Administrative Orders for the Twenty-Eighth Judicial District

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ADMINISTRATIVE ORDER NO. 1

Adoption and Repeal.

(a) Administrative Orders of the Twenty-Eighth Judicial District numbered 1 through 26, inclusive, are hereby adopted effective February 1, 1989.

(b) All prior Administrative Orders not included herein are hereby repealed as of February 1, 1989.

(c) Statutory Reference. In these rules, wherever there is a reference to a section of the statute by number, it shall be deemed to be a reference to the Kansas Statutes Annotated or supplement or amendment thereto unless a different statute is indicated.

(d) Supreme Court Rule References. In these rules wherever there is a reference to a rule of the Supreme Court by number, it shall be deemed to be a reference to the Kansas Supreme Court Rules relating to District Courts as amended, unless a different rule is indicated.

Approved By:

_____
David S. Knudson
Administrative Judge

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IN THE DISTRICT COURT OF THE 28TH JUDICIAL DISTRICT OF KANSAS

ADMINISTRATIVE ORDER NO. 2
(REVISED)

The standing assignment Order of the District Court for the 28th Judicial District shall be as follows:

Division 1 (Courtroom 301) --- Judge Daniel L. Hebert
Division 2 (Courtroom 308) --- Judge Jerome P. Hellmer
Division 3 (Courtroom 304) --- Judge Rene S. Young
Division 4 (Courtroom 305) --- Judge Dan D. Boyer
District Magistrate (Courtroom 310)---Judge Mary B. Thrower

A. SALINE COUNTY

1. Chapter 60 civil cases shall be assigned equally among all four divisions.

2. Chapter 60 domestic relations cases (including Protection From Abuse); all post-divorce motions, URESA actions and SRS support cases shall be assigned equally among Divisions 2,3, and 4.

All closed domestic relations cases filed prior to January 1, 2006, are reassigned as follows:

Division 3	001-275
Division 2	276-550
Division 4	551-and up

3. Judges of each Division shall serve every fourth week as the Court's Duty Judge.

First appearances in Chapter 21 criminal proceedings shall be rotated between all four Divisions on a weekly basis, at 8:30 a.m. Monday through Friday, in the Courtroom of the Duty Judge. All cases first presented that week will be assigned to that particular Duty Judge. The Duty Judge's confidential employee is responsible for staffing the docket with the Sheriff and the County Attorney and designating the judicial assignment upon case statistic sheets. A Duty Judge has authority to effectuate reassignment of any case for good cause.

In addition to the First Appearance docket, the Duty Judge will be on call for search warrants and arrest warrants and for consideration of temporary orders for Protection from Abuse and/or Stalking, provided that PFA/PSA cases will be thereafter assigned to the next non-issuing Judge in the Domestic Relations rotation for all further proceedings.

4. Chapter 61 limited civil cases shall be assigned on a weekly basis among Divsins 1,3 and 4.

5. All Chapter 59 probate cases, including mental illness, and all sexual preditor cases shall be assigned to Division 2.

6. K.S.A. 60-1507 cases shall be assigned to the Division which heard the original criminal case.

7. All Chapter 38 cases (including Juvenile Offenders, Child in Need of Care, and Truancy), traffic, and fish and game cases shall be assigned to the District Magistrate.

8. Small Claims cases shall be assigned to any authorized Judge Pro Tem. The District magistrate shall be assigned any conflicts on Small Claims cases.

9. Appeals from decisions of the Municipal Court, the Judge Pro Tem in Small Claims proceedings, and from the District Magistrate or demands for jury trial in cases pending before the District Magistrate, shall be assigned first to any assigned Senior Judge, and then equally among all four (4) Divisions of the Court.

B. OTTAWA COUNTY

1. All Dockets of the Court shall be assigned to the District Magistrate unless otherwise provided in this order.

2. Division 1 is assigned all dockets over which the Magistrate lacks jurisdiction and appeals from decisions of lower courts or the Magistrate.

C. MISCELLANEOUS

1. Division 1 is delegated the responsibility for reassignment of Ottawa County litigation.

2. Divisions 1 and 4 are to assist one another with their respective dockets (Saline and Ottawa Counties) and provide coverage to each other.

3. Divisions 2 and 3 are to assist one another with their respective dockets and provide coverage for each other.

4. Divisions 2 and 3 shall provide coverage for the District Magistrate in Saline County.

5. Divisions 1 and 4 shall provide coverage for the District Magistrate in Ottawa County.

6. Judge Boyer is delegated administrative authority in the absence or disability of Judge Hebert.

7. There is attached to this Administrative Order a current summary of each District judge's schedule for appearances, uncontested hearings, arguments upon motions, and other nonevidentiary matters as the Judge permits to be heard. This summary is not a part of the Court's Order; it is merely attached for the convenience of bench and bar to facilitate understanding and compliance with the Order.

8. This Order shall become effective March 14, 2006.

ENTERED BY THE COURT ON THIS 17th DAY OF FEBRUARY, 2006, with copies filed in the offices of the Clerk of Court in Ottawa and Saline Counties and also distributed to all members of the Ottawa/Saline Bar Association.

_____
Daniel L. Hebert, Division 1
Chief Judge

_____
Jerome P. Hellmer, Divison 2
District Judge

_____
Rene S. Young, Divison 3
District Judge

_____
Dan. D. Boyer, Divison 4
District Judge

_____
Mary B. Thrower
District Magistrate Judge

EVERY MONDAY
MOTIONS AND UNCONTESTED HEARINGS

	DOMESTIC/CIVIL	CRIMINAL
DANIEL L. HEBERT **DIVISION 1** COURTROOM 301	10:30 A.M.	9:00 A.M.
JEROME P. HELLMER DIVISION 2 COURTROOM 308	9:00 A.M.	10:30 A.M.
RENE S. YOUNG DIVISION 3 COURTROOM 304	1:30 P.M.	3:00 P.M.
DAN D. BOYER DIVISION 4 COURTROOM 305	3:00 P.M.	1:30 P.M.

DIVORCE CASES ARE AUTOMATICALLY CALENDARED FOR HEARING ON THE FIRST MONDAY 60 DAYS AFTER THE PETITION IS FILED. THE DOMESTIC DOCKET INCLUDES MOTIONS, CONTEMPTS, TEMPORARY ORDERS AND PFA'S

MOTIONS AND UNCONTESTED HEARING REGARDING ALL OTHER MATTERS MAY BE UNILATERALLY DOCKETED BY AN ATTORNEY OR PRO SE LITIGANT WITH TIMELY NOTICE OF HEARING AND SERVICE UPON ALL OTHER PARTIES. A MOVANT MUST ALSO SEND A CHAMBER COPY OF THE NOTICE OF HEARING TO THE ASSIGNED JUDGE AS THAT IS HOW THE JUDGE BECOMES AWARE OF THE MOTION OR HEARING.

