

2020 Rule 68

Effective 2/1/16

In default or uncontested motions or hearings in cases that are not controlled by Local Rule 68, a hard copy of the proposed order, judgment, or decree, together with one copy thereof for issuance to each non-defaulting party affected thereby, shall be submitted to the judge at the time the case or motion is heard unless additional time is granted by the judge. If additional time is granted to file the proposed order, judgment, or decree, the same procedure shall be followed as set forth in Rule 54.1, supra. The proposed judgment shall not be filed by a party as an electronic document through the e-filing system unless the judge authorizes the party to do so.

Failure to comply with this rule may result in the imposition(s) of sanctions including the dismissal of the motion or case.

The judge has complete discretion to enforce or not enforce this rule, as the judge sees fit.

54.2 Execution Deposit.

All divisions shall receive \$40.00 (payable to the appropriate Sheriff or service agency) unless excused by operation of law or the Court. This shall include motions for contempt.

RULES RELATING TO PARTICULAR ACTIONS

61. Adoption.

61.1 Filing Requirements.

In addition to the prescribed filing fee for petitions, petitioners in any adoption proceeding, except step-parent adoptions, whereby adoption of one or more minor children is sought shall, at the time of filing their petition, deposit \$435.00 in addition to the filing fee, in order to secure payment of Adoptive Home Studies, Putative Father Registry and Guardian Ad Litem fee. In step-parent adoptions only, petitioners shall, at the time of filing of their petition, deposit \$150.00 in addition to the filing fee, in order to secure payment of Guardian Ad Litem fee and Putative Father Registry.

61.2 Home Study.

Adopted 4/4/14

Upon the filing of an Adoption Petition, the Petitioner(s) shall file an approved and proposed Home Study Order which shall contain that which Petitioner proposes the Court order to be executed and filed. The approved Home Study Order forms shall be made available by the Juvenile Office and the Circuit Clerk.

62. Drivers' Cases.

62.1 Applications for Hardship Driving Privileges. (See also Rule 6.1.C)

The following classes of cases shall be filed in and heard by the Associate Judge of the Circuit Court:

- A. Proceedings for Change of Name
- B. Hardship Driving Privileges
- C. All Department of Revenue cases/matters regarding driving privileges.

62.2 Petitions for Review. See Rule 62.1

62.3 Breathalyzer Test. See Rule 62.1

63. Associate Division Cases.

Adopted 4/1/16

Effective

1/1/17

When venue of a case is transferred from one county's Associate Division to another county's Associate Division within the 30th Judicial Circuit, said case is hereby assigned to the Associate Circuit Judge of the receiving division for trial.

63.1 Counties with Two Associate Judges.

Amended 4/4/14

Any county with two Associate Judges shall divide the cases assigned to Associate Circuit Judges by State law and by these Circuit Rules as approved by Order of the Presiding Judge. Upon recusal of either of said Associate Circuit Judges in any county, the case shall be assigned to the other Associate Judge of said county. Upon recusal of both Judges in any one county, the case shall be transferred to the Presiding Judge for assignment.

64. Cases Arising under Chapters 207 and 208, RSMo 1978. (No Local Rule)
(Commonly Known as Title IV-D and H.B. 601 Actions).

65. Civil Commitment. (No Local Rule)

66. Condemnation. (No Local Rule)

67. Criminal Cases.

Prior to filing with any Division of the Court, the Prosecuting Attorney shall place upon the original pleading, and any amendment thereof, in all criminal cases the Missouri State Criminal Charge Code for the offense(s) charged. It is the responsibility of the Prosecuting Attorney to determine the appropriate charge code(s).

It is the responsibility of the Sheriff to assign an Offense Cycle Number (OCN) to each Defendant arrested and/or taken into custody and fingerprinted, and to furnish a copy of said OCN to the Clerk's office where said charge(s) is/are pending, and to the initiating Prosecuting Attorney, within seven (7) days of the date when each Defendant is first placed in custody. This rule shall take effect November 1, 2001.

