RULES FOR THE DISTRICT COURT

FOR THE

TWENTY-EIGHT JUDICIAL DISTRICT

EFFECTIVE FEBRUARY 1, 1989

RULES OF THE DISTRICT COURT FOR THE TWENTY-EIGHTH JUDICIAL DISTRICT

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** Rule 6.101 Repealed 3-1-86		

- (a) Rules Adopted. The following rules of the Twenty-Eighth Judicial District are hereby adopted effective February 1, 1989.
- (b) Repeal of Former Rules. Prior Court Rules are hereby-repealed effective February 1, 1989.
- (c) <u>Statutory Reference</u>. 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) <u>Supreme Court Rule Reference</u>. 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.

(02-01-89)

Rule No. 3.102

Law Library Rules. The following rules govern the use of the Law Library.

Books may not be removed from the Library except by Judges of the District Court or a member of the Judge's staff.

Attorneys are to conduct conferences with clients in the Law Library in designated rooms 315 (A) and (E) only, not in the general study area. To reserve the use of the rooms, prior approval is to be obtained and scheduled by the Court Administrator or designee.

Only the Judges of the District Court, members of the Bar in the Twenty-Eighth Judicial District who have registered and paid the fee provided for in the K.S.A. 19-1308, and all other County Officials shall have the right to use the Law Library. Others may be permitted use of the Library in accordance with rules and regulations established by the trustees.

Doors to the Library must always be closed and locked. Attorneys may access the Law Library by Door on Room #315. The combination lock code may be received from the Court Security Officers or the Court Administrator's Office. Others may sign in at the District Court Clerk Office, and be allowed in to the Law Library by the Court Clerk staff.

Use of the Library shall also be subject to any other rules and regulations established by the trustees; said rules, if any, to be posted on the Library entrance door.

(06-20-00)

Modifications of Rules. Any of the rules of this District may be modified by the assigned Trial Judge in an action to meet emergencies or to avoid injustice or great hardship.

(01-01-84)

Removal of Files from Clerk's Office. All Juvenile, Mental Illness, Adoption, Alcohol and/or Drug Abuse, and all other files and records required by Law to be kept confidential shall not be disclosed to any person, except upon order of the Judge of this Court.

No Criminal case file shall be taken from the Clerk's office, except on written permission of the Clerk or Judge after verification that it has been microfilmed. Written permission is not necessary for the County Attorney, Assistant County Attorney, or Court Service Officers of this District. All files checked out must be returned within two weeks.

No file or record of the Court shall be permitted to the outside of the physical possession and control of the Clerk or Judge except on the signed receipt of any attorney or of an abstractor whose place of business is within Saline County, and subject to being returned immediately upon request. No file or record shall be taken outside of the county of the Clerk's Office except with the knowledge and consent of the Clerk or by the Order of the Judge. (Supreme Court Rule No. 106.)

(12-09-87)

Attachment Order to Local Rule 3.104

As allowed by Supreme Court rule 106, and to amend Local Court Rule No. 3.104, it is the Courts Order to allow attorneys and abstractors who's place of business is within the 28th Judicial District to be allowed to sign receipt for possession and control of court files.

This order is to allow the Clerk of Ottawa County and the Clerk of Saline County to check out files to attorneys practicing law and whose businesses are located in the 28th Judicial District with the understanding that all files checked out must be returned within 2 weeks.

This supplemental order entered this 28th day of July, 1999 and should take effect immediately.

Chief Judge Daniel L. Hebert

- (A) Days of Court. Court days pursuant to Supreme Court Rule No. 103 shall be designated as follows:
- 1. Saline County. Monday of each week will be designated as a day of Court. If a day of Court is a legal holiday, pending matters will be heard on the next Monday which is not a legal holiday.
- 2. Ottawa County. The second Tuesday of each month shall be designated as a day of Court. If a day of Court is a legal holiday, pending matters shall be heard on the following day.
- (B) Procedures and Practice. Counsel shall comply with and observe the following procedures and practices in submitting motions in all Civil and Criminal proceedings;
- 1. Counsel are responsible for ascertaining the times set aside for hearings on a day of Court from the Judge to whom the litigation is assigned. Each Judge shall from time to time post the Court day schedule for his Courtroom in a conspicuous location in the office of the Clerk of the District Court.
- 2. A motion must be accompanied by a notice of the date and time of hearing in order to be given consideration by the Court. Notice must be given in accordance with the Supreme Court Rule No. 131.
- 3. A copy of any motion filed for hearing on any day of Court must be mailed or delivered to the Judge handling the litigation in his chambers.