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER 2(A)

RE: SMALL CLAIMS – JUDGE PRO TEM

Effective April 17, 1992, and thereafter for six months or until such time as the Board of County Commisionners terminates funding (whichever is the greater period), the court shall designate a judge pro tem assigned the small claims docket in Saline County. The following procedures and rules shall apply:

1. The administrative judge, with consultation of the other district court judges, shall appoint the pro tem judge;
2. Court shall be in room 310;
3. The pro tem judge shall wear a judicial robe;
4. The pro tem judge, with approval of the administrative judge, shall decide when sessions of court shall be held;
5. The duty judge schedule shall remain in effect with the duty judge responsible for any assistance needed by the pro tem including clerical assistance or judicial coverage. The duty judge's secretary shall be expected to organize the hearing docket for the pro tem.

ENTERED BY THE COURT ON THIS 30TH DAY OF MARCH, 1992

_____ _____

DAVID S. KNUSON **GENE B. PENLAND**

_____ _____

JOHN WECKEL **DANIEL L. HEBERT**

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER 2(B)

RE: SMALL CLAIMS – JUDGE PRO TEM

Effective April 17, 1992, and thereafter until furthur order of the court, pursuant to K.S.A. 1991 Supp. 20-310(d), Philip shafer, Esquire, is appointed judge pr tem of the Saline County District Court.

ENTERED BY THE COURT ON THIS 31ST DAY OF MARCH, 1992.

_____
DAVID S. KNUDSON
ADMINISTRATIVE JUDGE

ADMINISTRATIVE ORDER NO. 3
(Applies to Saline County Only)

INVENTORY CONTROL

The Court Administrator shall annually provide the Board of County Commissioners and the Administrative Judge with a written record of a physical inventory of all fixed and moveable property owned by Saline County on forms provided by the County.

"Property" as used in this Order means all items with a unit cost of $75.00 or more with an expected serviceable life of longer than one year. Other property with a unit cost between $25.00 and $75.00 may, at the discretion of the Court Administrator, be included in the inventory report. Items with unit costs below $25.00 may be included if any are determined by the Court Administrator to be subject to a potentially high occurrence of pilferage.

In order to maintain effective control of fixed and moveable property, permanent property numbers shall be assigned to each item and a label affixed stating: "Property of Saline County, KS. DC" and the number assigned to the item. Each item of property shall be affixed with an indentifying label at the time of purchase. The location of a label shall be as directed by theDepartment of General Services for Saline County or by the Court Administrator.

Intra-agency transfers of property from one location to another within the Judicial agency shall at the time of transfer be reported by the employee making the transfer to the Court Administrator.

ADMINISTRATIVE ORDER NO. 4

This local order is to supplement Supreme Court Order 86 SC 35 and it's appendix.

1. The Court Administrator is designated as media coordinator for the 28th Judicial District. In the event of his absence or unavailability, media requests may be referred to the Chief Judge.

2. This order supersedes local District Rule No. 6.101.

3. "Trials as used in the Supreme Court's Order and the local order is interpreted in the 28th Judicial District to mean evidentiary hearings upon the merits whether before a Judge or Jury.

4. Paragraph Number 10 of the appendix to Supreme Court Order 86 SC 35 only applies to trials. All other requests must be submitted within a reasonable time prior to the proceeding.

5. All requests by media representatives to exercise the privileges conferred under these rules must be in writing, identifying the person with whom the Court's media coordinator may confer.

ADMINISTRATIVE ORDER NO. 5

DESTRUCTION OF CERTAIN NON-JUDICIAL FILES

The Director of Court Services for this Judicial District is authorized to destroy, without further notice, all closed work files of it's Court Service Officers upon and under the following terms and conditions:

1. "Work Files" as used in this order mean the file maintained by a Court Service Officer to supervise an adult or juvenile probationer or a parolee and consists of the following documents:

   A. Photostatic copies of court record, the original of which are maintained in judicial files subject to Supreme Court Rule 108; and

   B. Log sheets, appointment notes, and private hand written or typed progress notes of a Court Service Officer maintained to expedite supervision.

2. "Closed" as used in this order means 6 months after termination of probation or parole.

ADMINISTRATIVE ORDER NO. 6

DISPOSITION OF COURT RECORDS

This order supplements Supreme Court Rule 108. Social Files as defined under K.S.A. 38-1506 or K.S.A. 38-1607 shall be maintained for five (5) years after a case is closed.

_____
Judge David S. Knudson
Administrative Judge

ADMINISTRATIVE ORDER NO. 7

EXPEDITED PROCEDURE FOR ENFORCEMENT OF CHILD VISITATION RIGHTS

This order is necessary to supplement Senate Bill No. 535 of the 1986 Session Laws providing an expedited procedure for enforcement of child visitation rights granted by court order. It is the express intent of the legislature that the procedure be "simplified enough to provide justice without necessitating the assistance of counsel." Thus the legislation is designed to facilitate the filing and consideration of motions by pro se litigants. Kansas courts have consistently held pro se litigants acting as their attorneys to the same standard of procedure and conduct as attorney. The court does not intend to depart from that holding. It is therefore necessary to delineate procedures and practices for the benefit of pro se movants attempting to utilize the above-cited expedited process.

THE COURT ORDERS:

1. The Clerk of the District Court shall maintain appropriate motion forms that include certificates of mailing and notice of a hearing date that will be available upon any person's request.

2. The pro se movant has the responsibility to: (a) Provide all necessary copies of the motion, (b) Properly complete the form and file the original with the court, (c) Mail copies to all attorneys or record and the adverse party by registered mail, return receipt requested, and (d) File proof of mailing and return receipts prior or at the time of hearing upon the motion.

3. The Clerk of the District Court is requested to give all reasonable assistance to pro se movants to carry out the intent of the legislation and this order.

4. The Clerk's staff upon filing shall notify the assigned Judge for calendaring.

5. Copies of this Administration Order are to be maintained in the Clerk of District Court's Office and given to each pro se litigant upon a request to begin the expedited procedure.

ADMINISTRATIVE ORDER NO. 8

Pursuant to Rule No. 172 of the Kansas Supreme Court, the Court hereby adopts the following plan to implement an expedited Judicial process in support, visitation, and parentage proceedings.

1. In Saline and Ottawa Counties litigation is assigned pursuant to Local Order No. 2.

2. An assigned Judge, or the Judge to whom the litigation will be assigned, pursuant to Local Order No. 2 is hereby designated as a hearing officer for that litigation.

3. In Ottawa County, the Magistrate Judge is designated as primary hearing officer to the full extent of his jurisdictional authority except for all primary and secondary support orders pursuant to K.S.A. 60-1610, and any amendments thereto. In any other Ottawa County proceedings and for the issuance of all orders pursuant to K.S.A. 60-1610, District Judge Daniel L. Hebert is designated as hearing officer and shall also act as a secondary hearing officer in the absence of Judge Lapka.

4. If a Judge, designated herein as a hearing officer is absent, disabled, unavailable, or a bona fide emergency exits, secondary hearing officers are designated as follows:

(a) Judges Hellmer and Robertson will act as hearing officers for each other's dockets.

(b) Judges Hebert and Boyer will act as hearing officers for each other's dockets.

5. <u>EXPEDITED HEARING PROCEDURES.</u>

(a) Monday of each week is designated as a hearing day. Counsel are responsible for ascertaining the posted times set aside by each Judge for such hearings.