67.1 Pretrial Release.
4/1/16

Amended

Effective 1/1/17

There will be only one approved bonding list for all Divisions of the 30th Judicial Circuit which shall be the list generated weekly by the State Department of Insurance and available at www.insurance.mo.gov, and which contains of all duly licensed and qualified bail bond agents and general bail bond agents whose licenses are not subject to pending suspension or revocation proceedings, and who are not subject to unsatisfied bond forfeiture judgments. Pursuant to Section 374.763 RSMo., the Department of Insurance of the State of Missouri may, in lieu of providing a monthly list to the Presiding Judge, provide this information in electronic format. As the electronic list maintained by the Department of Insurance is updated weekly, every sheriff's department of the 30th Circuit shall access the electronic list and allow bonds to be written by only those appearing on the list. The Judge having jurisdiction of the case must personally approve any bail bond tendered by any non-licensed and non-compensated surety, and in all cases where the amount of the bond set by the court exceeds \$50,000.00.

67.1.1 Motions to Set Bond and for Bond Reduction. **Adopted**
4/4/14

All motions regarding bond in Circuit Court shall be in written form, unless presented orally upon agreement of the parties or Order of the Court, and filed and heard only upon proper Notice unless consent to hearing the same upon shorter notice is made.

67.1.2 Deposit of Operator's License. (No Local Rule)

67.2
Hearing.

Preliminary

Amended 12/9/16

Effective 1/1/17

Upon the filing of any felony information with the Clerk of the Circuit Court within the 30th Judicial Circuit wherein a preliminary examination was waived; said case is hereby automatically assigned to the Judge before whom said waiver was entered for trial upon the record and under applicable Circuit Court procedures. However, in Webster County, preliminary hearings that are waived in Division III and bound over are assigned to the Division II judge. In Polk County, preliminary hearings held in Division II and bound over to the Circuit Court are assigned to the Division III judge. Preliminaries which are not waived will be returnable for arraignment the next law day that is more than ten (10) days after said preliminary hearing, or waiver thereof, under procedures currently applicable.

- 67.3 Grand Jury. (No Local Rule)
- 67.4 Attorneys. (No Local Rule)
- 67.5 Arraignments. (No Local Rule)
 - 67.5.1 In General. (No Local Rule)
 - 67.5.2 Dates. (No Local Rule)
- 67.6 Discovery. (No Local Rule)
- 67.7 Motions. (No Local Rule)
- 67.8 Plea Bargaining. (No Local Rule)
- 67.9 Guilty Plea. (No Local Rule)
 - 67.9.1 Where Entered. (No Local Rule)
 - 67.9.2 Petition to Enter a Plea of Guilty.

3/20/15

2/1/16

Adopted

Effective

In every Felony guilty plea a defendant, and any counsel for defendant, shall execute a Petition to Enter a Plea of Guilty approved by the Court receiving the plea which shall be either attested to by the Circuit Clerk or the Court.

- 67.10 Calendar. (No Local Rule)
- 67.11 Probation and Parole. (No Local Rule)
- 67.12 Treatment Courts within the Circuit.

Amended 3/20/15

The Benton County Treatment Court is hereby established pursuant to the provisions of §478.001 RSMo. The Associate Circuit Judge of Benton County, Missouri is designated to hear all cases arising in the Benton County Treatment Court subject to the provisions of §§478.001 to 478.006 RSMo.

The Webster County Treatment Court is hereby established pursuant to the provisions of §478.001 RSMo. The Division III Associate Circuit Judge of Webster County, Missouri is designated to hear all cases arising in the Webster County Treatment Court subject to the provisions of §§478.001 to 478.006 RSMo.

The designated judge of any Treatment Court within the circuit may promulgate and publish from time to time such rules and regulations as are deemed necessary for the effective and efficient operation of such Treatment Court.

67.13 Mental Health Courts within the Circuit.
2/1/16

Adopted

The Webster County Mental Health Court is hereby established. The Division III Associate Circuit Judge of Webster County, Missouri is designated to hear all cases arising in the Webster County Mental Health Court.

The designated judge of any Mental Health Court within the circuit may promulgate and publish from time to time such rules and regulations as are deemed necessary for the effective and efficient operation of such Mental Health Court.

68. Family Law.

Family Law for the purposes of Rule 68, will apply to Dissolution of Marriage, Legal Separation, Family Access, Motions for Modification, and Paternity cases.

