

**AMENDED
COURT EN BANC MINUTES
Tuesday, December 14, 2010, at 5:30 p.m.
Callaway County Courthouse
Jury Assembly Room**

Judges Present: Judges Gary Oxenhandler, Carol England, Larry Bryson, Kevin Crane, Christine Carpenter, Leslie Schneider, Deborah Daniels, and Commissioner Sara Miller.

Others Present: Boone County Circuit Clerk Christy Blakemore; Court Administrator Kathy Lloyd and Assistant to the Court Administrator Mary Epping.

1. Call to Order/Welcome

The meeting was called to order at 6:20 p.m. by Judge Gary Oxenhandler.

2. Introduction of All Guests

The guests shown under “Others Present” introduced themselves.

3. Approval of the November 9, 2010 Meeting Minutes

Judge Deborah Daniels made a motion that the minutes of the November 9, 2010, meeting be approved as presented. Second: Judge Leslie Schneider. The motion passed unanimously.

4. Election of Presiding Judge

Judge Gary Oxenhandler said the vote for presiding was next month.

5. Destruction of Records – Circuit Court – Boone County

Assistant to the Court Administrator Mary Epping explained the Boone County Circuit Clerk’s Office asked to destroy, by shredding, the documents set out on pages 7-9 of the court’s packet. Judge Deborah Daniels asked whether the files had been microfilmed. Boone County Clerk Christy Blakemore and Mary said all the documents were microfilmed. Judge Deborah Daniels made a motion to approve the destruction of the files. Second: Judge Carol England. The motion passed unanimously.

6. Update on Assignment of Cases to Division I

Judge Gary Oxenhandler updated the court regarding the assignment of cases to Division I. He said in Boone County, Division I would not get civil cases but would have an equal share of felony cases with the other circuit divisions. Civil and criminal cases that were reassigned from Judge Hamilton will stay with Divisions II, III and IV. In Callaway, there will be an equal assignment of civil and criminal cases to all four divisions. Judge Oxenhandler said Judge Carpenter will continue with Drug and Reintegration court. He said the goal is to get Judge Carpenter to also take an equal share of civil cases in Boone.

7. STOP Grant

Judge Deborah Daniels announced the court was awarded \$78,000 in STOP Grant funding through the Department of Public Safety. Court Administrator Kathy Lloyd said overall the grant is estimated at \$104,000. This money will pay for Jeremy Cover's position as the coordinator of the domestic violence docket, and offset the cost for MEND in Boone County for defendants who cannot pay the \$40 per class for 26 weeks. Judge Schneider asked whether Judge Daniels was going to try to get more providers of MEND. Judge Daniels said no, and while Family Counseling Center appears to have a monopoly, no one else has done the work to have a 26 week program. And, she continued, the Family Counseling Center has 5-6 classes a week now. Court Administrator Kathy Lloyd said the grant request sought additional funds for Boone and money for Callaway, but those funds were not awarded. There was a discussion about Jeremy and whether he could go to Callaway. Judge Gary Oxenhandler said the court needed to keep its eye on the ball in regards to Callaway and encouraged people to seek grants for Callaway for their domestic docket. Judge Daniels said she would talk to the Department of Public Safety to see if he had ideas about funding for Callaway, and she will let Judge Carol England know what she finds out.

8. OnTrack Program Implementation

Judge Christine Carpenter said the court hired Adrian Johnson as the coordinator of the OnTrack program. She said Adrian has extensive drug court experience with the Office of State Courts Administrator and will be an asset to the court. Judge Carpenter explained the OnTrack participants will be all new people because there could not be overlap of money between Reintegration Court participants and the OnTrack program, but all the former Reintegration Court participants had been moved to drug court or have graduated. She said the day of court will probably change once there is a Division IX judge, but the program has a lot of money and a big part of the program will be the stipend for community service work.

Judge Leslie Schneider asked if any money was going to Callaway. Court Administrator Kathy Lloyd said the Department of Corrections and OSCA wrote the grant application for Boone County after the pilot project between Boone, St. Charles and Jackson counties, and they elected that Boone would be the county that receives the funds.

