it and where it is so ordered before the argument begins. The Judge may allow the argument in a particular case to extend beyond the allotted time or allot additional time if the circumstances in the opinion of the Judge render it proper to do so.

RULE 54 JUDGMENT ENTRY

54.1 CONTESTED CASES

Unless otherwise ordered, the attorney for the prevailing party or the party if pro se shall prepare and submit a judgment to the Court for its approval.

54.2 DEFAULT OR UNCONTESTED CASES

Unless otherwise ordered, the attorney for the prevailing party or the party, if pro se, shall prepare and submit a judgment to the Court for its approval.

RULE 60 TREATMENT COURTS

60.1 DWI COURT ('PACT I')

60.1.1 There shall be a DWI Court established in the 6th Judicial Circuit Court of Platte County, Missouri. The DWI Court is a post-plea treatment program and shall combine judicial supervision, drug and alcohol testing and treatment of DWI Court participants. This Court program will be a minimum of one year in duration. DWI Court is assigned to Division V.

60.1.2 A DWI Court Policies and Procedures Manual and a Participant Manual shall be approved by the Court En Banc and are subject to revision at the Court's discretion.

60.2 MENTAL HEALTH COURT ('PACT II')

60.2.1 There shall be a Mental Health Court established in the 6th Judicial Circuit Court of Platte County, Missouri. The Mental Health Court is a post-plea treatment program and shall combine judicial supervision, drug and alcohol testing and treatment of Mental Health Court participants. The Court program will be a minimum of one year in duration. Mental Health Court is assigned to Division V.

60.2.2 A Mental Health Court Policies and Procedures Manual and a Participant Manual shall be approved by the Court En Banc and are subject to revision at the Court's discretion.

60.3 DRUG COURT ('PACT III')

60.3.1 There shall be a Drug Court established in the 6th Judicial Circuit Court of Platte County, Missouri. The Drug Court is a post-plea treatment program and shall combine judicial supervision, drug and alcohol testing and treatment of Drug Court participants. The Court program will be a minimum of one year in duration. Drug Court is assigned to Division III.

60.3.2 A Drug Court Policies and Procedures Manual and a Participant Manual shall be approved by the Court En Banc and are subject to revision at the Court's discretion.

60.4 VETERANS' COURT ('PACT IV')

60.4.1 There shall be a Veteran's Court established in the 6th Judicial Circuit Court of Platte County, Missouri. The Veteran's Court is a post-plea treatment program and shall combine judicial supervision, drug and alcohol testing and treatment and the utilization of treatment, programs and services through the Veteran's Administration. The Court program will be a minimum of one year in duration. Veteran's Court is assigned to Division III.

60.4.2 A Veteran's Court Policies and Procedures Manual shall be approved by the Court En Banc and both are subject to revision at the Court's discretion.

60.5 REFERRAL OF PROCEEDINGS

60.5.1 Consistent with the provisions of Section 478.005 R.S.Mo, this Circuit has established conditions for the referral of proceedings for the PACT I-IV Courts by and through each court's respective policies, procedures and participant manuals. In addition, the following referral procedures shall apply to the PACT I-IV Courts:

(a) Transfer of cases between circuits for treatment court purposes. This Court may either transfer cases to other circuits for treatment court purposes or receive cases for treatment court purposes. In the event of both transfer and receipt, the original sentencing court shall not lose jurisdiction and/or venue; and, in the event of termination, the case shall be returned to the original sentencing court for disposition.

(b) Filing and use of reports. Violation reports shall be filed and made available to both the treatment court and the sentencing court. Termination from a treatment court and the reasons for termination may be considered in sentencing or disposition.

RULE 61 ADOPTION

(NO LOCAL RULE)

RULE 62 DRIVERS CASES

62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES

(1) An application for hardship driving privileges shall be filed along with an affidavit, the approved SR-22 filing, and the five (5) year driving record.

(2) No application for hardship driving privileges shall be accepted for filing unless accompanied by an approved SR-22 filing and five (5) year driving record.

62.2 PETITIONS FOR REVIEW

(1) A petition for review must be filed within thirty (30) days of notice of suspension.

(2) If a stay of the Director of Revenue's Order is requested, an application for a stay must be filed together with a proposed order staying the revocation, the form of which is set forth in Appendix A.

62.3 APPLICATION FOR HEARING UNDER SECTION 577.041 R.S.MO.

FOR REFUSAL TO TAKE A CHEMICAL TEST

62.3.1 If a stay of execution of the Director of Revenue's Order is requested under this Rule 62.3, an application for a stay must be filed together with a proposed order staying the revocation, the form of which is set forth in Appendix A.

62.3.2 In all applications for hearing under Section 577.041 R.S.Mo., the Director of Revenue shall be made a party to the cause, and the name of the arresting officer and the name of his/her law enforcement agency shall also be set forth in the petition. In addition the attorney for the Petitioner shall provide proof of financial responsibility (liability insurance) and copy of the Petitioner's five year driving record as maintained by the Missouri Department of Revenue (Missouri drivers), or as maintained by the licensing authority of the Petitioner's home state (non-Missouri drivers).

62.4 APPLICATION FOR LIMITED DRIVING PRIVILEGE BY DWI

COURT PARTICIPANT

Limited Driving Privilege applications of current or graduated DWI Court participants shall be assigned to Division V. Attorneys shall notify the clerk at time of filing that the applicant is a current or graduated participant of the DWI Court.

RULE 63 ASSOCIATE DIVISION CASES

(NO LOCAL RULE)

RULE 64 CHAPTERS 207 AND 208, R.S.MO. 1978

(NO LOCAL RULE)

RULE 65 CIVIL CONTEMPT

(NO LOCAL RULE)

RULE 66 CONDEMNATION

(NO LOCAL RULE)

RULE 67 CRIMINAL CASES

(NO LOCAL RULE)

67.1 PRE-TRIAL RELEASE

In all cases where the Court has set a cash bond to assure the appearance of an accused, that cash bond shall be deposited in the registry of the Court only in the name of the accused.

67.1.b PRE-TRIAL RELEASE PROCEDURE

Defendants charged with felonies may apply to the Court for a reduction in bond amount and/or bond condition(s) of their bond. Before a bond is reduced and/or bond condition(s) modified, the Court may order a pre-trial release assessment. The pre-trial assessment may be ordered if requested by the Defendant, the State, or may be ordered by the Court on its own motion at any time.

If such an assessment is ordered, the Defendant will be referred to either Midwest ADP or Northland Dependency Services. The assessment will be performed by them in a timely manner giving due consideration to the facts and circumstances of each case. When completed, the Court will review the assessment to determine whether the bond amount and/or bond condition(s) should be modified. Modification of bond conditions may include, but not be limited to: GPS monitoring, SCRAM, drug patch, and/or pre-trial supervision by Midwest ADP or Northland Dependency Services. (forms attached).