Rules 68.1 through 68.11 shall be applicable to all Family Law cases currently pending or hereafter filed in or transferred to Benton, Hickory and Polk Counties. To the extent a provision of any other local court rule conflicts with any provision of Rules 68.1 through 68.11, the latter shall govern.

Rules 68.1 through 68.4, 68.6(1), 68.10 and 68.30 shall be applicable to all Family Law Cases currently pending or hereafter filed in or transferred to Webster County. The court, on its own motion, on any case pending or filed in Webster County, may order compliance with any part or parts of Rule 68. To the extent a provision of any other local court rule conflicts with any provisions of the sections of Rule 68, the latter shall govern.

Rules 68.1 through 68.11 shall not be applicable to any Family Law case in Dallas County so long as such case is pending in said county. The court, on its own motion, on any case pending in such Counties, may order compliance by the parties with any part or parts of Rules 68.1 through 68.11.

Rules 68.20 through 68.22 shall be applicable to all Family Law cases currently pending or hereafter filed in or transferred to Dallas County.

For the purposes of this Rule 68, “date of service” is defined as the date upon which service of process of the initial pleading is obtained upon a responding party, or the filing date of any entry of appearance by a responding party waiving service of process of the initial pleading.

In dissolution of marriage, motion to modify, and paternity actions, where neither party is represented by an attorney, all pleadings, information forms, parenting plans, child support calculations and judgment forms must be submitted to the court on forms approved by the Missouri Supreme Court unless waived in writing by the court. Prior to filing any such action, a petitioner

not represented by counsel shall complete the on-line course at Case.Net (Representing Yourself) and present proof of completion to the clerk at time of filing. Only forms approved by the Missouri Supreme Court will be accepted from pro se litigants.

68.1 Filing Requirements.

At the time of filing a petition for dissolution of marriage, the petitioner or the attorney for the petitioner shall file a **Certificate of Dissolution of Marriage** - (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360, RSMo.

68.2 Family Law Interim Order.

(1) Immediately upon the filing of a petition for Dissolution of Marriage, Paternity, or Motion to Modify, the Court shall, unless good cause is otherwise shown, enter a Family Law Interim Order (Form 68-1). The clerk shall attach a copy of the Family Law Interim Order to the summons, and send a copy to the filing party, the filing party's attorney, or party who waives service of process.

(2) Violation of the Family Law Interim Order may constitute contempt of court and subject the violator to fine, imprisonment, or other sanction as allowed by law, plus payment of attorney's fees and costs to the other party.

(3) If either party is aggrieved by the Family Law Interim Order, a court hearing may be requested, however, the court urges the parties to attempt to resolve their dispute through mediation before requesting a hearing.

(4) The Family Law Interim Order does not supercede any temporary or final Order of Protection that may already be in effect. The Order of Protection remains in full effect.

68.3 Contested Cases.

Every family law action shall be considered a contested case unless:

(1) All responding parties are in default, or

(2) All parties file a stipulation in writing that the case is uncontested and setting forth the agreement of the parties for the resolution of all issues raised in the pleadings filed by any of the parties.

68.4 Filing of Financial Statements.

(1) In any contested case in which the award of property, maintenance, child support, attorney fees, or the division of debt is an issue, a "**Statement of Income and Expenses**," on the form substantially in accordance with Form OSCA CV-100, shall be completed by each party, executed under oath or affirmation, and served on the opposing party within forty-five (45) days after the date service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.

(2) In any contested case in which the award of property, maintenance, child support, attorney fees, or the division of debt is an issue, a **Statement of Assets and Debts** on Form OSCA CV-105, shall be completed by each party, executed under oath or affirmation, and served on the opposing party within sixty (60) days after the date of service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.

(3) The parties by written agreement filed with the court may agree to use an alternate format for the exchange of income, expense asset and debt information other than by use of OSCA forms CV-100 and CV-105. Such written agreement shall certify to the Court that such alternate format provides for the exchange of no less identifying information than that as required on OSCA forms CV-100 and CV-105.

(4) In any contested case in which the award of child support is an issue, a Missouri Supreme Court Civil Procedure Form No. 14 shall be completed by each party and served upon the opposing party, within sixty (60) days after the date of service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.

68.4.1 Required Document Production in Family

Law Cases.