6. In the event an obliger files a motion to stay service of a withholding order, counsel for the obligee or the purblic office shall promptly docket the matter for hearing before the Court and issue appropriate notice to all parties in order that said hearing may be held within the timeliness required by law.

7. The Judges of the District Court shall cooperate with the Office of the Judicial Administrator in promoting and using suggested legal forms and information materials which the Judicial Administrator is mandated by Law to design.

ADMINISTRATIVE ORDER NO. 9

(APPLIES TO SALINE COUNTY ONLY)

The following rules and regulations are to be enforced by the Court's security officer and any other law enforcement officer upon request by an employee of the Court.

1. Packages, briefcases and other containers brought into, while on, or being removed from the premises are subject to inspection.

2. The floor shall be closed to the public other than during normal working hours.

3. Any loitering, disorderly conduct or other conduct, which creates excessive noise, disrupts curt proceedings or is a nuisance is prohibited.

4. No person shall be under the influence of drugs or alcohol.

5. No person shall carry or possess firearms, other weapons, or explosives, either openly or concealed, except for authorized official purposes.

6. Cell phone, pagers and any other communication devise shall be turned off before entering any Courtroom.

7. No recording devise or cameras shall be used in any hallway or Courtroom unless approved by the Media Coordinator and the Chief Judge of the Judicial District.

The Court's security officer and other law enforcement officers are authorized to remove persons from the premises violating these rules.

Effective January 26, 2000

Approved by Chief Judge Daniel L. Hebert

ADMINISTRATIVE ORDER NO. 10

(APPLIES TO SALINE CO. ONLY)

All actual and necessary transportation expenses incurred by the Sheriff of Saline County in effecting the arrest and return of any fugitive from Justice shall be taxed as costs under K.S.A. 22-3801 unless otherwise directed by the sentencing Judge. The Clerk of the District Court is authorized and directed to tax said costs upon the written statements of the Sheriff and without further order of the sentencing Judge.

ADMINISTRATIVE ORDER NO. 11

Effective immediately, the District Court adopts the following:

JURY MANAGEMENT SYSTEM:

1. The Clerks of the District Court in Saline County and Ottawa County are appointed as jury commissioner.

2. The jury list shall be prepared from a random listing of licensed drivers and holders of State issued nondriver's identification cards residing in each County and said lit should be periodically reviewed as to it's representativeness and inclusiveness.

3. Names for each month's panel shall be drawn randomly from the jury list and at least 21 days written notice given in order to secure an adequate number of prospective jurors and jury panels for the next month.

4. Attendance of prospective jurors shall be limited to service for a specific trial unless there are multiple trials commencing in other divisions on the first day of service or for other extraordinary circumstances.

5. The jury commissioner shall monitor the jury list and questionnaires to consider exclusions, excusal, and deferrals. The jury commissioner is authorized as follows:

(a) To defer any juror if a first request for no longer than one (1) year.

(b) To exclude:

(1) Persons who have served within one year;

(2) Persons under adjudication of incompetency;

(3) Persons who within 10 years immediately proceeding have been convicted of a felony;

(4) Persons unable to read, write, or understand the English language;

(5) Persons whose presence elsewhere is required for the public welfare, health, or safety.

6. A prospective juror or the jury commissioner may request consideration of review of any potential exclusion, excusal, or deferral, by a Judge of the District Court. Any other circumstances that may compel consideration for exclusion, excusal, or deferral not listed herein must be brought to the attention of a Judge of the District Court.

7. Jurors shall be paid daily in cash for each day of attendance and for mileage as prescribed by law. The Clerk of the District Court in each County should submit a voucher to the Board of County Commission for such fees and expenses at such intervals as the Board deems appropriate; thereafter, as the Board deems appropriate, but not less than once each month, a written certification of all payments made to jurors shall be submitted to the appropriate County Clerks.

8. A jury certificate shall be presented to each trial juror at the conclusion of trial.

9. The statutory requirements for selection for jurors, K.S.A. 43-101 et seq. And as hereafter amended, and the standards relation to jury use and management as adopted by the Kansas Supreme Court effective July 15, 1983, and hereafter any amendments thereto, are controlling if there exists any conflict with these local rules.

ADMINISTRATIVE ORDER NO. 12

PAYMENT SCHEDULE FOR COURT APPOINTMENTS

I. OTTAWA COUNTY

The following is hereby established as the schedule of maximum allowable fees for services of counsel for indigents payable from County funds.

Juvenile:

Diversion	$150.00
Uncontested	$200.00
Contested	$350.00

If a case continues active for six months or more, additional fees may be considered by the Trial Judge.

Care & Treatment:

Uncontested	$200.00
Contested	$350.00

Misdemeanors:

Uncontested	$250.00
Contested	$350.00
Jury	$450.00

Appeals: $475.00

Misc. Civil:

Guardian Ad Litem/Military Attorney $50.00/$150.00
(Normally assessed as costs and paid by litigants;
fee allowed depends upon nature and extent of service rendered).

Reasonable and necessary out of pocket expenses are allowable. To assure reimbursement, counsel should obtain prior approval if reimbursement is required in excess of $20.00.

Fees for services in exceptional cases may be permitted in excess of the above schedule if accompanied by a specific finding of the Trial Judge setting forth the reasons for the case to be considered exceptional.

II. Saline County

Beginning January 1, 1989, and until further Order of the Court, a separate written agreement to provide legal services has been entered into with members of the panel. Interested parties may request and obtain a copy of the agreement from the Court Administrator.

ADMINISTRATIVE ORDER NO. 13

It is hereby ordered that funds on deposit in accounts for the Saline and Ottawa County district Courts, not immediately required for the purposes for which they are received, may be deposited or invested in the accounts or securities as provided in K.S.A. 20-350 (b), (1), and (3).

That the Clerks of the Court for Saline and Ottawa Counties are authorized to make such deposits, investments, and any withdrawals or liquidations thereof from time to time as they need may arise written or oral (including telephone) order by the Clerk.

This order and authorization is issued pursuant to K.S.A. 20-350.

ADMINISTRATIVE ORDER NO. 14

Pursuant to Laws of 1976, Chapter 146, Section 44, and Administrative Order No. 2:

The Court Administrator is hereby designated District Court Fiscal Officer.

The Fiscal Officer shall:

1. Initiate expenditures from the Court's budget subject to the supervision of the Administrative Judge.

2. All expenditures for the operation of all Court Offices within the County shall be processed by the fiscal officer under the supervision of the Administrative Judge.

3. The fiscal officer shall maintain accounts on all budgetary matters and shall regularly report to the Administrative Judge on the status of the Court's budget.

ADMINISTRATIVE ORDER NO: 15

The following agencies/programs are community-based alcohol and drug safety action programs certified to conduct and prepare pre-sentence alcohol and drug evaluations and alcohol and drug treatment with in the Twenty-Eighth Judicial District:

This certification is made in reference to K.S.A. 8-1008 and is effective as of this _____ day of _____April_____, 2006.