Platte County Circuit Court Pre Trial Release Assessment

Case Number: _____ Date _____

Name: Last: _____ First: _____ MI: ___ Suffix _____

Alias: _____

Race: _____ Sex: _____ DOB: _____ SSN: _____

Current Address: _____

Phone Number: (mobile) _____ (home) _____ (work) _____

Other Contact: _____

Marital Status: _____ (Ex) Spouse: _____

Children: Yes ___ No ___ Number: ___ Ages: _____

Resides with: _____ Relationship _____ Length of time at this address _____

Home Rent/Own _____ Mortgage/lessee: _____ Length of time in area: ___

Support order in place: Yes _____ No _____ Current in that obligation: Yes ___ No _____

Criminal History

Arrest Date: _____ Ticket # _____ Docket #: _____

Current Offense: _____ Alcohol/drugs involved: Yes ___ No ___

Prior Arrests: Number _____ # Violent Offenses _____ # Weapons related _____

Drug/Alcohol related: _____

Prior FTAs: Prior Probations: _____ # successful: _____ # revoked: _____

Sex Offender: Yes ___ No ___ **Weapons:** Owns Weapons: Yes ___ No _____

Education

Highest grade completed: _____ Degrees and Dates: _____ Last school attended: _____

_____ Full Time ___ Part Time ___ Student _____

Unemployed: _____ Time at last job: _____

Military Branch: _____ Dates: _____ Discharge Type: _____

Substance Abuse History Substance Use:

1-No use w/in 6 mos 2-Use/Abuse w/n past 4-6 mos 3-Use/Abuse in past 3 mos

Substance Abuse Problem: _____

1=no problem 2=Identified Problem 3=Problem past 4-6 months 4=problem past 3 months

Prior treatment for drug or alcohol use/abuse? Yes ___ No _____

Mental Health

Mental Health Treatment: Yes ___ No _____

Interview Signature; _____ Date: _____

Domestic Violence Addendum

Case Number: _____ Date: _____
Name: Last: _____ First: _____ MI _____ Suffix _____
Alias: _____
Race: _____ Sex: _____ DOB: _____ SSN: _____

Victim(s) Name & relationship: _____

Length of time living with the person/spouse: _____ years and _____ months

Children from this relationship: Yes _____ No _____ Number _____ Ages: _____

Presently separated: Yes _____ No _____

Current Ex Parte Order of Protection: Yes _____ No _____

Affiant name and relationship: _____

Number of prior Ex Parte Orders of Protection or Restraining Orders: _____

Prior arrests for Domestic Violence or Assault: Yes _____ No _____ Number of priors _____

Arrest for Violation of an Ex Parte Order of Protection: Yes ___ No ___ # of arrests: _____

Under influence of alcohol or drugs at the time of the current arrest: Yes _____ No _____

Interviewer signature and date: _____

Information and Waiver Form

This information is being collected for the use of the court in determining your bond status and bail amount. The information gathered will be about you, your family, your residence, employment, health, criminal history, drug and alcohol use history and other court cases.

The information you provide may be used by the court to determine the conditions of your release, may be released to appropriate agencies to implement those conditions of release and will become part of your court records.

You have the right to refuse to answer these questions. If you choose not to participate in this interview, the report will be completed without your cooperation. Your lack of participation will be noted.

By signing this form you acknowledge that you have been advised of the purpose of this interview.

Signature Date

Interviewer Signature Date

Refusal of Interview

I, _____, hereby refuse to participate in this interview process.

Signature Date

Interviewer Signature Date:

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

State of Missouri,)
)
) Plaintiff,)
)
 V.) Case No.: _____
)
 _____,)
) Defendant.)

ORDER FOR PRE-TRIAL RELEASE ASSESSMENT

NOW ON THIS _____ day of _____, 20__, the Court (on its own motion) (on motion of the State)(on motion of the Defendant) hereby orders a Pre-Trial Release Assessment of the Defendant. The Assessment shall be completed by (MWADP) (NDS) in a timely manner. Upon completion of the Assessment and review by the court, the Defendant's bond amount or bond conditions may be modified.

IT IS SO ORDERED.

 Judge

C.

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI
SIXTH JUDICIAL CIRCUIT, DIVISION _____
PRE-TRIAL RELEASE SUPERVISION ORDER

Case No. _____ Offense: _____

Defendant: _____ DOB _____ SSN _____

In accordance with the authority vested in this court by the laws of the State of Missouri, you are hereby released pending further order of the court. You are advised that the court may at any time revoke or modify conditions of your bond. A violation of your conditions of release may subject you to arrest upon order of the court.

PRE-TRIAL RELEASE SUPERVISED BY: () ADP () NDS () COURT

If supervised, it is further ordered that your case be assigned for supervision to the office outlined and its representative, or to the Court. That office is authorized to report to this Court on all matters pertaining to you pre-trial release, and to make such recommendations and take such action as the Court may require.

You are subject to the following general conditions (1-6), and special conditions which are checked, as follows:

1. LAWS: I will obey all federal and state laws, municipal and county ordinances. I will report any arrest to the agency supervising my pre-trial release within 48 hours. This includes traffic arrests. I will NOT drink and drive, and will submit to a breath or blood test upon the request of a Law Enforcement Officer.

2. RESIDENCE: I will notify the agency supervising my pre-trial release of any changes in residence in writing within 7 days.

3. EMPLOYMENT: I will obtain advance permission from the agency supervising my pre-trial release before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify the agency supervising my pre-trial release within 48 hours.

4. ASSOCIATION: I will not associate with any person who has been convicted or placed on probation for a felony. It is my responsibility to know with whom I am associating.

5. DRUGS: I will not possess or use any controlled substance except as prescribed for me by a licensed medical practitioner.

6. SEARCH: I do consent to the search of my person, my vehicle, and/or my residence by any law enforcement personnel.

7. I will report as directed to the agency supervising my pre-trial release.

8. () I will have a GPS monitor prior to my release.

9. () I will have a drug patch prior to my release.

10. () I will have an Ignition Interlock device installed on any vehicle I operate during my pre-trial release.

11. () I will undergo any drug testing as requested by the supervising agency.

12. () Special Conditions: _____

I have read or have had read to me the Pre-Trial Release Supervision Order and I agree to comply with such conditions during the period of my pre-trial release.

Date: _____ Defendant: _____

So Ordered: Judge: _____

67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION

(NO LOCAL RULE)

67.1.2 DEPOSIT OF OPERATORS LICENSE

(NO LOCAL RULE)

67.2 PRELIMINARY HEARING

(NO LOCAL RULE)

67.3 GRAND JURY

(NO LOCAL RULE)

67.4 ATTORNEYS

67.4.1 No attorney, public or private, will be permitted to withdraw as counsel for defendant unless the Judge has granted said attorney leave to withdraw. No attorney will be granted leave to withdraw in a criminal case until another attorney has entered his appearance as attorney in such case, or until the matter has been brought before the Court upon motion and with at least five (5) days written notice to the defendant.

If a private attorney wishes to limit his or her appearance to preliminary hearing proceedings or for other limited purposes, such attorney must first obtain leave of Court for such limited appearance. Such limited appearance shall be duly recorded on the Court's records.

67.5 ARRAIGNMENTS

(NO LOCAL RULE)

67.5.1 IN GENERAL

67.5.1(a) AMENDMENTS AND DISMISSALS OF MISDEMEANOR

CRIMINAL CASES

The Court Utilizes ebench in all criminal cases and does not have hard copies of the misdemeanor ticket or information which may be amended or dismissed by the State. Therefore, Attorneys seeking amendments or dismissals on misdemeanor criminal cases must bring to Court a copy of the ticket or information as copied from Case.net to present to the Prosecutor. Any Prosecutor approved amendment and dismissal(s) shall be scanned in by the Clerk following the Court's approval of the plea.