(1) In any contested case in which the award of property, maintenance, child support, attorney fees, or division of debt is an issue, each party shall deliver to the other party, within sixty (60) days after the date of service, a complete and legible copy of each of the following documents in their possession or under their control:

(a) Any federal and state income tax returns (including all schedules, W-2, K-1, and 1099 forms) for the proceeding 3 calendar years;

(b) The last 6 pay periods “pay check” stubs or other evidence of wages, salaries or tips if no “paycheck” stub is issued;

(c) Any financial statements provided to a lender or prospective lender within the proceeding 3 calendar years;

The following documents, in addition to the preceding documents, shall be produced within such time period, only if the award of property or division of debt is an issue:

(d) Any benefit statements wherein a party has an interest in any form of pension plan whether vested or non-vested;

(e) The plan(s) relating to any pension benefits whether vested or non-vested;

(f) Any deeds to real estate, notes, deeds of trust, leases, titles to motor vehicles, stock or bond certificates and any other evidence of ownership of an asset or interest in an asset claimed as marital or separate property;

(g) The latest statement of account on all accounts held in any financial institution or brokerage firms;

(h) All declaration sheets or certificates of coverage for life insurance policies insuring the life of either party or a minor child involved in the proceedings;

(i) The most recent statement of value for any life insurance policy of either party or child, which has a cash value;

(j) Any appraisals relating to any marital or separate property done within the last thirty-six (36) months;

(k) Any trusts where a party is either the grantor or current income beneficiary of the trust;

(l) Any partnership agreements, operating agreements in any limited liability company and/or stock certificates in any corporation in which a party holds an interest; and,

(m) Promissory notes, deeds of trust, security age sheets and/or income and expense statements received within the immediately preceding three (3) years with respect to any and all proprietorships, joint ventures, partnerships, realty trusts, corporations, limited liability companies (LLC), limited liability partnerships (LLP) or other legal entities in which is held a legal or equitable interest, individually or otherwise.

(n) All balance sheets and/or income and expense statements received within the immediately preceding three (3) years with respect to any and all proprietorships, joint ventures, partnerships, realty trusts, corporations, limited liability companies (LLC), limited liability partnerships (LLP) or other legal entities in which is held a legal or equitable interest, individually or otherwise.

(2) **Additional Information to be provided.** For each document described in the preceding paragraph that is not produced by a party to the other, such party shall advise the other of the fact that such document may not now exist or has never existed, or that if such document exists, but is not in the possession or under the control of the delivering party, the name and current address of the person who has possession or control of the document.

(3) **Certificate of Compliance Required.** Within the time period provided herein for the production of these documents each party shall file with the court a Certificate of Compliance with this rule.

(4) **Information shall be updated prior to trial.** All interrogatories and document productions shall be updated and supplemented no less than ten (10) days prior to trial if any changes occur prior to the trial date, except significant changes such as employment, income, or expert witnesses which shall be updated immediately upon the happening of the event.

68.4.2 Use of Discovery and Certification to Circuit Division.

Adopted 4/13/18

Effective 5/7/18

All discovery shall be completed within 120 days after an answer has been filed unless extended for cause shown by the Court.

68.5 Case Management Conference.

- (1) An initial Case Management Conference (CMC) in all family law cases shall be set on the court's first available family law docket following sixty (60) days after the date service.
- (2) Upon application or the court's own motion, the court may set subsequent CMC's from time to time as are deemed necessary and appropriate to bring the case to an expeditious conclusion.
- (3) The clerk shall send notice of the date and time of any CMC to all parties not in default and any attorneys who have entered an appearance in the case.
- (4) At any CMC, the court will make inquiry as to the status of the case and may enter appropriate orders which may include, but are not limited to, ordering mediation, making discovery orders, setting the matter for trial, hearing evidence on and disposing of uncontested cases, or hearing any motion properly noticed for hearing by a party. A CMC does not obviate the need for counsel to notice for hearing any motion deemed necessary. Unless any such motion is properly noticed for

hearing, the court will not consider the same at any CMC without consent of the opposing party and the court.

(5) Upon application showing good cause, or the court's own motion, any CMC may be continued to another date certain.

(6) All non-defaulting parties and all attorneys of record are required to attend and participate in each scheduled Case Management Conference unless otherwise excused by the court in advance for good cause shown.