Breakthrough Inc. 227 S.5th Salina, KS 67401 785-823-8884 Contact Person: Jerry Norris breakthrough@breakthroughinc.kscoxmail.com	**Central Kansas Foundation** 1805 S. Ohio P.O. Box 2177 Salina, KS 67401 785-825-6224 Contact Person: Les Sperling mewertz@c-k-f.org
Innovative Solutions **Addiction Treatment Center** 300 S. 9th, Suite 102 Salina, KS 67401 785-452-9200 Contact Person: Matthew Weller mweller@kraunonline.net	**Veridian** 501 S. Santa Fe, Suite 300 Salina, KS 67401 785-452-4930 Contact Person: Chris McKee cmckee@srhc.com

_____
Daniel L. Hebert, Chief Judge

ADMINISTRATIVE ORDER NO. 16

ATTIRE FOR PERSON IN CUSTODY

(a) First appearances, bond hearings, and arraignments. At the discretion of the Sheriff of Saline County, and subject to modification of a presiding judge for good cause, prisoners may appear before the Court in jail issue, handcuffs, belly chains and leg irons as determined by the Sheriff to be reasonably necessary for security reasons.

(b) Preliminary hearings and bench trials. At the discretion of the Sheriff of Saline County, and subject to modification of a presiding judge for good cause, prisoners may be transporting to court in jail issue, handcuffs, belly chains and leg irons, but all restraints shall be removed during the actual hearing unless upon prior request of the Sheriff and direction of the Court, restraint is approved.

(c) Jury trials. Defendants shall be brought to the courthouse in street clothes with appropriate footwear. Prisoners shall not appear in the presence of prospective jurors handcuffed or otherwise under any bodily restrains unless upon prior request of the Sheriff and direction of the Court.

Revised 08-12-91

ADMINISTRATIVE ORDER NO. 17

1. The County Attorneys of Saline and Ottawa Counties shall be primarily responsible for providing prompt and detailed information to the sentencing court for implementation of Supreme Court Administrative Order No. 41 and for the OJA-52 form.

2. Court Services will be responsible for establishing a reasonable payment plan which will be included as needed in the pre-sentence investigation and pre-disposition investigation. To complete the payment plan, the County Attorney's office must provide victim's name, losses, and other pertinent data. In addition, Court Services will remain responsible for a reasonable payment plan with probationers or parolees in the event the court does not so provide at the time of sentencing.

3. At the time a defendant is sentenced, the County Attorney shall submit in open court a proposed OJA-52 for consideration of court and counsel. Primary restitution orders shall not be given consideration by the court unless submitted in accordance with this paragraph (at time of sentencing).

4. The trial court's restitution orders shall consist of restitution reasonably arising as a result of the crime(s) for which the defendant stands convicted.

5. The trial court's restitution orders may consist of restitution reasonably arising out of any other alleged criminal activity by the defendant provided the parties in plea negotiations mutually agree such restitution should be ordered.

6. All restitution ordered by at trial court must be paid through the Clerk of the District Court.

So ordered by the Court on this 23rd day of May, 1989.

_____

David S. Knudson
Administrative Judge

ADMINISTRATIVE ORDER 17A

This order supplements local order 17 and Kansas Supreme Court Order 41.

I. PROBATION ORDERS.

Court services shall provide the court with a proposed probation order at the time a presentence or modification report is submitted. If the presentence report does not recommend probation, the proposed probation order SHALL NOT BE DETAILED.

A. Judge's Use. A sentencing judge will review, approve, modify or disapprove the proposed probation order at the time of sentencing. Judges may make handwritten modifications upon the face of the proposed order by interlineations or deletion. Judges are requested to sign the order at the time of sentencing.

B. Attorney's Review. AFTER the court has signed the probation order, copies of the order shall be sent to counsel. If counsel determines the order is inaccurate, a modification may be subsequently entered by a probation modification or supplemental journal entry of the court. Certainly the probation order in final form is to properly reflect the actual orders of the court.

II. OJA 52'S AND PAYMENT PLANS FOR RESTITUTION

OJA 52's are to be prepared by the prosecuting attorney and submitted to the court at the time of sentencing. It should provide payment is to be made in accordance with the court's probation order. JUDGES WILL NO LONGER ROUTINELY SPECIFY WITH PARTICULARITY A PAYMENT PLAN FOR RECOVERY OF RESTITUTION.

If an OJA 52 is not available at time of sentencing and the sentencing court makes no order upon oral application, restitution may still be ordered b the court under any of the following circumstances.

A. The prosecuting attorney and the defendant's attorney (or pro se defendant) sign and submit a joint restitution order; or

B. The defendant and court services sign and submit a proposed modification; or

C. Upon motion and proper notice, hearing is held before the court.

ENTERED BY THE COURT on this 8th day of December, 1989

_____
David S. Knudson
Administrative Judge

ADMINISTRATIVE ORDER NO. 18

The following records are deemed "Criminal Investigation Records" as defined in the Kansas Open Records Act and are not subject to public disclosure except as hereinafter stated:

1. An affidavit or sworn testimony in application or support of the issuance of an arrest warrant or search warrant;

2. The underlying criminal complaint under which an arrest warrant is issued;

3. Arrest warrants; and

4. Search warrants.

Complaint underlying executed arrest warrants, executed search warrants, and property receipts shall be subject to public disclosure unless a prior written order of the magistrate issuing the underlying warrant has been filed of record designating such documents as ongoing criminal investigation records. In the event a nondisclosure order has been entered, it may subsequently be modified or set aside by the issuing magistrate on application of any interested person, notice to all parties, and after informal hearing to consider the factors mentioned in K.S.A. 1982 Supp. 45-211(10) (A thru E).

ADMINISTRATIVE ORDER NO. 19

Charges for Certified Copies. From and after the date of this Order, the Clerk of the District Court is authorized to charge and collect, in addition to any applicable regular copy costs, a fee of $1.00 for each copy of any document requested to be certified, except that each party to any pending litigation shall be entitled to have one(1) certified copy of any binding order which makes temporary disposition of any issues in the litigation and to one(1) certified copy of any Journal Entry of final judgement or other appealable order of the District Court, without charge for certification.

This Order shall be effective upon posting in the office of the Clerk of the District Court in each County of the District.

ADMINISTRATIVE ORDER NO. 20

Appearance Bonds. An appearance bond is rendered null and void upon the Court entering a stay order under a written and filed diversion agreement entered into pursuant to K.S.A. 22-2906, et seq., as amended.

ADMINISTRATIVE ORDER NO. 21

The Judges of the 28th Judicial District have determined it is appropriate to order probationers to engage in "Community Service Projects", both to assist community agencies in completing worthwhile projects and to foster worthwhile positive feelings for the probationers.

Therefore, the Court orders the Director of Court Services and Court Service Officers to work with community agencies, County, and City Officials to identify community projects which can utilize assistance from probationers, and which require minimal skills.

ADMINISTRATIVE ORDER NO. 22

There shall be no justification and approval of a surety for bonds against whom an unpaid judgement exists under K.S.A. 22-2807 and amendments thereto. The Court requests assistance of it's clerical staff and the respective offices of the Sheriff and County Attorney in Ottawa and Saline Counties to secure full compliance with this Order.