67.5.2 DATES

67.5.2.1 The Associate Circuit Judge sitting in Division III shall order all persons accused of felonies who are bound over to appear in the Criminal Division, Platte County Circuit Court, Division I at 9:00 a.m., on a Thursday within 40 days following the action of said Associate Circuit Judge. The Associate Circuit Judge sitting in Division IV shall order all persons accused of felonies that are bound over to appear in the Criminal Division, Platte County Circuit Court, Division II at 9:00 a.m., on Thursday within 40 days following the action of said Associate Circuit Judge. The Associate Circuit Judge sitting in Division V shall order all persons accused of felonies that are bound over to appear in the Criminal Division, Platte County Circuit Court, in Division I and II, at random, within 40 days following the action of said Associate Circuit Judge.

67.5.2.2 In all criminal cases where a warrant has issued for the Defendant and he is in the custody of the Sheriff of Platte County the Sheriff shall deliver the Defendant to the appropriate Court within 72 hours of the defendant's incarceration. In criminal cases where a date for appearance has been previously set by the Court, the Sheriff shall deliver the defendants to said Court on the date and time as set by the Court. All proceedings in Division I and Division II shall commence at 9:00 a.m. unless otherwise ordered by the Judge and all defendants in criminal cases shall appear at that time unless otherwise ordered by the Judge.

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 PLEA OF GUILTY

In all felony cases wherein the defendant desires to plead guilty, the defendant shall prepare a petition to enter a plea of guilty on a form adopted by this Court. The petition to enter a plea of guilty shall be executed by the defendant in open Court. Copies of this form may be secured from the Division Clerk or the court's website, www.plattecircuit6.com.

67.10 CALENDAR

(NO LOCAL RULE)

67.11 PROBATION AND PAROLE

(NO LOCAL RULE)

67.12 PROCEDURE UPON DEATH OF DEFENDANT

If a defendant dies and the cause has not yet achieved final disposition and a suggestion of death has not been made or has been delayed, then the court may rely upon receipt of a certified copy of the death certificate, or such other reasonable proof of death as may be presented and approved by the Court, and such cause or any pleading in the cause may be dismissed with or without prejudice upon order of the Court.

RULE 68 FAMILY LAW PROCEEDINGS

RULE 68.A DISSOLUTION OF MARRIAGE AND LEGAL SEPARATION

68A.1 FILING REQUIREMENTS

68A.1.1 Confidential Case Filing Information Sheet

At the time of filing a Petition for Dissolution of Marriage or Petition for Legal Separation, Petitioner shall file a “Confidential Case Filing Information Sheet”. That form is available from the Platte County Circuit Clerk’s office upon request and is also available on the Missouri Courts’ website at www.selfrepresent.mo.gov, entitled, “Filing Information Sheet” (Form CAFC067).

68A.1.2 Certificate of Dissolution of Marriage

At the time of filing the Petition for Dissolution of Marriage, the Petitioner shall file a Certificate of Dissolution of Marriage. That form is available from the Platte County Circuit Clerk’s office upon request and is also available on the Missouri Courts’ website at www.selfrepresent.mo.gov, entitled “Certificate of Dissolution of Marriage”(Form CAFC065).

68A.1.3 Service Information

At the time a Petition for Dissolution of Marriage or Petition for Legal Separation is filed, the Petitioner shall provide written instructions to the clerk for service of the petition.

(a) If service is to be accomplished by Special Process Server, a Motion for Special Process Server and proposed Order for Service by Special Process Server shall be filed.

(b) If an Entry of Appearance by the Respondent is filed, the written instructions shall request that the Summons prepared for service upon the Respondent be withdrawn.

(c) If service is to be accomplished by the Platte County Sheriff’s Department, or other Sheriff’s Department, detailed information regarding the best location and time for service shall be provided in the written instructions

**68A.2 SEPARATION AGREEMENTS
(NO LOCAL RULE)**

68A.3 PLEADING REQUIREMENTS

68A.3.1 In all dissolution of marriage and legal separation cases wherein the care, custody or control of a child or children is involved, in each party’s initial pleading, or in an affidavit attached to that pleading, each party shall give information under oath in compliance with Section

452.780 RSMo. The requirement of this Rule shall be in addition to the requirements of Local Rule 3 pertaining to the preparation and filing of pleadings.

68A.3.2 Every Petition for Dissolution of Marriage or Petition for Legal Separation and every petition or motion for support of a minor child shall contain:

(a) The name and address of the current employer and the last four (4) digits of the Social Security number of the Petitioner, and

(b) The name and address of the current employer and the last four (4) digits of the Social Security number of the Respondent, if known.

68A.3.3 Every responsive pleading to a Petition for Dissolution of Marriage, Petition for Legal Separation, or Petition or Motion for Support of a Minor Child shall contain:

(a) The name and address of the current employer and the last four (4) digits of the Social Security number of the Respondent.

68A.4 EXCHANGE OF FINANCIAL STATEMENTS

68A.4.1 In all cases for dissolution of marriage or legal separation, except by leave of Court, each party shall provide to the other party or their counsel within 45 days after the service of the petition or filing of the Entry of Appearance or responsive pleading, whichever occurs first, the following completed forms, signed by the declarant:

(a) A Statement of Marital and Non-Marital Property and Debts (Appendix A, Form 2).

(b) A Statement of Income and Expenses (Appendix A, Form 3).

68A.4.2 Pro-Se Proceedings

The parties in Pro-Se Proceedings shall disclose financial information as directed in Rule 88.09 of the Missouri Rules of Civil Procedure and as instructed on Missouri Courts' website at www.selfrepresent.mo.gov.

68A.5 CUSTODY/VISITATION MEDIATION IN DISSOLUTION, LEGAL SEPARATION AND PATERNITY CASES

68A.5.1 The Platte County Circuit Court encourages the amicable resolution of custody and visitation issues through mediation as a method of focusing the attention of the parties on the best interest of the child/children.

In every paternity action (or modification thereof) in which there are contested issues, the parties (except for the State of Missouri) shall complete mediation, as provided in Supreme Court Rule 88.02 - 88.08 and this rule. This requirement of attendance at mediation may be waived by the court for good cause shown.

In cases involving dissolution of marriage or legal separation (or modification thereof), the parties may apply to the court for an order of mediation or the court may order mediation on its own motion. Said mediation shall be completed as provided in Supreme Court Rule 88.02 - 88.08 and this rule.

68A.5.2 The order for mediation shall require the parties to attend at least two (2) hours of mediation.

68A.5.3 The Platte County Circuit Clerk's Office shall maintain a copy of a list of mediators who are currently contracting to provide mediation services who meet the qualifications set forth under Supreme Court Rule 88.05. The lists shall be made available to all parties upon request.

An affidavit showing proof of training shall be submitted to the Clerk of the Circuit Court by each mediator on or before July 31 of each year.