68.6 Required Education Programs.

(1) Parent Education Program – In any family law case where there is at least one child of the parties under the age of eighteen, both parents of such child shall attend a court-approved (pursuant to Rule 68.21) educational session to educate parents as to the possible detrimental effects of court actions on children and how to avoid these negative effects. No party shall be required to attend such a court-approved program more than once. The petitioner shall file a Certificate of Completion with the clerk of the court certifying petitioner's attendance of said program within forty-five (45) days after filing the petition or motion. The respondent shall file a Certificate of Completion with the clerk of the court certifying respondent's attendance of said program within forty-five (45) days after the date of service of process or of receipt of the petition or motion if service is waived. This requirement may be waived by the judge assigned to the case upon written application by any party and for good cause shown.

(2) Alternative dispute Resolution Education Program – In any contested dissolution of marriage, legal separation, motion to modify or paternity case, the petitioner and respondent will, within sixty (60) days after the date of service, attend an educational program on Alternative Dispute Resolution (ADR) as directed by the court. Each party shall file with the court a certificate of completion of this program with the court within sixty (60) days after the date of service.

68.7 Parenting Plan.

A proposed parenting plan shall be filed with the court as required by and within the time periods provided in Section 452.310 RSMo. The petition of any petitioner who fails to submit a proposed parenting plan as provided by law shall be dismissed without prejudice. The pleadings of any respondent who fails to submit a proposed parenting plan as provided by law shall be stricken.

68.8 Family Access Motions.

(1) At the time of filing for a Family Access Motion, the petitioner may request the form OSCA CV-137 from the circuit clerk. Clerks, under the supervision of the circuit clerk, shall explain to aggrieved parties the procedures for filing the form.

(2) The Clerk shall provide information to both parties regarding Alternative Dispute Resolution services available at the time of filing and service of respondent.

(3) Upon the return date on any contested motion, the court shall, unless good cause is otherwise shown, enter an order referring the case to mediation.

68.9 Alternative Dispute Resolution Program.

**Amended 4/13/18
Effective 5/7/18**

(1) Pursuant to Supreme Court Rule 17 and 88.02 through 88.08, the court adopts the following Alternative Dispute Resolution program. In every contested case involving Family Law Disputes including; Dissolution of Marriage, Family Access, Modification, and Paternity cases, participation in a minimum of two (2) hours of mediation pursuant to this local court rule is required, unless waived by the court for good cause shown.

(2) In all contested actions to which this rule applies, except motions for family access, both parties to the dissolution or motion shall attend a court-approved educational session to educate parties on the availability and advantages of Alternative Dispute Resolution. Each party shall attend said program within sixty (60) days of the date of service of process, or of receipt of the petition, or motion if service is waived. Counsel for the parties should discuss alternative dispute resolution with their clients.

(3) At the initial CMC the court will make inquiry as to the status of the case and will enter an order for mediation if appropriate. If the parties cannot agree on a mediator from the court-approved list of mediators, the case will be assigned by the court to a mediator from the court-approved list to conduct mediation.

(4) The minimum qualifications of mediators are as set forth in Supreme Court Rule 17.04 and 88.05.

68.9.1 Designation, Assignment and Disqualification of Mediators.

(1) The court will maintain a list of court-approved family law mediators that will be available to attorneys, parties, and the public through the office of the Circuit Clerk.

(2) At the time the case is referred for mediation, the Court will assign a mediator, as agreed by the parties or if the parties are unable to agree upon a mediator as determined by the court, from the court-approved list of mediators.

(3) Any party may disqualify one (1) assigned mediator without cause within five (5) days of assignment of such mediator, but no later than the commencement of the initial mediation session, whichever occurs first. A party must file a written disqualification with the clerk of the court and with a service copy to all interested parties. The clerk shall immediately bring such disqualification to the court's attention for reassignment of a mediator.

68.9.2 Mediator Responsibilities.

(1) To be included on the court-approved list of mediators, the interested mediator must provide the court with the following minimum information: business address, telephone number, fax number, e-mail address, if any; a copy of degrees and the institutions where obtained; type and number of hours of mediation training with a copy of certification of completion of the program; current profession and hourly rate of mediation.