ADMINISTRATIVE ORDER NO. 23

Persons placed under probation supervision by this Court will be assessed the fees as required by Kansas Statutes. These supervision fees will be assessed by the Court and collected by the Clerks in all probation cases unless the sentencing Court orders the fee waived.

The sentencing Court may consider waiver of said fee at the completion of the supervision period.

ADMINISTRATIVE ORDER NO. 24

First Appearances. The Sheriff of Saline County is directed to transport any individual arrested and held without bond being set for more than twenty-four(24) hours to the District Court of proceedings pursuant to K.S.A. 22-2901 and in accordance with the following schedule: Mondays at 3:30 p.m.; Tuesday through Friday at 8:30 a.m. For good cause shown, the assigned magistrate may continue the date or time for first appearance.

ENTERED BY THE COURT on this 30th day of January, 1989, with copies of this Order delivered to Darrell Wilson, Sheriff of Saline County, and to Julie McKenna, Saline County Attorney.

ADMINISTRATIVE ORDER NO. 25
(Revised – Formerly Administrative Order No. 27)

Justification and Approval of Sureties
Per K.S.A. 22-2806

In recognition of the fact that sureties frequently write bonds in the District Court for amounts substantially in excess of bonds written in the Salina municipal Court, the current procedures for qualification of sureties by compliance with the licensing requirements of the Salina Code, Chapter 23, Article II, are no longer sufficient for purposes of monitoring the financial condition and commitments of persons writing bail bonds under K.S.A. 22-2806 (commonly known as "pocket bonds") in the 28th Judicial District. It has been determined that the regulation and supervision of District Court sureties, other than insurance companies authorized to transact business under the Kansas Insurance Code, is properly undertaken by the Judges of the District Court.

IT IS, THEREFORE, BY THE COURT ORDERED:

1. (a) All persons writing pocket bonds under the authority of K.S.A. 22-2806 in the District Court of the 28th Judicial District (Saline and Ottawa County) shall file with the Clerk of the District Court, in Saline County, on or before July 1 of each year a detailed and verified financial statement upon which the surety proposes to justify its solvency and qualification to execute appearance bonds.

(b) The initial qualification will be reviewed by the Chief Judge of the District, and, if approved, written authority will be issued and remain in effect until further order of the Court, conditioned upon compliance with all subsequent annual and quarterly reporting requirements.

2. In addition to the annual detailed and verified financial statement required under Paragraph 1(a) of this Order, each surety shall also file with the Clerk of the District Court on a quarterly basis a verified report specifying the number and amount of each bond undertaken by the surety in any jurisdiction which remains undischarged; the number, status, and amount of any bonds subject to motions for forfeiture; and the number, status, and amounts of any judgments of forfeiture taken against

the surety. Such verified reports must be filed on or before the first business day of January, April, July and October of each year.

3. Failure to timely file the annual financial statement and/or any quarterly report on or before the specified dates will result in a suspension of bonding authority, with authority will not be reinstated until the surety is in compliance and receives written authority from the Chief Judge to resume bonding.

4. Should the examination of any annual financial statement or quarterly report indicate that a surety appears to be unqualified or over extended, the authority to write bonds may be suspended or revoked pending a determination of qualification and/or solvency.

5. Nothing in the Order shall in any way limit the discretion of the assigned Judge in any case to require additional justification or to deny approval of surety on a particular bond.

6. no person who has been convicted in any Court in any jurisdiction of any person felony or any felony or misdemeanor involving a crime of dishonesty or moral turpitude within the past ten (10) years shall act as surety nor be in any way involved as a financial participant, partner or stockholder of any surety.

7. The first annual financial statement required hereunder shall be filed on or before July 1, 2006, and the first quarterly report shall be due on or before the first business day of October, 2006. The District Court of the 28th Judicial District will not recognize justification of surety based on license from the City of Salina from and after July 1, 2006.

This order is effective on this 1st day of May, 2006.

_____

DANIEL L. HEBERT, CHIEF JUDGE
28TH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER NO. 26

I. The Clerk of the Court administratively may correct account errors contained on restitution orders and journal entries if the amount of error is less than $5.00. This order is to allow the Clerk of the Court to reduce accounts receivable due to clerical errors on orders and journal entries.

II. The Clerk of the Court shall keep accounting records as required by Supreme Court Order No. 30.

The Clerk of the Court may administratively "write down" and will no longer account for funds in cases which meet the following guidelines:

(A) After a reasonable search by the Clerk's staff, the debtor can not be located;

-or-

(B) 180 days have passed since the last payment on the case was received by the Clerk of the Court;

-or-

(C) 30 days after a bench warrant is issued, if there is no appearance on the warrant.

Such "written down" accounts are still debts owed the court and may be reinstated by:

(A) Payment on the debt;

-or-

(B) Contact made by the Clerk's staff.

Authority: Supreme Court Administrative Order #30

(Revised 12-13-91)

ADMINISTRATIVE ORDER NO. 27

The attached emergency plans are adopted by the Court, and:

1. Will remain in effect until;

   a. Further order of the Court

   Or

   b. Be Modified by this Court

2. Shall be reviewed by all employees either by review of the written policy and/or a staffing to review the policy.

3. The reviews by all Court staff will occur once a year, beginning March, 1997.

Respectfully,

_____

Judge Daniel Hebert
Administrative Judge

EMERGENCY PLAN – TORNADO SHELTER I

THIRD FLOOR:

Vacate the floor by the way of the center stairwell only to the first floor or basement hallway. DO NOT USE THE ELEVATORS. If you are caught on the floor and unable to get down the stairs, take shelter in center (east-west) hallway in the bricked area or in the center stairwell. DO NOT USE the center (north-south) hallways where there are large amounts of glass.

SECOND FLOOR:

Vacate the floor by the center stairwell only (be alert that the door to the stairwell opens toward the hall) to the basement hallway. DO NOT USE THE ELEVATORS. If caught on the second floor, seek shelter away from outside walls and glassed partitions (hallways are poor).

FIRST FLOOR:

Persons in south half of floor should stay at their work area. Persons on north half should seek shelter in the hallway with the exception of the area in the vicinity of the snack bar.

BASEMENT:

The shelter areas will be in the hallways and open storerooms. Heating and ventilating rooms should be avoided.

OVERFLOW AREAS:

If unable to reach the designated areas, seek shelter in the interior stairwells, preferable under stairs and landings.

DEPARTMENTAL PROCEDURES: (For Department Heads)

1. Tornado shelter and evacuation procedures and routes should be periodically reviewed and updated as necessary.
2. Post general procedures and evacuation routes in a visible area.
3. Designate key personnel to be responsible for functional area.

Employees to the Emergency Preparedness or the Building Authority.

February 13, 1997

EMERGENCY PLAN – FIRE SAFETY AND EVACUATION II

The purpose of this policy is to establish guidelines for the safety of employees and visitors in the vent of a fire. The objective is to minimize panic and establish routine procedures to be followed when a fire occurs in the CITY-COUNTY BUILDING.

