

## **RULE 6**

## **ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES**

### **6.1**

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

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

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

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

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

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

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

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

## **6.2 ASSIGNMENT OF CASES WITHIN THE JURISDICTION OF THE FAMILY COURT**

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

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

(2) All actions for annulment of marriage;

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

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

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

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

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

(8) Change of name actions;

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

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

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

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

- (1) Civil and Criminal cases shall be assigned to the Judges sitting in the jury trial divisions;
- (2) Equity cases shall be assigned to the Judges sitting in the equity divisions;
- (3) Petitions for review of final agency decisions not involving matters under the jurisdiction of the Family Court shall be assigned to the judges sitting in the equity divisions;
- (4) All cases not under the jurisdiction of the Family Court in which a temporary restraining order is sought shall be assigned to the judges sitting in the equity divisions.

**6.4 ASSOCIATE CIRCUIT CASES**

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

- (1) A jury trial request shall be made in writing and the heading of the first pleading requesting the jury trial shall state in bold print “**Jury Trial Request.**”
- (2) Once a jury trial request is approved by the court, the case shall continue to be assigned to the same division unless reassigned by the Presiding Judge.

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

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

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

**6.4.3. CERTIFICATION TO CIRCUIT COURT**

Certification of cases shall be provided by state statute.

**6.5 TRIAL DE NOVO**

**6.5.1 ASSOCIATE CIRCUIT JUDGE DIVISIONS**

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

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

### **6.5.2 MUNICIPAL JUDGE DIVISIONS**

See Rule 69.3, post.

### **6.6 REASSIGNMENT OF CASE FOLLOWING CHANGE OR DISQUALIFICATION OF JUDGE**

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

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

#### **6.6.1 CIRCUIT OR ASSOCIATE CIRCUIT JUDGE**

Repealed September 6, 2001

#### **6.6.2 PROBATE DIVISION**

Repealed September 6, 2001

#### **6.6.3 FAMILY COURT DIVISIONS**

Repealed September 6, 2001

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

Repealed September 6, 2001

**6.7 ABSENCE OF JUDGE**

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

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

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

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

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

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

## **6.8**

### **ABSENCE OF PRESIDING JUDGE**

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

## **6.9**

### **CASES HEARD BY COMMISSIONERS**

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

### **6.9.1**

#### **Assignment of Cases to Family Court Commissioners**

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

### **6.9.2 Scope of Authority of Commissioners**

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

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

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

### **6.10 Assignment of Cases in the Probate Division**

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

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

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

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

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

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

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