68A.5.4 Any party, upon the expiration of thirty (30) days from the date responsive pleadings are due on the original petition or upon the expiration of sixty (60) days from the date of service when no responsive pleading is required, may file a motion requesting the Court to order mediation in the matter. The moving party may name a mediator in the request. Each party may petition the Court to disqualify one mediator without cause within fifteen (15) days of the designation of the mediator. Thereafter disqualification of a mediator shall only be for cause shown. If the parties are unable to agree on a mediator, the court will appoint a mediator. The mediator shall advise the Court of any fact bearing upon a conflict of interest or bias, or any other facts that would be reason for his or her disqualification. If the Court disqualifies a mediator, an order shall be entered naming a qualified replacement.

Nothing contained herein shall limit a mediator's ability to refuse assignment of any mediation under this rule.

68A.5.5 Some cases may be inappropriate for mediation, which may include those with a history of child abuse or neglect, or domestic violence. The Court appointed mediator shall screen the parties prior to conducting mediation. If the case is deemed inappropriate for mediation, the mediator shall immediately file the Notice of Mediation Compliance form with the Court.

68A.5.6 The court may refer the case to a mediator for screening to determine the appropriateness of mediation. Screening procedures performed by any mediator shall be confidential pursuant to Supreme Court rule 88.08. The screening report shall indicate only whether mediation is or is not appropriate

68A.5.7 A mediator assigned to provide services shall give the parties and their counsel of record advance notice in writing of the time and place of the initial mediation session. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties. Counsel for any party may attend the mediation sessions, but shall first notify the mediator and all counsel of record of his or her intent to attend. If counsel for any party desires to attend after receipt of such notice, but is unavailable on the scheduled date, the mediation shall be rescheduled at a time convenient to all parties and counsel. Counsel and clients may communicate privately at any time during the mediation process. The guardian ad litem for a minor child, if one has been appointed, shall be considered a party to the proceeding and may participate as a party in the mediation process. The mediator shall provide the Court and counsel of record with a copy of the Notice of Mediation Compliance signed by the mediator at the termination of mediation.

68A.5.8 The confidentiality provisions of Rule 88.08 shall apply to mediations undertaken to comply with this rule. Any mediator who is required by statute or program guidelines to report reasonable suspicion of child abuse or neglect shall so advise the parties and counsel in writing upon appointment. Except for the completion of the Notice of Compliance, the mediator shall make no other disclosures of a confidential nature during or at the conclusion of mediation without the consent of all participants. The identity of the party who terminates mediation shall not be disclosed.

68A.6 MANDATORY EDUCATIONAL SESSIONS

68A.6.1 When a person files a Petition for Dissolution of Marriage or Legal Separation, and the custody or visitation of a minor child is involved, the Court shall order all parties to the action to attend educational sessions pursuant to Sections 452.372.1 and 452.600-452.610 R.S.Mo.

68A.6.2 Information regarding the required education sessions is available from the Platte County Circuit Clerk's office.

68A.6.3 Each party will pay their own fee of \$40.00 for the education session by certified funds payable to the Clerk of the Circuit Court unless otherwise ordered by the Court.

68A.6.4 Except for good cause shown, both parties shall attend the educational session prior to the Court's entry of a Judgment Decree of Dissolution of Marriage or Decree of Legal Separation.

68A.7 HEARINGS AND TRIALS

68A.7.1 All proceedings for Dissolution of Marriage and Legal Separation must be finalized in a hearing before the Court at which at least one party appears to testify. Cases in which the parties have reached a resolution of all issues by entry of a written Marital Settlement and Separation Agreement may be scheduled for hearing by filing a Notice of Hearing with the Court for any of the first three (3) Thursdays of a month at 9:00 am.

68A.7.2 No hearing shall be conducted nor a judgment entered in any dissolution or legal separation case until thirty (30) days have elapsed after date of filing of the petition.

68A.7.3 In all hearings for dissolution of marriage or legal separation, the completed forms referenced in Rule 68A.4.1 shall be offered into evidence as exhibits in the case unless said requirement is waived by the Court. Thereafter, upon request, the exhibits may be withdrawn unless the Court requires that the exhibits be retained in the file.

68A.7.4 Pro Se Hearings

Prior to scheduling their dissolution proceeding for hearing, Pro Se Litigants must have completed all requirements outlined on the Missouri Courts' website at www.selfrepresent.mo.gov for a dissolution proceeding. Additionally, Pro Se Litigants shall bring to Court for their hearing

their proposed Judgment Decree of Dissolution of Marriage, with the referenced Exhibits attached, along with any additional copies they require of said Judgment.

68A.7.5 Entry of Judgment Decree by Affidavit

(a) Requirements

In limited circumstances and upon court approval, a Judgment Decree of Dissolution of Marriage or Legal Separation may be entered without the necessity of a hearing when:

- (1) At least one party is represented by counsel and the parties have entered into a written Parenting Plan as required by 452.310.8 R.S.Mo; and
- (2) The female party is not pregnant; and
- (3) The Respondent has been served in a manner provided by Missouri Rules of Civil Procedure or has filed a verified Entry of Appearance or responsive pleading; and
- (4) There is no genuine issue as to any material fact; and
- (5) There is no marital property to be divided or the parties have entered into a Marital Settlement and Separation Agreement, in compliance with 452.325 R.S.Mo.

(b) Procedure

If a party desires to submit the matter for entry of a Judgment Decree by affidavit, the submitting party shall file:

- (1) A Motion requesting the entry of the Judgment Decree by Affidavit, which shall be copied to the opposing party or the opposing counsel, along with a copy of all other documentation to be filed in support of the affidavit procedure, as detailed below; and
- (2) A Proposed Judgment Decree of Dissolution of Marriage or Judgment Decree of Legal Separation; and
- (3) An Affidavit containing, at a minimum, sufficient factual averments to support the relief requested in the proceeding and to confirm the Court's jurisdiction over the proceeding and the parties, similar to Form 4 from the Appendix of these Local Rules; and
- (4) Completed Forms 2 and 3 from the Appendix of these Local Rules; and
- (5) If minor children are involved, a Parenting Plan, Form 14 and Parent Education Completion Certificates on behalf of both parties.

(c) The Court shall not be obligated to enter a final Judgment upon the affidavits of either or both parties, and may require that a formal hearing be held to determine any or all issues presented by the pleadings.

(d) The filing of an affidavit pursuant to this Rule shall not be deemed to shorten any statutory waiting period required for entry of a Judgment.

(e) A waiting period of ten (10) days must pass after the Motion is filed with the Court before the Court enters a Judgment Decree, unless such waiting period is specifically waived by both parties in writing.

68A.8 JUDGMENTS AND DECREES

68A.8.1 Attorneys or Pro Se parties shall furnish all orders, motions, dismissals, temporary orders, orders for publication and judgments.

68A.8.2 Every judgment dissolving a marriage, granting a legal separation or granting separate maintenance and every judgment and order for support of a minor child shall contain the last four (4) digits of the Social Security numbers of the parties, if disclosed by the pleadings.

68A.8.3 In all dissolutions of marriage, legal separation and separate maintenance cases, the Court may require all costs be paid before a judgment is granted.

68A.8.4 All Judgments of Dissolution of Marriage shall contain the following findings in separation paragraphs:

(a) The appearance of the parties and the appearances of their attorney.