PROCEDURE:

IF THE FIRE IS IN YOUR AREA:

1. Attempt rescue of people in danger. Secure their safety.
2. Isolate fire by closing doors and windows.
3. Pull manual alarm.
4. Call 911 giving EXACT location of fire.
5. DO NOT USE ELEVATORS
6. Exit building as soon as possible and report to the Saline County Sheriffs office. A Court Superior will advise as to additional procedures.

DEPARTMENTAL PROCEDURE: (For Department Heads)

1. Keep a map of fire exits posted.
2. Pre-Plan a meeting location outside of the building.
3. When leaving building for a fire:
    A. Check to see if all rooms are vacant.
    B. Close all doors and windows.
    C. When outside, give an accounting of your employees to the Fire chief or Building Authority.
4. Periodically review fire procedures with employees. If uncertain of procedures, contact FIRE DEPARTMENT or BUILDING MAINTENANCE.
5. Maintain a safety kit in the department consisting of:
    A. First Aid Kit
    B. Portable Radio
    C. Flashlight
    D. Extra Batteries

GENERAL CONSIDERATIONS:

1. Prevention is the key to fire safety
    - A. Observe and report all fire hazards.
2. Be prepared;
    - A. Know the location of fire alarm stations in your area.
    - B. Be familiar with fire procedures.

MAINTENANCE PERSONNEL WILL REPORT WITH FIRE EXTINGUISHERS TO FIGHT THE FIRE UNTIL PROFESSIONAL FIRE FIGHTERS ARRIVE.

PERSONNEL USING FIRE EXTINGUISHER MUST FIRST COMPLETE FIRE EXTINGUISHER TRAINING FROM THE SALINE FIRE DEPARTMENT.

EMERGENCY PLAN III – BOMB THREAT PROCEDURES
CITY–COUNTY BUILDING

CALL TAKER PROCEDURE

If you receive a telephone call warning that a bomb is in the City-County Building, do the following:

1. Keep the caller on the line as long as possible to determine specifics of the threat (e.g. location of bomb, time of detonation, what it looks like, what will cause it to explode, name of caller, reason for placing the bomb). In addition, try to determine the sex, age and race of the caller, description of the caller's voice, background sounds and threat language.
2. Notify your supervisor.
3. Either you or your supervisor must CALL 9-1-1, immediately!
4. Take any written notes about the call with you and go to the Trifinity statue (north side of building) in the Commons Area.
5. Identify yourself as the call-taker to public safety personnel (fire or law enforcement) at this location.
6. Do not discuss the call with anyone except public safety personnel (fire or law enforcement).

COURT EMPLOYEE EVACUATION PROCEDURE:

1. Survey your work area (look for any unusual objects/packages that you have not seen before).
2. If any unusual object/package is located, do not touch or move it. If located, notify your supervisor and accompany him/her to the command post (Trifinity Statue).
3. Turn off all two-way radios and cellular phones.
4. Evacuate the building by the nearest exit (unless told otherwise).
5. Do not use the elevators, unless you are assisting someone with a disability.
6. Assist any members of the public to find their way out of the building.
7. Go to the Saline County Sheriff's office, and then to an area designated by the front desk (i.e. training room, hallways, etc.) A Court supervisor will advise you there of further procedures. (Unless you found an unusual object/package).
8. Do not talk or comment to the news media (print or electronic). Advise them to contact the public information officer who will be designated for the incident.

DEPARTMENT HEAD EVACUATION PROCEDURE:

1. Survey your work area and any common areas in your office (e.g. rest rooms, vaults, reception areas, conference rooms, etc.) and the work area of any employee not at their work area at the time of the evacuation order.
2. Make sure all two-way radios and cellular phones have been turned off.
3. Account for all of your employees.

4. If any unusual or unknown objects/packages are found, notify public safety personnel (fire or law enforcement) at the command post (Trifinity statue). Do not touch or move anything unusual.
5. Implement any specific office procedures for securing cash drawers or other valuables.
6. Lock your doors as you exit.
7. Go to the Trifinity Statue (north of the building) in the Commons Area, taking with you any employee who has notified you of an unusual/unknown object.
8. Report the status of your search and your employees to the public safety personnel (fire or law enforcement) who will be at the command post (Trifinity Statue).
9. Do not talk or comment to the news media (print or electronic). Advise them to contact the public information officer who will be designated for the incident.

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS
ADMINISTRATIVE ORDER NO. 28
PRESUMPTIVE BOND SCHEDULE FOR SALINE COUNTY DISTRICT COURT

Purpose: To assure that all persons shall not needlessly be detained pending first appearances before a magistrate, when detention serves neither the ends of justice nor the public interest. See also, K.S.A. 22-2801.

The court recognizes that there is a dearth of statutory authority as to release of individuals in custody after a warrantless arrest and before first appearance. See K.S.A. 22-2406 and 22-2408. Nevertheless, within the discretion of the Sheriff of Saline County to be exercised on a case by case basis, the court establishes the following presumptive bond schedule for use.

I. Release Prior to First Appearance for Warrantless Arrests-Presumptive Bond Schedule

a. Misdemeanors

DUI/Poss of Drugs or Paraphernalia/Sexual Battery	$1,000.00
Other Misdemeanor Offenses	$500.00

b. Felonies

Non Drug		
	Unclassified, Levels 9 or 10	$1,000.00
	Level 8	$2,500.00
	Level 7	$5,000.00
	Level 5 or 6	$10,000.00
	Level 4	$15,000.00
Drug	Level 4	$5,000.00

II. Exempt from the presumptive schedule are off-grid and levels 1,2, or 3 felonies.

III. Miscellaneous

a. The Sheriff of Saline County, in the exercise of his discretion, may disregard the presumptive bond schedule upon any warrantless arrest and hold the defendant in custody until first appearance before a magistrate.

b. The Sheriff, in exercise of his discretion, may permit a defendant in misdemeanor proceeding, regardless of whether in custody upon warrant executed by a magistrate of a warrantless arrest, to execute an appearance bond without the requirement of surety or such surety as the Sheriff deems appropriate to assure defendant's appearance.

c. Multipule offenses – Computation of bond.

I. If all offenses are misdemeanors, the total amount of the bond shall be $1,000.00

II. If one or more of the offenses is a felony the bond for each count under the presumptive schedule should be determined and then added together for the total bond.

III. Any bond of $25,000.00 or more shall require explicit authority of a judge of the district court prior to release of a defendant in custody.

This order supersedes prior Administrative Order No. 30.
ENTERED BY THE COURT on this 12th day of September, 1997, with copies provided to:
Judges of the Court
Julie McKenna, Saline County
Sheriff Darrell Wilson
Carolyn Henry, Clerk of the Court

_____

Daniel L. Hebert
Chief Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS
ADMINISTRATIVE ORDER NO. 29

To effectively maximizes resources in the face of ever increasing case loads for court services personnel, the following practices and procedures are to be implemented until further order of the court.

1. Risk/needs assessments based upon statewide guidelines are suspended in misdemeanor cases. Court services is to make a supervision assessment based upon (a) the needs of the probationer (b) needs of the community and (c) the realistic amount of time a court services officer can afford to devote to the supervision of a misdemeanant offender. All misdemeanor probationers may be placed on write-in only status unless on a case by case basis a trial judge or court services determines additional supervision is reasonable necessary and feasible. Court services is certainly free to develop office policies so that there is uniformity, but supervision levels must emphatically recognize the limit time that can realistically be allocated to supervising misdemeanants.