(2) The mediator, with the assistance of the Petitioner or the Petitioner's counsel, if any, shall schedule the initial mediation session within thirty (30) days after the completion date of any uncompleted items identified in the Order of Mediation.

(3) If agreement is reached during mediation, a Memorandum of Agreement will be drafted by the Mediator and presented to the parties for submission to their attorneys, if any. Any understanding reached by the parties as a result of mediation shall not be binding upon the parties until it is reduced to writing, signed by the parties and their attorneys, if any, and approved by the court.

(4) The Mediator will submit Form 68.2 to the clerk of the court within three (3) days following each mediation session.

(5) The Mediator shall disclose the nature and extent of any relationship with the parties and any personal, financial, or other interests that could result in a bias or a conflict of interest.

68.9.3 Termination of Mediation.

(1) At any time after two hours of mediation, either party may terminate mediation ordered under this rule.

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

(a) Continuation of the process would harm or prejudice one or more of the parties or any child of the parties; or

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

(3) The Mediator shall report the termination of mediation on Form 68-2, to the clerk of the court within seven (7) days of termination of mediation. The clerk shall notify the court as soon as possible.

68.9.4 ADR Program Costs.

(1) The parties shall be responsible for the payment of the full cost of the mediator for the required initial two-hour mediation session on an equal basis unless otherwise specifically allocated by an order of the Court for good cause shown entered before or at the time the case is referred to mediation by the court.

- (2) The amount to be paid by a party to a mediator under this rule for services rendered for the initial mediation session is due and payable in full to the mediator at least seven (7) days before the scheduled date for the commencement of such mediation session. Failure to pay the mediator as required herein is a basis for the imposition of sanctions by the court.

68.10 Entry of Judgment by Affidavit.

Amended 10/30/15

Effective

2/1/16

- (1) **Final Judgment** in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:

(a) There are no minor children of the mother and father and the mother is not pregnant, or both parties have entered into a written agreement determining custody and child support; and the adverse party has been served in a manner provided by the Missouri Rules of civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and

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

(c) There is no marital property or marital debts to be divided or the parties have entered into a written agreement for the division of their marital property and marital debts.

(2) **Affidavit Filing.** If one party desires to submit the matter for entry of final judgment upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the Court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding. At the same time, said party shall submit a copy of the proposed judgment together with a copy of any written agreement(s) proposed for adoption by the Court, a completed Form 14, and any other supporting evidence; these documents shall be submitted via email in the manner and format required by Local Rule 54.1. If all parties are in default, the Court may proceed with entering judgment upon the affidavit. If any other party is not in default, the Court may proceed with entering judgment upon the affidavit only with the written consent of all non-defaulting parties. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a Judgment of Dissolution or Judgment of Legal Separation.

(3) The Court shall not be bound to enter a judgment upon the affidavits of either or both parties, but the Court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

(Adopted Dec. 9, 2004, eff. Jan. 1, 2005)

68.11 Failure to Comply With Rule.

If a party fails to comply with any provision of Rules 68.1 through 68.11, the court may, upon its own motion or the motion of a party, after reasonable notice to all parties, make such orders in regard to failure as are just and among others the following:

- (1) An order requiring the party who fails to timely attend a scheduled mediation session to pay to the mediator an amount as determined by the court up to the total cost for the mediation session.
- (2) An order requiring the party who fails to timely attend a scheduled mediation session to pay to the other party or parties required to attend the mediation session an amount as determined by the court for their lost wages and expenses in attending such session.
- (3) An order refusing to allow the disobedient party to support or oppose designated claims or defense or prohibit party from introducing designated matters in evidence.
- (4) An order treating as a contempt of court the failure to obey.
- (5) An order requiring the disobedient party or the attorney advising the disobedient party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.
- (6) An order striking pleadings or parts thereof or staying further proceedings until the order is obeyed or dismissing the action or proceeding or any part thereof or, rendering a judgment by default against the disobedient party.
- (7) Upon a showing of reasonable excuse, the court may grant the disobedient party additional time to comply and, if appropriate, impose any further sanctions as set forth herein should the disobedient party not comply within such additional time period.
- (8) Likewise, the Court, on its own motion, on any case pending in such counties, may suspend, by written order, the compliance by the parties with any part or parts of Rules 68.01 through 68.11.