(b) A finding that the Court has personal jurisdiction over the parties and subject matter jurisdiction of the action.

(c) The date and place of the marriage, the location of the registration of the marriage, and the date of separation of the parties.

(d) A finding that one of the parties has been a resident of the State of Missouri for ninety (90) days next preceding the commencement of the proceedings and that thirty (30) days have elapsed since the filing of the petition.

(e) A finding of whether or not there have been children born of, or adopted by, the parties, during the marriage and if so, said children's name(s) and year(s) of birth.

(f) A finding of whether or not the wife is pregnant.

(g) One of the two following findings:

(1) That neither Petitioner nor Respondent is a member of the Armed Forces of the United States of America, or its allies; or

(2) That one or both parties are members of the Armed Forces of the United States of America or its allies. If the Respondent is a member of the Armed Forces of the United States of America or its allies, that the Respondent has waived his/her protection under the Service Members Civil Relief Act of 2003 in open Court or that the required waiver form has been filed with the Court when required under the Act.

(h) A finding of whether or not there is marital property to be divided by the Court.

(i) If there is marital property to be divided, there shall be a listing of the value of all of the real and personal property, including encumbrances.

(j) A finding of whether or not the parties have executed a written Separation Agreement, and if so, the Judgment Decree shall set forth in full its provisions, unless the Separation Agreement provides otherwise.

(k) If a minor child or minor children are the subject of the proceedings, then the Separation Agreement shall contain a Parenting Plan which will include a finding that the Parenting Plan is in the best interest of the minor child or minor children. All provisions pertaining to custody and child support must be included in the Judgment Decree.

(l) The Judgment Decree shall also contain a statement that the Court has examined the Separation Agreement and found it to be not unconscionable.

(m) If there is a request that the wife's maiden name or former name be restored, the findings shall so state and set out in full the requested name to be restored.

(n) A finding that there is no reasonable likelihood that the marriage of the parties can be preserved, and therefore, the marriage of the parties is irretrievably broken.

68A.8.5 The Judgment Decree shall recite the following orders in separate paragraphs:

(a) The marriage between (names of parties) is dissolved.

(b) When minor children are involved, the custody of the children, the amount of support payments for the children, the party to whom the payments are made, whether the payments are to be made directly from one party to another or whether the payments are to be made through the Family Support Payment Center as Trustee, and the date the payments are to begin.

(c) If the parties entered a written Settlement Agreement and a Parenting Plan, that the parties are ordered to abide by the terms of the Settlement Agreement and the Parenting Plan.

(d) If the Wife's maiden name or former name is to be restored by the Judge at the time of the hearing, then the restored name shall be specified in full.

(e) The party against whom the costs will be assessed.

(f) All orders for child support or maintenance entered or modified, shall include a provision notifying the obligor about the withholding of income provisions of R.S.Mo. 452.350.

(g) The names and current addresses of the Petitioner and the Respondent, the last four (4) digits of their social security numbers, and their respective employer's names and addresses shall be placed at the end of the decree.

68A.8.6

In all cases resolved by settlement and presented to the Court for approval of the settlement, an original Judgment Decree shall be submitted to the Court, along with the number of copies of the Judgment Decree needed by the parties or counsel.

RULE 68B MODIFICATION OF DECREE

68B.1 FILING REQUIREMENTS

68B.1.1 Confidential Case Filing Information Sheet

At the time of filing a Motion to Modify a Judgment Decree of Dissolution of Marriage or a Motion to Modify a Judgment Decree of Legal Separation, the Movant shall file a “Confidential Case Filing Information Sheet”. That form is available from the Platte County Circuit Clerk’s office upon request and is also available on the Missouri Courts’ website at www.selfrepresent.mo.gov, entitled “Filing Information Sheet” (Form CAFC067).

68B.1.2 Service Information

At the time a Motion to Modify a Judgment Decree of Dissolution of Marriage or a Motion to Modify a Judgment Decree of Legal Separation is filed, the Movant shall provide written instructions to the clerk for service of the Motion.

(a) If service is to be accomplished by Special Process Server, a Motion for Special Process Server and proposed Order for Service by Special Process Server shall be filed.

(b) If an Entry of Appearance by the Non-Movant is filed, the written instructions shall request that the Summons prepared for service upon the Non-Movant be withdrawn.

(c) If service is to be accomplished by the Platte County Sheriff’s Department, or another Sheriff’s Department, detailed information regarding the best location and time for service upon the Non-Movant shall be provided in the written instructions.

68B.2 PLEADING REQUIREMENTS

68B.2.1 In all modification cases wherein the care, custody or control of a child or children is involved, in each party’s initial pleading, or in an affidavit attached to that pleading, each party give information under oath in compliance with Section 452.780 R.S.Mo. The requirement of this Rule shall be in addition to the requirements of Local Rule 3 pertaining to the preparation and filing of pleadings.

68B.2.2 Every Motion to Modify a Judgment Decree of Dissolution of Marriage or Motion to Modify a Judgment Decree of Legal Separation and every motion for support of a minor child shall contain:

(a) The name and address of the current employer and the last four (4) digits of the Social Security number of the Movant; and

(b) The name and address of the current employer and the last four (4) digits of the Social Security number of the Non- Movant, if known.

68B.2.3 If a responsive pleading to a Motion to Modify a Judgment Decree of Dissolution of Marriage or Motion to Modify a Judgment of Legal Separation or motion for support of a minor child it shall contain:

(a) The name and address of the current employer and the last four (4) digits of the Social Security number of the Non- Movant.

68B.3 MEDIATION IN MODIFICATION CASES

68B.3.1 In every modification proceeding, either party may file a Motion for Mediation and a corresponding Order to Mediate requesting the Court to order two (2) hours of mediation.

68B.3.2 A proposed Order of Mediation shall set forth the name and contact information of the parties, the attorneys, the date by which mediation is to be completed and the percentage each party shall pay for mediation.

68B.3.3 Mediation for custody and/or parenting time shall be performed by a qualified mediator as defined in Supreme Court Rule 88.05 and the mediation shall be conducted in accordance with Supreme Court Rule 88.

68B.3.4 The parties may select a qualified mediator and reference that mediator's name in their Order. Should the parties fail to agree upon a qualified mediator, the Court may select a mediator and enter an Order for Mediation. The Court may also order mediation upon its own motion.

68B.4 EDUCATIONAL SESSIONS

68B.4.1 When a person files a Motion to Modify a Judgment Decree of Dissolution of Marriage or Judgment Decree of Legal Separation, and the custody or visitation of a minor child is involved, the Court may order all parties to the action to attend educational sessions pursuant to Sections 452.372.1 and 452.600-452.610 R.S.Mo.

68B.4.2 If the Court orders that the parties attend education sessions, each party will pay their own fee of \$40.00 for the education session by certified funds payable to the Clerk of the Circuit Court unless otherwise ordered by the Court.

68B.5 HEARINGS AND TRIALS

68B.5.1 All proceedings for Modification of a Judgment Decree of Dissolution of Marriage and Modification of a Judgment Decree of Legal Separation must be finalized in a hearing before the Court at which at least one party appears to testify, except as provided in Local Rule 68B.5.2.

