

**IN THE TWENTY-FIRST JUDICIAL CIRCUIT
COUNTY OF ST. LOUIS, STATE OF MISSOURI
FAMILY COURT**

ANGELA FREINER,)
Petitioner,)

) Cause No. 14SL-DR02617-02

v.) Division 31)
JAMES JUDY,)
Respondent.)

)
FILED
2/23/2021 JOAN M. GILMER CIRCUIT CLERK ST.
LOUIS COUNTY

HEARING ON COURT'S INTENT TO ENTER ORDER

On the Court's own motion, the Court gives notice to the parties that the Court will hold a hearing on the Court's intent to enter an order against the parties on February 26, 2021 at 10:00am. The reasons for the Court's motion include, but are not limited to the following:

1. At a hearing on February 11, 2021, Respondent adduced evidence that Petitioner has posted recordings of the Court proceedings in this case on the internet, including on Facebook.
2. During the hearing on February 11, 2021, it was discovered by security that Petitioner had a phone in her possession that was recording the hearing. Petitioner advised the Court that it was the minor child's cell phone (who was present at the hearing). The Court immediately addressed the issue with the parties. Respondent advised the Court that he purchased the phone for the minor child and that it belonged to him. The phone was returned to Respondent, who confirmed that the phone had been recording the hearing that day.

3. Thereafter, the Court received emails from a third party who included links to what the sender described as audio recordings of select portions of the February 11, 2021 Court proceedings. The links were to You Tube.

4. This case is a paternity case and, as such, all proceedings (hearings, conferences, etc.) and pleadings are confidential. Missouri Revised Statute § 210.846 states in pertinent part:

Notwithstanding any other law concerning public hearings and records, any hearing or trial held under sections 210.817 to 210.852 shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the interlocutory or final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court, are subject to inspection only by the prosecuting or circuit attorney or attorney under contract with the family support division or upon the consent of the court and all interested persons, or in exceptional cases only upon order of the court for good cause shown.

5. Additionally, pursuant to Local Court Rule 9.5, no one is allowed to photograph or record any Court proceedings without permission or as authorized by Court Operating Rule 16. Indeed, the Court advised the parties of this Rule on a regular basis. According to the evidence previously presented to the Court at the February 11, 2021 hearing, the recording(s) that Petitioner posted to Facebook (and, perhaps, elsewhere) includes the Court's admonition to the parties that they may not record Court proceedings. Moreover, this case was filed before the onset of the pandemic and both parties would have seen signs posted throughout the Courthouse that prohibit recordings. 6. The Court has great concern about what appears to be violations of Missouri law regarding confidentiality of

paternity proceedings and the Court Rules by a party/the parties in this case. Therefore, the Court finds this hearing to be a critical and

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urgent matter that should be conducted in person.

7. Based on the above, it is the Court's intent to enter an Order prohibiting the parties and/or counsel from recording any Court proceedings, posting any previously recorded Court proceedings on the internet or otherwise, disseminating any previously recorded Court proceedings, and/or communicating any information regarding this case and/or discussing the specifics of the case with third parties. The parties are further prohibited from granting access to any third party to the minor child for the purpose of discussing any issue relating to this pending litigation. The Court also intends to enter an Order requiring that the parties/counsel remove any and all recordings previously posted on the internet, obtain all recordings disseminated to third parties, and turn over to the Court all original and copies of all Court proceedings that were recorded by the parties or in the possession of the parties (recorded by others) no later than March 3, 2021. 8.

Additionally, pursuant to Missouri Supreme Court Rule 36.01(b), a willful violation of a Court order could cause the Court to hold the offender in indirect criminal contempt. If the Court holds a party in indirect criminal contempt after adducing evidence at an evidentiary hearing, the Court could fine the offending party and/or send the party to jail for up to six months in the custody of the Department of Justice Services for each violation.

THEREFORE, it is ordered that Petitioner, the GAL, and all counsel appear in

Court in person and Respondent appear by video (because he lives in Montana) to

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respond to this motion on February 26, 2021 at 10:00am, which is the Court's previously scheduled conference in this case.

IT IS SO ORDERED

Nicole S. Zellweger
Family Court Judge
February 23, 2021