68.20 Pretrial Order Domestic Relations Cases. (Former Rule 29)

Petitioners and Respondents shall within fifteen (15) days after an answer has been filed; complete and file a financial report concerning their income, expenses, assets and debts. Counsel for Petitioner shall prepare and file a "Summary of Assets of Marital and Non Marital Property and Liabilities" with the Court and serve a copy of same upon opposing counsel at least 3 business days prior to the date of hearing. Forms will be available at the Circuit Clerk's office. Failure to comply herewith, without cause, may result in the offending party's pleading being stricken.

68.21
4/13/18

Divorce Education Providers. (Former Rule 35)

Amended

Effective 5/7/18

All parties, in accordance with §452.375, 452.600 and 452.605 RSMo., who are required to attend an educational session for actions of dissolution of marriage or in post-judgment proceedings, involving custody or support shall complete an approved program and file proof thereof with the Circuit Clerk as follows: petitioner within forty-five (45) days after filing the petition or motion, and respondent within forty-five (45) days after the date of service of process or of receipt of the petition or motion if service is waived. The pleadings of any party who fails to comply may be stricken.

The following are designated as approved Divorce Educational Providers:

1. Burrell Behavioral Health, 1300 Bradford Parkway, Springfield, MO, 65804 – (417)761-5000.
2. University of Missouri Extension Center Program – MissouriFamilies.org.
3. Tri-County Psychological Services, Ward M. Lawson, PhD, 541 W. Hubble Drive, Marshfield, MO, 65706 – (417)859-7746
4. FOCIS, Ozarks Counseling Center, 614 S. Avenue, Springfield, MO 65806 – (417)869-9011.
5. Melissa D. Harp, Kids First, Joplin Library, 1901 E. 20th Street, Joplin, MO 64804, Kidsfirstmo.org.

Any provider wishing to be approved shall submit a proposal, with their qualifications, to the Presiding Judge for consideration by the Court En Banc.

68.22 Parenting Plan – Dismissal/Pleadings Stricken for Failure to File.
(Former Rule 41)

The petition of any petitioner who fails to submit a proposed parenting plan as provided by law shall be dismissed without prejudice. The pleadings of any respondent who fails to submit a proposed parenting plan as provided by law shall be stricken.

68.30 Procedures for Webster County Family Law Cases.

(1) No case may be set for trial unless both parties have filed a certificate of compliance with local rules with the Circuit Clerk. If one party fails to comply with local rules or this procedure, the opposing party may seek such sanctions as authorized by Supreme Court or local court rule.

(2) A certificate of compliance shall include the following:

- a. proof of compliance with Local Rules 68.4 and 68.6(1), (Domestic Education Relations);
- b. a statement that the forms required by Local Rule 68.20 have been filed with the Circuit

Clerk and served on the opposing party;

- c. in any case where child support is in issue, a statement that a Supreme Court Civil Procedure Form 14 has been filed with the Circuit Clerk and served on the opposing party;
- d. if no guardian ad litem has been appointed, in cases where custody or visitation is in issue, a statement that counsel is unaware of any allegation of abuse or neglect of a child by one party against the other party which is likely to be made at trial.

(3) Any domestic relations case not set for trial within 90 days after the filing of an answer or the time for filing an answer has passed, whichever is shorter, shall be assigned to the inactive docket automatically and handled according to Local Rule 37.1.

(4) Trial settings may be obtained after certificate of compliance has been received by the Circuit Clerk, by scheduling a trial setting hearing with notice to opposing counsel at an available time on a “Zippy” day docket (417-859-2006), or by arranging a conference call among the following:

- a. opposing counsel,
- b. guardian ad litem (if any), and
- c. appropriate judge (if available), clerk (if available), or any associate division deputy clerk

IN THE CIRCUIT COURT OF
 _____ COUNTY, MISSOURI

Petitioner,	
v.	Case No.
Respondent.	