68B.5.2 Entry of Judgment Decree of Modification without a Hearing

(a) Requirements

A Judgment Decree of Modification may be entered without the necessity of a hearing when:

(1) The ONLY issues modified from the prior Judgment Decree are Parenting Time and/or child support; no change to the custodial provisions; and

(2) A written stipulation signed by both parties confirming the provisions of the modification is filed; and

(3) When child support is modified, a Form 14 Presumed Child Support Calculation is provided to the Court; and

(4) A Judgment Decree of Modification is provided to the Court, approved by both parties.

68B.6 JUDGMENTS AND DECREES

68B.6.1 Attorneys or Pro Se parties shall furnish all orders, motions, dismissals, temporary orders, orders for publication and judgments.

68B.6.2 Every judgment modifying a Judgment Decree of Dissolution of Marriage or Judgment Decree of Legal Separation shall contain the last four (4) digits of the Social Security numbers of the parties.

68B.6.3 In all modification cases, the Court may require all costs be paid before a judgment is granted.

RULE 68C PATERNITY PROCEEDINGS

68C.1 FILING REQUIREMENTS

68C.1.1 Confidential Case Filing Information Sheet

At the time of filing a Paternity proceeding, Petitioner shall file a “Confidential Case Filing Information Sheet”. This form is available from the Platte County Circuit Clerk’s office upon request and is also available on the Missouri Courts’ website at www.selfrepresent.mo.gov, entitled “Filing Information Sheet”, (Form CAFC067).

68C.1.2 Service Information

At the time a Paternity proceeding is filed, the Petitioner shall provide written instructions to the clerk for service of the Petition.

(a) If service is to be accomplished by Special Process Server, a Motion for Special Process Server and proposed Order for Service by Special Process Server shall be filed.

(b) If an Entry of Appearance by the Respondent is filed, the written instructions shall request that the Summons prepared for service upon the Respondent be withdrawn.

(c) If service is to be accomplished by the Platte County Sheriff's Department, or other Sheriff's Department, detailed information regarding the best location and time for service shall be provided in the written instructions.

68C.2 PLEADING REQUIREMENTS

68C.2.1 Pleadings in paternity cases shall comply with the requirements of Sections 210.817 through 210.854 R.S.Mo. If child custody is an issue, each party shall give information under oath in compliance with Section 452.780, R.S.Mo. The requirement of this Rule shall be in addition to the requirements of Local Rule 3 pertaining to the preparation and filing of pleadings.

68C.3 MEDIATION IN PATERNITY CASES

68C.3.1 In every Paternity proceeding in which there are contested issues of custody and/or parenting time, either party may file a Motion for Mediation and a corresponding Order to Mediate requesting the Court to order mediation pertaining to issues of child custody and/or child visitation. The court may order mediation on motion of any party, and may also order mediation upon its own motion.

68C.3.2 A proposed Order of Mediation shall set forth the name and contact information of the parties, the attorneys, the date by which mediation is to be completed and the percentage each party shall pay, if any, for mediation.

68C.3.3 Mediation for custody and/or parenting time shall be performed by a qualified mediator as defined in Supreme Court Rule 88.05 and the mediation shall be conducted in accordance with Supreme Court Rule 88.

68C.3.4 The parties may select a qualified mediator and reference that mediator's name and contact information in their Order. Should the parties fail to agree upon a qualified mediator, the Court may select a mediator and may enter an Order for Mediation.

68C.4 MANDATORY EDUCATIONAL SESSIONS

68C.4.1 When a Petition for Paternity is filed, the Court shall order all parties to the action (except the State of Missouri) to attend the Responsibilities as Parents ("RAP") educational sessions unless attendance is waived by the court for good cause shown.

68C.4.2 Information regarding the required education sessions is available from the Platte County Circuit Clerk's office.

68C4.3 Each party will pay their own fee of \$40.00 for the education session by certified funds payable to the Clerk of the Circuit Court unless otherwise ordered by the Court.

68C.4.4 Except for good cause shown, both parties shall attend the educational session prior to the Court's entry of a Judgment Decree of Paternity.

68C.5 HEARINGS AND TRIALS

68C.5.1 All Paternity proceedings must be finalized in a hearing before the Court at which at least one party appears to testify.

68C.6 JUDGMENTS AND DECREES

68C.6.1 Attorneys or Pro Se parties shall furnish all orders, motions, dismissals, temporary orders, orders for publication and judgments.

68C.6.2 In all Paternity proceedings, the Court may require all costs be paid before a judgment is granted.

RULE 68D FAMILY ACCESS MOTIONS

68D.1 Confidential Case Filing Information Sheet

At the time of filing a Motion for Family Access, pursuant to Section 452.400 R.S.Mo., the Movant shall file a "Confidential Case Filing Information Sheet".

That form is available from the Platte County Circuit Clerk's office upon request and is also available on the Missouri Courts' website at www.selfrepresent.mo.gov, entitled "Filing Information Sheet" (FormCAFC0607).

68D.2 SERVICE INFORMATION

At the time a Motion for Family Access is filed, the Movant shall provide written instructions to the clerk for service of the Motion.

(a) If service is to be accomplished by Special Process Server, a Motion for Special Process Server and proposed Order for Service by Special Process Server shall be filed.

(b) If an Entry of Appearance by the Non-Movant is filed, the written instructions shall request that the summons prepared for service upon the Non-Movant be withdrawn.

(c) If service is to be accomplished by the Platte County Sheriff's Department, or other Sheriff's Department, detailed information regarding the best location and time for service shall be provided in the written instructions.

68D.3 Forms

The forms to initiate a Family Access Motion, pursuant to Section 452.400 R.S.Mo., are available from the Platte County Circuit Clerk's office and are also available on the Missouri Courts' website at www.selfrepresent.mo.gov.

RULE 68E ADULT ABUSE PROCEEDINGS

68E.1 BASIC PREMISES

(a) The Courts, police and other governmental agencies charged with the responsibility to respond to domestic and family violence are committed to meet those obligations in a professional and timely manner.

(b) The ability of members of the public to seek Ex-Parte Orders of Protection must be available twenty-four (24) hours a day and seven (7) days a week. Section 455.030 R.S.Mo.

(c) Persons seeking Ex-Parte Orders of Protection can best be served when trained staff of the Platte County Circuit Clerk is available in a safe environment to assist them to seek and obtain the full range of assistance available to them. This is usually Monday through Friday, 8:00 AM to 4:00 PM, except Holidays.

(d) When regular staff is not available to assist persons seeking orders of protection, after hour procedures should be available to permit those seeking relief to obtain ex - parte relief in a timely and competent manner.

(e) Those agencies of government charged with responding to the needs of persons seeking ex-parte relief should know of the availability of these services and the procedures to initiate relief pursuant to these procedures.

(f) The process to obtain orders of protection, whether during regular hours or after normal business hours of the Court, should be user friendly. The process should not be so complicated or threatening as to dissuade members of the public from seeking relief.

(g) Members of the public seeking relief should be encouraged to seek those services during normal business hours of the Court except when there is an urgent need for immediate relief.