Judge Gary Oxenhandler said he wanted to see more done in Callaway. He asked whether the alternative sentencing court judges would do a "lunch and learn" to update other judges on what they are doing. He asked Judge Carpenter and Judge Carol England to coordinate the program.

9. Update to local Rule 6.1.2: Special Assignment

Judge Gary Oxenhandler directed everyone to page 10 of the court's packet. This page reflected his proposed changes to Rule 6.1.2. He expressed his interest in amending Local Rule 6.1.2 to authorize Judge Leslie Schneider, as the new administrative judge of the family court, to take care of the settings of domestic cases in the circuit because she knows the genealogy of the cases. He wanted a rule in place to delegate the authority of these assignments and to handle dismissal dockets for family court. Judge Deborah Daniels made a motion to approve this rule change. Second: Judge Kevin Crane. The motion passed unanimously.

Judge Oxenhandler then asked that the amendment be passed on an emergency basis so Judge Schneider could immediately begin setting the docket. Judge Deborah Daniels made a motion to pass the amendment to Rule 6.1.2 on an emergency basis to be effective immediately. Second: Judge Kevin Crane. The motion passed unanimously.

Judge Oxenhandler asked Boone County Circuit Clerk Christy Blakemore to implement this change.

10. Local Court Rule 61 - Adoption

Judge Leslie Schneider provided handouts to the Court en Banc. The third page reflected proposed changes she had to Rule 61. She said the policies for adoption were informal and the family court was running into problems with incomplete files when someone sought to finalize an adoption. She requested that the notice for adoptions be on file for 24 hours before the adoption. There was a discussion about the time needed to review the home study and the petition. Commissioner Sara Miller said some attorneys come to the court, file their case, and want an immediate hearing. There was a discussion about the proposed amendments to Rule 61 including whether it should be a “ruling” or a “finding” and whether it should be “24-hours” or a “one-business day” requirement. Ultimately, the proposed amendment was as follows:

RULE 61. ADOPTION

Before hearing of a petition for transfer of custody or for adoption, the clerk of the juvenile division shall cause the file to be made available to the judge of the juvenile division to make a determination as to the sufficiency of the jurisdictional requirements. **The court shall have at least one business day to review the jurisdictional requirements and to enter a ruling regarding the determination of jurisdiction. Said ruling may be made through a docket entry in chambers.**

The court, upon request of either party or upon its own motion, may order a pre-trial conference in order to clarify issues and expedite the hearing. Said request for pre-trial hearing shall be made to the clerk of the court.

Counsel shall request a time certain for a hearing on said petition from the circuit clerk. **The clerk of the court shall set the matter for hearing within 3 days of such consents being presented to the court, but said hearing shall not be set prior to the court entering the finding that the jurisdiction requirements are sufficient.**

61.1 FILING REQUIREMENTS

No petition for adoption will be accepted by the circuit clerk, unless the information required by section 193.125, RSMo., for the Bureau of Vital Statistics accompanies such petition.

61.2 HOME STUDY

Upon the filing of a petition for adoption or for transfer of custody prior thereto, and upon application to the court, the court will appoint a guardian ad litem for the child sought to be adopted. The court will also order the statutory investigation and report when required. **The report shall be made available to the court and to all parties 24 hours prior to any hearing on the matter.**

Judge Deborah Daniels moved to accept the amendment to Rule 61 as written above. Second: Judge Christine Carpenter. The motion passed unanimously. Judge Schneider said it did not to pass on an emergency basis and, therefore, it will not go into effect for 60 days.

Judge Schneider also wanted to address Administrative Order 4-00 regarding some modifications it needed based on new law. The update to this order was passed to the January Agenda.