2. Misdemeanant check offenders granted probation shall not be supervised at all. There will be no probation order executed. Restitution requirements shall be monitored by the county attorney's office.

3. Use of the pre-sentence information form in lieu of a typed social background report in presumptive probation cases is authorized by the court.

4. there shall be no requests for home studies.

5. all ancillary programs except the organized community service projects may be eliminated by court services without further order of the judges. In other words, our participation in SWIP, budgeting classes, juvenile jurisprudence classes, and violence prevention may be eliminated if court services deem it appropriate. The judges should be notified if any program is discontinued.

6. Court services may on a cse by case basis deviate from the general guideline for recommending referral of offenders to court services. Suggestion: the director of court services should discuss this matter with the director of community corrections.

Additionally, court services may refer "targeted" probationers back to the sentencing judge for referral to community corrections for supervision rather than by court services.

7. Interstate and intrastate compacting of community corrections referrals shall be done by community corrections.

8. Court services is authorized in its discretion to staff with community corrections whether community corrections shall prepare PSI's for the court in felony drug cases.

9. the general ruled agreed upon by the judges is that PSI's, PDI's and post-sentence reports in misdemeanor and juvenile cases shall not be requested. However, each judge has the discretion to direct an investigation if he or she deems it necessary.

10. The director of court services is delegated the authority to waive actually physical appearance for supervision purposes of any probationer.

ENTERED BY THER COURT on this 5th day of December, 1994.

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KNUDSON

_____

DAVID S.

Administrative Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 30

RELEASE OF COURT REPORTS

This order pertains to reports and other related items listed in Administrative Order 18, and corresponding Supreme Court Rules, Orders, and State Statutes.

The Court Administrator may authorize release of court reports listed above without a Judge's signature if the following conditions are met:

(1) The reports requested are by an agency, department,or other having custody, control and person of the subject of the report.

(2) Such custody and control is pursuant to an order of this court.

(3) The request is from an agency who is evaluating, treating, or counseling as a result of an order from this Court. This shall include, but not be limited to:

a. Home Study Order
b. Pre-Sentence Investigations
c. Pre-Dispositional Investigations
d. Other court order process where reports are needed.

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 31

Beginning June 11, 2001, the main entrance to the office of the Clerk of the District Court (room 307) shall be open at 8:30 a.m. and be closed at 4:00 p.m.

After 4:00 p.m., pleadings shall be time stamped by counsel and placed in the filing box located at the side door to the clerk's office in the Law Library.

Clerical staff in the clerk's office shall not answer telephone calls before 8:30 a.m. and between the hours of 4:00 p.m. and 5:00 p.m.

This order is necessary due to budget constraints, personnel reductions required by the State of Kansas, and the increased workload of judicial employees.

The Clerk of the District Court is directed to conspicuously display notice of restricted access at the main entrance to room 307.

ENTERED BY THE COURT on this 6th day of June 2001, with copies distributed to all members of the bar.

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Daniel L. Hebert
Chief Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 32

No court documents shall be faxed by the Clerk of the District Court. Outgoing faxes shall only be authorized upon specific order by a judge of the district court for good cause shown. The Clerk of the District Court shall determined reasonable charges to be paid by the party transmitting the material.

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Judge David S. Knudson
Administrative Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 33

JOINT GUIDELINES - COURT SERVICES / COMMUNITY CORRECTIONS

GENERAL

1. Court Services Office shall prepare all PSI's.

2. The court adopts the attached schedules for presumptive Community Corrections or assignment to Court Services. The scrivener of the PSI shall state his or her reasons for a placement recommendation inconsistent with these guidelines. If the PSI recommends a Community Corrections placement, a copy of the PSI is to be forwarded to Community Corrections upon completion.

TRANFERS

3. Presuptive Transfers from Court Services to Community Corrections.
   a. at lest six months remain on the term of extension or probation; and
      (1) The defendant is on felony probation and commits a subsequent felony or misdemeanor classified under the Sentencing Guidelines Act; or
      (2) The defendant's underlying conviction is a felony drug offense and subsequent to completion of a drug treatment program tests positive for drug/alcohol in his or her body contrary to the required terms of probation.

4. Presumtive Transfers from Community Corrections to Court Services.
   a. Prior to a request for a transfer of supervision, an offender must meet all of the following:
      (1) Supervised under Level IV with no problems for a minimum of 90 days (6 months maximum);
      (2) Have at least six months of supervision remaining; and
      (3) Have all monies owed to the court paid or making regular payments.

5. Both agencies shall make available their respective work files of an offender upon transfer and the individual CSO and ISO are to directly communicate with one another to effectuate an efficient and effective transfer and supervision of the offender.

6. Transfers shall be effective upon order of the court entered subsequent to a submitted written modification signed by the offender and the directors of both agencies, or upon written motion of a party.

MISCELLANEOUS

7. The Directors of Court Services and Community Corrections shall meet on a bi-monthly basis to review intra agency issues and to coordinate programs.

8. INTENT OF ORDER. This order is to facilitate preparations of PSI's and assignment or transfer of an offender's supervision. These guidelines and directives are amenable to common sense and good reason for deviation if the CSO or IS will provide the court with written reasons for deviation. Under no circumstances should the provisions of this order be construed as a comment upon whether incarceration is or is not appropriate. Nor are the provisions intended to be binding upon a judge of the District Court.

9. Effective date. This order shall be effective from and after July 1, 1993.

Entered by the court this 6th day of July, 1993, with copies provided to all judges of the court and to the respective Directors of Court Services and Community Corrections.

_____

David S. Knudson
Administrative Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 34

The Court Administrator is authorized to carry a firearm when acting to provide security to the Court. Such firearm is to be carried in a concealed manner not visible to the public.

The Court Administrator may only carry such airearm as long as qualifications are maintained to utilize such airearm for the limited purpose of security. The permit for use will be through and by the Saline County Sheriff's Office.

Effective the 15th day of December, 1994 until further order of this Court.

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DAVID S. KNUDSON
Administrative Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 35

Court Policies on Computer Use

Computers, computer files, the E-mail system and software furnished to employees are court property intended for court business use. Employees shall not use a password, access a file, or retrieve any stored communication without proper authorization.

I. Purpose: To establish a uniform policy for Judicial Districts regarding Computer and Internet usage by all Court Staff.

II. Definitions:

A. Internet – a worldwide network of computer networks that allow personal computers anywhere in the word to link up this each other. The most common use of this network is the exchange of information, data and electronic mail (email).

B. Official Judicial Branch Internet Use – is the access to or distribution of information via the Internet by court staff which is in the direct support of official business.

C. Official Court Business – The pursuit of a goal, obligation, function or duty imposed upon or performed by a court employee required by employment with the court.

III. Policy: To establish a uniform policy for Judicial Districts regarding usage of the Internet, the following procedures are established, effective 02-11-2000:

A. Internet and Web technologies shall be used to conduct court business and to access or support professional, informational, educational and community activities consistent with court business. Any use of the Internet for purposes other than those listed shall be regulated by local court rule.