68E.2 PROCEDURES FOR AFTER-HOURS APPLICATION FOR EX-PARTE ORDERS

(a) The Sheriff's Office of Platte County will provide forms for requesting orders of protection including petition forms and may assist persons in completing the forms. A manual provided by the Circuit Clerk of Platte County will set forth the protocol for processing applications for orders of protection outside normal business hours of the Court and will be provided to the Platte County Sheriff's Office to assist persons seeking relief in filing petitions under oath. Deputy Clerks will be on-call to provide answers (by telephone) regarding procedural inquiries from the Sheriff's Office.

(b) After the petition has been completed and sworn to by the petitioner, the Sheriff's representative will contact a Judge or Clerk to transmit a petition to the Judge or Clerk. The signed and sworn petition for relief, service information for order of protection form, the financial statement of the petitioner and a transmittal sheet (copies of which will be provided by the Office of the Circuit Clerk) reflecting whether the respondent is immediately available to the officer will be transmitted to the Judge or Clerk as provided in Paragraph four (4) thereof.

(c) The Judge or the Clerk will be provided with an electronic device for the receipt of petitions for orders of protection and accompanying documents and for return of the Court's orders. The Judge and the Clerk also will be provided by the Circuit Clerk with transmittal forms, blank forms of Ex- Parte Orders of Protection and summons, and a list of potential case filing numbers, dates, times and Court divisions for setting the returns for hearing on full orders of protection.

(1) If an electronic device is in possession of the Judge, the Sheriff's Office will notify the Judge that a Petition for Order of Protection and supporting documentation is forthcoming; The Judge will receive the electronic transmission and enter the appropriate relief based on the Petition. If the Court orders an Ex-Parte Order of Protection, the Judge will fill out and sign the order and transmit it to the Sheriff. The Court may deny the order of protection and issue a notice of hearing which will be transmitted to the Sheriff.

(2) If the electronic device is unavailable for use by the Judge and if the Clerk has an electronic device, the Clerk will notify the Sheriff of the contact information. The Clerk will receive the electronic transmissions and will obtain verbal authorization from the Judge for the relief to be granted. The Clerk will sign the form according to verbal from the Judge and check the order that is being entered. If the Court orders an Ex-Parte Order of

Protection, the Clerk will fill out and sign the order and transmit it to the Sheriff. If a Notice of Hearing is to be issued the Clerk shall fill out the notice and transmit to the Sheriff the Court's Order and the transmittal form reflecting that the Ex-Parte Order is denied but that a Notice of hearing is being issued. The authorizing Judge will sign the order on the Court's next available business day.

(d) The original petition seeking Ex-Parte relief and all other original documents obtained by the Sheriff in accordance with the protocol of applications for Orders of Protection outside normal business hours of the Court shall be returned to the Court by the officer administering the oath by delivering them to the Circuit Clerk no later than the next Court business day.

(e) The Sheriff, upon receipt of the electronically transmitted copy of the signed order, shall make four copies of the signed order and of the petition to be distributed as follows: one for the petitioner, one for service upon the respondent, one for making the return of service to the Court and one to be retained to enter in the Missouri Uniform Law Enforcement System (MULES) pursuant to Section 455.040 R.S.Mo. If the respondent is served with the petition and either an Ex-Parte Order of Protection or a notice of hearing, the law enforcement agency shall immediately transmit a copy of the petition and the Ex-Parte Order of Protection or notice of hearing and the executed return of service to the Circuit Clerk. A copy of electronic transmission of the petition and the summons or Ex- Parte Order of Protection and return of service shall be returned to the Circuit Clerk immediately following service.

(f) If the Office of the Circuit Clerk has not received a copy of an executed return of service and petition by the next business day following issuance of the Court's order, the Circuit Clerk shall issue a duplicate copy of the Court's order to the Sheriff for service upon the respondent.

(g) The attached 'narrative' forms will be completed by a Petitioner seeking an Adult Order of Protection.

Use only this space for additional details related to Paragraph 9 that specifically relate to allegations of Stalking only (for allegations of Abuse, please use preceding page):

Date: _____ Time: _____ a.m./p.m. (circle one)

Location/Address: _____ County: _____

Allegation(s):

Date: _____ Time: _____ a.m./p.m. (circle one)

Location/Address: _____ County: _____

Allegation(s):

Date: _____ Time: _____ a.m./p.m. (circle one)

Location/Address: _____ County: _____

Allegation(s):

END OF DESCRIPTION(S) OF STALKING.

Narrative attachment sheet of Petition for Order of Protection-Adult (effective July 14, 2017)

(a) The Sheriff's Department of Platte County will provide persons requesting Orders of Child Protection the necessary forms. All required forms will be completed by the Petitioner. A Juvenile Officer or Deputy Juvenile Officer (hereinafter referred to as Juvenile Officer) will be on call to provide answers by telephone to procedural inquiries by the Sheriff's Department.

(b) Once the Petition for Child Order of Protection has been completed the, Sheriff's Office shall immediately contact the Juvenile Officer. The Juvenile Officer will screen the Petition to determine if it meets statutory guidelines.

(c) If the Juvenile Officer determines that the Petition meets statutory guidelines, then all other completed forms will be faxed or electronically transmitted to the Juvenile Officer. The Juvenile Officer will review the paperwork and determine that it has been correctly completed. Once all forms are complete, the Juvenile Officer will authorize the Sheriff's Department to electronically submit all forms to the Judge.

(d) After review, if the Judge signs the Order, it will be electronically transmitted to the Sheriff's Department. A copy of the Order will be provided to the petitioner. A copy of the Petition, the Order and all other completed forms will be placed in the Communication Center. Two copies of the Order along with one copy of the petition will be provided to the Road Patrol Division for service on the respondent.

(e) The original documents along with the checklist will be forwarded to the Clerk of the Circuit Court.

RULE 69 MUNICIPAL DIVISION

69.1 REFUND OF BOND ON APPLICATION FOR TRIAL DE NOVO

69.1.1 If plaintiff dismisses the information against the defendant, the Circuit Clerk shall, without delay, return defendant's bond to said defendant.

69.1.2 If defendant dismisses application for trial de novo, the Circuit Clerk shall without delay, collect costs and then return defendant's cash bond to the municipal division.

69.1.3 If judgment is rendered against defendant by this Court, the Circuit Clerk shall:

(1) Collect any fine and costs from the defendant's cash bond or deposit and after thirty (30) days, shall refund any remainder to defendant, or

(2) Collect from the defendant any portion of the fine and costs not covered by the amount of funds on deposit with the Court.

69.1.4 If defendant is found by this Court to be not guilty, the Circuit Clerk shall without delay return defendant's bond to said defendant.

69.1.5 If the Court dismisses the application for trial de novo because neither plaintiff nor defendant appears, the Circuit Clerk shall return defendant's cash bond to the municipal division after thirty (30) days.

69.1.6 If the Court dismisses the application for trial de novo because the defendant fails to appear for hearing, the Circuit Clerk shall return defendant's cash bond to the municipal division after thirty (30) days.

69.2 OPERATION OF MUNICIPAL COURTS

69.2.1 All municipal divisions shall operate in accordance with the Missouri Supreme court rules and the Revised Statues of Missouri.

69.2.2 All Defendants appearing in the Municipal Division shall be advised of their constitutional, procedural and statutory rights before the commencement of any proceeding.