11. Mid-Missouri Access to Justice

Judge Leslie Schneider said Mid-Missouri Access to Justice was going to dissolve under Mid-Missouri Legal Services. The board members of Access to Justice were concerned about the operation issues and the board members supported the change of the group dissolving to become part of MMLS. Funding for Access to Justice was through the Domestic Relations Resolution Fund and Judge Schneider said MMLS would be hiring a new director for their pro bono project. Grant money awarded to Access to Justice will hopefully be used to help fund the director's position. Judge Schneider said Susan Lutton does a great job with MMLS. Gary Wait (from OSCA) is going to review the recommended change and forward it to the appropriate committee for consideration. Judge Schneider said the MMLS pro bono project will continue to have community involvement and the director will primarily be responsible for getting young attorneys to volunteer. MMLS was awarded a \$75,000 federal grant for its pro bono project. Boone County Circuit Clerk Christy Blakemore said MMLS had to pay \$50 per hour for attorneys to represent some people. Hiring a director of the pro bono project will hopefully save money because the director's job will be to recruit attorneys who will do pro bono for no fee. Court Administrator Kathy Lloyd reiterated that Mid-Missouri Access to Justice will dissolve and the court is asking OSCA to pay the money it was giving Access to Justice to the director of the MMLS pro bono project.

12. Changes to 2011 Budget Proposal

Court Administrator Kathy Lloyd asked the court to approve budget changes. She said the court pays the county for rent and utilities for the facilities it uses. Kathy said these fees have increased in several budgets. She noted one change in the circuit clerk's budget, due to a cap in the total reimbursement authorized by the state for IVD Some funds from the IV-D account goes to the marshals, some to the clerks.

Judge Leslie Schneider made a motion to amend the budget. Second: Judge Christine Carpenter. The motion passed unanimously.

13. Callaway County Courthouse Renovations

Judge Gary Oxenhandler said he, Court Administrator Kathy Lloyd and Judge Carol England met with the Callaway County Commissioners about proposed changes to the Callaway County Courthouse for a new hearing room. The changes were laid out on page 13 of the court's packet. Judge Oxenhandler said the commission favored the change for the new hearing room, and there would be limited construction costs, primarily for paint and carpet. He said there will not be a raised bench because the hearing room is too small to accommodate a ramp to be compliant with the ADA. Court Administrator Kathy Lloyd said we are moving forward with WiFi for the Callaway Courtroom and the money for it will come from either the Law Library or the Administration of Justice Funds. She added that OSCA might be able to help with installing the wiring.

14. Bond Studies at the Associate and Circuit Level in Callaway County

Court Administrator Kathy Lloyd said the Callaway Marshals currently do bond studies. The marshals will do a second study if there is a change in circumstances, but suggested that the court not order a second study as a matter of course, but only upon a finding of a change in circumstances.

15. Hiring Freeze Memorandum from Judge Ohmer

Judge Gary Oxenhandler announced he received a letter from Judge Ohmer as the chair of the Circuit Court Budge Committee. A copy of the letter was page 14 of the court's packet. He explained that now circuit courts were under a hiring freeze as well as not being able to promote or make changes in FTEs. Boone County Circuit Clerk Christy Blakemore said she was in Jefferson City with Greg Linhares and Karen Messerli and they think these changes will be enough to meet our withholdings.

16. Work Hour Changes in Facilities Maintenance

Court Administrator Kathy Lloyd said the women who work in facility maintenance have asked that their hours to be shifted to 4:30 a.m. to 1 p.m. Wade will still be 1 p.m. to 9:30 p.m. The Boone County Commission permitted the shift on a trial basis beginning January 1. She asked that people let her know how it was working.

17. Other

Judge Gary Oxenhandler thanked Judge Cary Augustine for 30 years on the bench. He also said the Callaway Commission thanked the court for the security measures it took recently.

Judge Carol England said she wanted to bring to the court's attention that a man came in asking for an ex parte order for a child and was awarded the child. The child's maternal grandfather later came to the court saying the man was not the child's father. There was a discussion about how Callaway has an ID requirement, but Boone County does not.

18. Comments from the Public

NONE

19. Next Meeting Date

The next meeting will be January 11, 2011, at the Boone County Courthouse.

Prepared by: Mary Epping
Mary Epping
Assistant to the Court Administrator

Submitted by: _____
Kathy Lloyd
Court Administrator

Distributed on: _____