B. Access/display of a transmission/downloading of sexually explicit images, messages or materials of any kind is specifically prohibited. Other such prohibitions included, anything that may be construed as harassment or showing disrespect for others.

C. Employees shall not access any system or network for which there is a user fee or surcharge without prior approval of the appointing authority.

D. Employees shall not download or use any shareware, freeware, or public domain software from any Internet/Web source without prior approval of the Court Administrator. If any such software is downloaded virus-scanning software should be used.

E. Employees shall only wuse software on local area networks or on multiple machines according to the software license agreement. Unless authorized by the software developer, employees do not have the right to reproduce such software or use on more than one computer.

F. Employees shall notify their immediate supervisor or appointing authority upon learning of violations of this policy. Employees who violate this policy may be subject to disciplinary action.

G. No employee is to download any personal software for use in court used computer without written permission of the Court Administrator and written approval of the director of the City of Salina, Information Services unit.

Approved 02-11-2000 by Chief Judge Daniel L. Hebert.

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 36

UA LAB TEST PROCEDURE

The following procedure will be used in the process of aiding probationers in fulfilling the probation condition of obtaining UA as required.

1. Requisition form will be given to probationer by Court Services Officer. Probationer will be accompanied to the Clerk's office by the Court Services Officer to make payment for the required UA. Upon receiving a requisition and payment, the Clerk accepting payment will receipt the payment to the UA account. Probationers will be referred immediately to the testing lab.

   Requisition form will state that when payment is made and no UA received, (1) payment shall be applied to other monies owing in the case, for which UA was required, (2) payment may be refunded if there are no costs owing. Probationers failing to comply with directive to obtain UA will be subject to Revocation proceedings or other sanctions.

2. The Clerk of the Court will create a category of cases for bookkeeping purposes, captioned UA Lab. Defendant's name will be entered upon payment and case number assigned, i.e. 97UA00001, etc. when the UA Lab provider bills the court, the funds will be paid out, on those cases billed for.

3. Court Service Officers will monitor those cases where UAs are required. Should a probationer pay for a UA and not obtain the UA, Court Service Officer will have the responsibility of forwarding a memo to the Clerk's office indicating that the money should be refunded or applied to Court Costs, as per notice on the requisition form.

4. Court Service Office will also notice the Clerk of the changes in the status of the case to effect closing UA case.

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 37

Payment Schedule for the Juvenile Jury Appointments – Saline County

The following is hereby established as the schedule of maximum allowable fees for services of counsel for indigent juvenile offender's jury trials as required by current Kansas law.

Extended Jurisdiction Juvenile Prosecution
Rate: $50.00 per hour up to $950.00

Reasonable and necessary out of pocket expenses are allowable. To assure reimbursement, counsel should obtain prior approval if reimbursement is in excess of $75.00.

Fees for services in exceptional cases may be permitted in excess of the above schedule if accompanied by a specific finding by the trial judge setting forth the reasons for the case to be considered exceptional.

Appointment to the cases covered in this order are to be made form the current probate/juvenile panel when possible. If such appointment from this panel can not be made, the trial court may appoint other counsel willing to accept the appointment.

_____

Daniel L. Hebert
Administrative Judge

Dated 10-28-97

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 38

Dissemination of Evaluation Reports

Any Judge of the 28th Judicial District may issue a written order for an evaluation form the Central Kansas Mental Health Center. The court shall inform the Central Kansas Mental Health in writing of the parties involved in the case.

Unless the Judge's order should specify that the evaluation be supplied only to the Court, the Central Kansas mental Health Center is to provide copies directly to all parties designated by the Judge. This is to be done in timely fashion so that any scheduled court hearings may proceed without undue delay.

Dated: 3-3-2000

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Judge Daniel L. Hebert
Chief Judge

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 39

Designation of Freedom of Information Officer

As allowed by Supreme Court Administrative Order 156, the 28th Judicial District of Kansas appoints the clerks of Saline and Ottawa County as the primary records custodian of all court files and records.

Additionally, the court designates all deputy clerks of the District Court the 28th Judicial District as additional persons to be custodians of the records for the purposes of the open records act.

By order of this court this 31st day of October 2000

Daniel L. Hebert
Chief Judge
28th Judicial District

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 40

Confidential Traffic Convictions filed with Additional Charges

Traffic cases with convictions for speeding as described in K.S.A. 8-1560d are not considered part of the public record, and are sealed in the Full Court case management system as confidential cases.

The system, however, does not allow for sealing an individual charge, thus requiring cases with multiple charges to be sealed or unsealed in total.

Traffic cases with multiple charges which include convictions described in K.S.A. 8-1560d will not be sealed, allowing public access to all charges in the case.

This order is effective on this _____14th_____day of June, 2006

_____

Daniel L. Hebert, Chief Judge
28th Judicial District

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 41

Court Assignment for MIC/MIP for 18 – 20 year olds

Subject to any rules and regulations adopted pursuant to K.S.A. 41-727, no person 18 or more years of age but less than 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor.

In Saline County District Court, if the above listed is an isolated charge or is charged with a misdemeanor traffic offense or infraction, it will be processed through the traffic docket in Courtroom 310. However, if there are also felony and/or non traffic misdemeanor charges, then it is to be placed on the criminal docket.

This order is effective on this _____ day of January, 2007

_____

Daniel L. Hebert, Chief Judge
28th Judicial District

IN THE DISTRICT COURT OF SALINE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 42

Court Debt and Restitution Collection

In accordance with K.S.A. 2003 Supp. 75-719(d), The District Court Trustee is hereby authorized to waive any portion of the debt collection fee in compromise when such a waiver is determined by the District Court Trustee to be in the best interest of the collection program.

All cases in District Court in which a judgment of a monetary nature is ordered ie: court cost, attorney fees, restitution, supervision fee, fine(s) etc. The defendant will have sixty-one (61) days to satisfy the balance of the cost owed in the matter. If there is a balance owing after sixty-one (61) days then the case will be referred by the Clerk of the District Court to the District Court Trustee for collection. The District Court Trustee will then initiate the appropriate paperwork and the defendant will make there remaining payments directly to the District Court Trustee at an interest rate of 25% per payment made.

The District Court Trustee shall not waive or compromise any amount of court costs, fines, attorney fees or other charges assed in district court cases without first obtaining the approval of the Court, except that, any bond that is referred to the District Court Trustee court debt collection program for enforcement and fully paid within ten (10) days of entry of judgment requiring payment, shall be hereby deemed a compromised debt, with the District Court Trustee Office to retain its collection fee there from, with the remainder of the funds delivered to the Clerk of the Court in full satisfaction of the Court's judgment for disbursement by the Court Clerk pursuant to statue.

Any bond that is referred for collection to the District Court Trustee court debt collection program with remains unpaid after ten (10) days of entry of judgment requiring payment shall have the District Court Trustee Office's collection fee assessed as cost of collection in addition to the original amount of judgment as provided by K.S.A. 2003 supp. 75-719 (f).

This order is effective on this _____day of December, 2006

_____

Daniel L. Hebert, Chief Judge
28th Judicial District