- 4. If a motion does not contain a request for oral argument or if within five day of service of the motion an adverse party does not file a request for oral argument complying with this rule, the motion is deemed submitted.
- 5. Evidence will not be heard in contested matters scheduled for hearing on a day of Court. If an evidentiary hearing is required, the Court shall schedule each hearing at the time of the initial hearing. All counsel shall be present and have their calendars available. In lieu of such joint appearance, counsel may jointly participate in a telephone conference call prior to the initial Court date for the purpose of scheduling an evidentiary hearing.

(Amended 02-01-85)

Rule No. 3.106

Juror Questionnaire. The Clerks of the Court shall obtain a questionnaire from each prospective juror in the form set forth in Supreme Court Rule No. 167 from each prospective juror. The completed questionnaires shall be maintained in the Clerk's office and made available for inspection of counsel prior to trial.

(01-01-84)

Pretrial Questionnaires. The Court requires filing and exchange of pretrial questionnaires at least seven days before pretrial conference in all Chapter 60 cases, including domestic relations cases.

(Amended 02-01-85)

Appointments of Counsel. Appointments of Counsel for Civil and Probate matters such as guardians ad litem, military attorneys, etc., and appointments of counsel for juvenile proceedings shall be made in strict rotation from a list of counsel for Civil appointments to be maintained in the Office of the Clerk of the Court. This list and rotation shall be maintained separately from the list of counsel for criminal appointments specified in Rule No. 4.104; provided, however, that the names of all counsel available for any appointment shall be set forth on both lists as a condition of eligibility for appointments.

(Amended 01-23-89)

Use of Conference Room.

- (A) The following conference rooms are available for taking depositions in pending litigation in the 28th Judicial District: 313*, 315(E), 310*, 303(I) and IH) (conference room between Courtroom 301 and 305 Judges.) *Denotes room for 6 or more people.
- (B) The following rooms are available for ADR (mediation) use: 313 and 315(E), 303(I) and IH) and 303J(witness waiting Room outside Courtroom 301.

The following are rules for scheduling and use:

- 1. Prior approval for use should be obtained and scheduled by the Court Administrator for designee.
- 2. The door(s) must be closed.
- 3. No smoking permitted.
- 4. Hours of use: 8:30 a.m. to 12:00 noon; $1{:}00 \text{ p.m. to } 5{:}00 \text{ p.m.}$
- 5. Reserved signs are to be affixed to their $\operatorname{room}(s)$ showing they are reserved.

(06-20-00)

The Clerk of the District Court shall have the absolute discretion to refuse personal checks tendered in payment of any fees, costs, fines, judgements, restitution, or any other obligations due to the Court or collected by the Court for transmission, and may require such payments to be made in cash, by certified or cashier's check, by money order, or by other forms of guaranteed payment.

(04 - 88)

Counsel shall promptly notify the Court as soon as practical when a case settles and in any event not less than forty-eight (48) hours before trial. The Court may tax any incurred jury costs to counsel who fail to comply with this order.

(10-17-88)

TO: Attorneys in the 28th Judicial District

RE: Garnishment Forms

The court has been furnishing Garnishment Forms to local counsel for the past six years. This was done to seek uniformity so that processors in the Sheriff and Clerks offices would have the same type of form coming across their desk on a continuing basis.