Family Law Interim Order
 Form 68-1

Until further order of the court and so long as the above case is pending IT IS ORDERED:

1. All parties are restrained from stalking, abusing, threatening, harassing, or interfering with the personal liberty of any other party. No party shall enter upon the premises of the dwelling of any other party, unless invited by the resident party, if the parties are living in separate residences.
2. No party shall remove, cause to be removed or permit the removal of any minor children of the parties from the State of Missouri without written permission from the other party or order of the Court.
3. No party shall incur unreasonable or unnecessary debts hereafter. Any unreasonable or unnecessary debt incurred after the date of the filing of this action shall presumptively be assessed against the party incurring any such debt. The Court specifically reserves the right to reallocate the income and expenses of the parties, and the costs connected with this action.
4. No party shall cause any other party or the children of the parties to be removed from any existing insurance coverage, including but not limited to medical, hospital, dental, automobile, or disability insurance and each party shall maintain all such insurance coverage in full force and effect.
5. No party shall change the beneficiaries on any existing life insurance policies, and each party shall maintain the existing life insurance policies in full force and effect without change.
6. No party shall conceal or damage any property, real or personal. No party shall dissipate, sell, remove, assign, transfer, dispose of, lend, mortgage, or encumber any property, real or personal, except in the ordinary course of business, or for the necessities of life. In the case of transactions made in the ordinary course of business in all cases wherein award of property or division of debt is at issue, an itemized written accounting shall be made at least quarterly to the other party. In the case of dispositions made for the necessities of life in all cases wherein award of property or division of debt is at issue, an itemized written accounting shall be made to the other party within thirty (30) days.

7. In the event the parties are living in the same residence at the time of the service of this Order, the parties shall attempt to decide between themselves if one party should move from the family residence and, if so, which party should move from the family residence. This order does not imply that any party is required to move from the family residence.
8. If there are minor children and one of the parties has moved from the family residence, the parties shall attempt to work out a parent-child contact schedule pending further Order of the Court. Failure to reach agreement on this issue will result in a minimum contact visitation Order at the first scheduled case management conference.
9. Any party moving from the family residence may return to pick up personal belongings and effects at a reasonable time if the parties agree. If the parties cannot agree on the times in this paragraph, the Court will decide these issues at a hearing for temporary relief.
10. Any party receiving personal mail or packages addressed only to another party shall not open such mail, but shall forward or arrange to have such mail or packages delivered promptly to the addressed party. The person, who receives personal mail addressed to both parties or concerning the children or related to any of the other parties; income, debts, or property, may open the same, but any party receiving such mail shall promptly send a copy to the other party. No party shall take any action to divert the delivery of mail addressed solely to any other party from the address designated by the other party to the United State Postal Service or other parcel delivery service.
11. This order shall continue in effect so long as this case is pending in court except as modified by written agreement of the parties and filed with the court or as modified by further Order of the Court.
12. All parties are advised of the applicability of Local Court Rule 68 to this case. A complete copy of Rule 68 is available to the public at the Circuit Clerk's office. All parties shall fully comply with such Rule.
13. Disobedience of this Order may constitute contempt of court and subject the violator to fine, imprisonment, or other sanction as allowed by law, plus payment of attorney's fees and costs to the other party.
14. If either party is aggrieved by this Family Law Interim Order, a court hearing may be requested, however, the court urges the parties to attempt to resolve their dispute through mediation before requesting a hearing.
15. This Order does not supercede any temporary or final Order of Protection that may already be in effect. Such Order of Protection remains in full effect.

Date: _____

**MEDIATION REPORT TO
THE COURT
FAMILY LAW (FORM 68-2)**

In Re: _____

Case Number:

Family Court Judge: _____

Date Case Referred for Mediation: _____

Mediator Assigned/Chosen: _____

Date:

REPORT OF THE MEDIATOR

Date of Mediation Session: _____ Number of hours:

(Check One or More)

- Both parties appeared for initial mediation session.
- One or both parties failed to appear for initial mediation session.
- Parties reached a tentative resolution of all/ some issues. Memorandum of Understanding (MOU) prepared by mediator and signed by the parties. Parties were instructed to immediately contact and give their attorneys, if any, a copy of the MOU.
- No further mediation is scheduled/ would be beneficial.
- By agreement of the parties, next mediation session scheduled for:
_____.

Other, explain:

Signature: _____

Date: _____
(Mediator)

Signature: _____

Signature:

(Party 1)

(Party 2)