69.2.3 No warrants shall be issued for the arrest of the Defendant until the Defendant has been given notice and an opportunity to be heard.

69.2.4 No defendant shall be committed to a detention facility for non-payment of a fine unless that Defendant has been given notice and an opportunity to be heard on the Defendant's ability to pay.

69.2.5 Determination of indigent status:

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



IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI
 MUNICIPAL DIVISION, CITY OF _____

Name:	Case Number:
Address:	Phone Number: Is it OK to text you at this number? <input type="checkbox"/> Yes <input type="checkbox"/> No
Age and Date of Birth:	

(Date File Stamp)

Statement of Financial Condition

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

If you answered "No," why not? _____

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

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

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

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

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

5. Please list the following income from the **previous month** for your **entire household**:

Take home pay for the month including overtime and bonuses: _____

Social security income (including social security disability): _____

Workers' compensation income: _____

Unemployment income: _____

Retirement income: _____

All other income: _____

Total: _____

6. How many people live in your household? _____

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

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

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

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

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

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

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

Applicant

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI
 ----- MUNICIPAL DIVISION

CITY OF _____,)
)
 Plaintiff,)
)
 vs) Case No(s): _____
)
 _____,)
 Defendant.)

ORDER OF COMMITMENT

Pursuant to the arrest of the defendant made by a member of the
 _____, Missouri Police Department in this cause:

_____ This cause is a minor traffic violation and requires the Defendant to be arraigned within 48 hours of arrest pursuant to a warrant (24 hours without a warrant) or the Defendant is to be released from custody with an assigned court date.

_____ This cause is NOT a minor traffic violation and requires the Defendant to be arraigned within 72 hours of arrest or the Defendant is to be released from custody with an assigned court date.

_____ The Defendant was arraigned on _____.

The court orders the Defendant in this cause to be held in the custody of the Platte County Sheriff until such time as the Defendant is brought forth for trial at
 _____ a.m./p.m. on the _____ day of _____, 20__ in this court; OR

Until such time as the Defendant posts a bond in the amount of \$ _____,

which bond shall be in the form of:

- _____ Cash only
- _____ Cash or Surety only
- _____ 10% cash

 Judge

 Date

69.2.6 No fines or costs will be assessed against a Defendant determined to be indigent.

69.3 TRANSFER OF CASES FROM A MUNICIPAL DIVISION TO AN ASSOCIATE OR CIRCUIT
DIVISION (REPEALED)

RULE 70 PARTITION

(NO LOCAL RULE)

RULE 71 ADMINISTRATIVE REVIEWS

(NO LOCAL RULE)

RULE 72 PROBATE

72.1 Every application to the Probate Division shall be under oath or affirmation as provided by Section 472.080 RSMo., except as otherwise provided by the Judge of the Probate Division.

72.2 Any application for change of Judge or disqualification of the Judge of the Probate Division shall state whether it applies to the entire case or to a certain matter or matters in the case.

72.3 The entire case or the matter or matters involved may be heard in the Probate Division by any Judge on assignment by the Presiding Judge.

72.4 In any contested matter filed in the Probate Division, the Court may order the parties to attend mediation.

72.5 Affidavits or Petitions requesting a Will be admitted to Probate shall be e- filed and shall include a copy of the Will. Within forty-eight hours of the Affidavit or Petition being filed, the original Will shall be delivered to the Probate Division.

RULE 73 SMALL CLAIMS

(NO LOCAL RULE)

RULE 74 TRUST ESTATES

74.1 INVENTORY

Within thirty (30) days after appointment, every trustee shall file and present to the Division of the Circuit Court wherein the trustee was appointed an inventory in writing of the property and effects comprising the trust estate.

74.2 REPORTS

Every court-appointed trustee shall annually, and at such other times as ordered, file and present a report in writing of the condition of the trust, including verification of assets.

74.3 RECORD

It shall be the duty of the Clerk of the Probate Division of the Circuit Court to schedule trust estate cases annually before the appropriate Court for review.

74.4 REGISTRATION OF TRUSTS

Before any proceeding is initiated involving the internal affairs of the trust, a trust shall be registered in accordance with Chapter 456 of the Revised Statutes of Missouri.

RULE 81 EXECUTION

81.1 Executions shall be issued by the Circuit Clerk upon written application.

81.2 All motions to quash executions upon transcripts of judgments, or upon other proceedings not begun in or appealed to this Circuit Court, shall be numbered and docketed as separate and distinct cases.

RULE 82 GARNISHMENT

(NO LOCAL RULE)

RULE 83 JUDICIAL SALES

(NO LOCAL RULE)

RULE 84 JUDGMENTS

84.1 SATISFACTION OF JUDGMENTS

84.1.1 When a Satisfaction of Judgment has been filed in a civil case heard before an Associate Circuit Judge, and if a Transcript of Judgment has been filed with the Circuit Clerk, the Circuit Clerk shall enter a Satisfaction of Judgment on the Transcript.

RULE 100 INTERNAL ORGANIZATION

100.1 PRESIDING JUDGE

100.1.1 Election

100.1.1.1 A majority of all the Judges meeting en banc, each even-numbered year at a December meeting, shall elect a Circuit Judge among their number as Presiding Judge.

100.1.2 DUTIES OF THE PRESIDING JUDGE

100.1.2.1 The Presiding Judge shall be the Administrative Judge of the Court and shall preside at all meetings of the Court en banc.

100.1.2.2 The Presiding Judge shall have the authority to transfer cases among the Circuit Judges and Associate Circuit Judges as may be necessary to expedite the docket.

100.1.2.3 A majority of all the Judges shall constitute a quorum to authorize the transaction of business. All business shall be concluded by a majority vote of those Judges present, except when otherwise provided by law.

100.1.2.4 Special meetings of the Court en banc shall be called by the Presiding Judge or upon request in writing signed by any two Judges.

100.1.3 DISPUTE RESOLUTION – PROCEDURE (NO LOCAL RULE)

100.1.4 PRESIDING JUDGE – TERM

100.1.4.1 The Presiding Judge shall serve for a term of two (2) years, commencing on the first day of January following the election, and shall be eligible for an unlimited number of terms, and shall serve until a successor is elected. The Presiding Judge may be removed during the term by a three-fourths (3/4) vote of all Judges.

100.2 LOCAL COURT RULES

100.2.1 FORMULATION

100.2.1.1 These rules may be amended by a majority of all the Judges sitting en banc for that purpose.

100.2.2 PUBLICATION

(NO LOCAL RULE)

100.3 LIBRARY FUND

100.3.1 The Law Library fees will be collected and paid by the Circuit Clerk to the Trustee of the “Platte County Law Library Fund” and shall be disbursed by said Trustee for the purposes of the Platte County Law Library, or other purposes authorized by law, as provided by law; said trustee shall be appointed by the Presiding Judge.

RULE 110 STORAGE OF RECORDS

(NO LOCAL RULE)

RULE 120 DISMISSAL REVIEW COMMITTEE AND GRIEVANCE

REVIEW COMMITTEE

The Court en banc shall comprise the “Dismissal Review Committee” and the “Grievance Review Committee” in accordance with Supreme Court Operating Rule 7. Meetings may be called in the same manner as other Court en Banc meetings.