Several local attorneys have requested to be allowed to prepare or use their own Garnishment Forms and the Court Clerk, Myself and the Chief Judge have reviewed our policies and have agreed to the following:

Effective September 15th local counsel may utilize Garnishment Forms of their choosing as long as they are in substantial compliance to the Garnishment Forms that the Court has been using and the Court has purchased through NDF Company, Newton, Kansas. Local attorneys should be advised that the NDF Company of Newton sells computer disks for approximately \$290.00 that contain 59 forms including the Garnishment Forms and also Notice to Defendant.

With the sending of this memo the Court will revises Local Rule 3.112 section C; "The Garnishment Form", in that subsection will be stricken.

The Clerks office will continue to supply Garnishment Forms to Small Claim Litigants as we have in the past.

If you have questions concerning this policy change, please contact myself or the Clerk of the Court .

Douglas P. Smith
Court Administrator

Approved by

Chief Judge Daniel L. Hebert

Rule NO. 3.112

A. Attorney's practicing in the 28th Judicial District shall prepare all legal forms required to prosecute litigation including, but not limited to, summons, subpoenas, writs, child support forms, garnishments and other documents. Attorney's practicing in the 28th Judicial District shall prepare the envelope, including address, and provide

the cost of postage to the Sheriff of Saline County or Ottawa County, Kansas if the attorney desires the Sheriff of Saline County or Ottawa County, Kansas to effect service

by certified mail pursuant to K.S.A. 60-303 (b). Attorney's practicing in the 28th Judicial District are strongly encouraged to personally effect service by certified mail

pursuant to K.S.A 60-303 (b). If the attorney elects to personally proceed to effect service pursuant to K.S.A. 60-303 (b), the attorney shall file the Receipt for Certified

Mail * in the case file within seven (7) days of filing the action. The clerks shall not

fill in or prepare such forms. The original document, together with required copies shall

be submitted to the Clerk at the time of filing.

- B. Documents submitted for filing shall be upon approved forms as provided in the 28th Judicial District Forms Index or as authorized under Kansas Law.
- C. The clerical offices in Saline and Ottawa County shall have available for counsel's

use, forms regarding Income Withholding Requests and Orders; Domestic Relations Affidavits:

forms for Protection from Abuse Act Procedures; Visitation Enforcement Applications; ${\tt Small}$

Claims forms; K.S.A 60-1507 forms; Domestic Vital Statistics forms; and such other forms

authorized by the Court or required to be provided by Statute.

A Decree or Judgement involving change in the ownership or the title to real estate, shall

be stamped with "Title to Real Estate Involved", (K.S.A. 1989 Supp 58-2242a; K.S.A. 1989

Supp 59-2249).

Physical Evidence/Exhibits. Counsel shall in advance of trial properly package all proposed

exhibits to reasonably protect the health and safety of court personnel, witnesses, jurors,

counsel, and others that may come into contact with the exhibits. This order requires that

syringes shall be properly corked and encapsulated; and items containing dried blood

be placed in sealed transparent baggies.

(07-10-92)

Withdrawal in Criminal Cases. In all criminal cases where counsel has been retained, no

motion for leave to withdraw as counsel for nonpayment of fees will be heard following arraignment unless other counsel has been retained or unless extraordinary circumstances

are shown. (This rule should not be considered as addressing the ethical propriety of withdrawal by counsel).

(01-01-84)

Motion to Dismiss or to Suppress Evidence or Confessions. Motions to dismiss or to suppress

evidence of confessions shall be made in writing at least ten (10) days prior to time of

trial and notice thereof shall be given, in writing by serving a copy of such motion upon $\$

the County Attorney or an assistant.

(01-01-84)

Determination of Indigency. Whenever a person detained by law enforcement officials, and

before the first Court appearance, requests counsel and advises the officials that he is

unable to obtain counsel due to indigency, the officer is hereby authorized to place the

person in communication with the District Public Defender. Upon being contracted or on

behalf of a person, who is or represents himself to be indigent, the District Public Defender is hereby authorized to forthwith interview such person and:

(a) If such person is in custody and reasonably appears to be indigent, the Public Defender ${\sf Public}$

 $\ensuremath{\mathsf{may}}$ render to him such services as $\ensuremath{\mathsf{may}}$ be appropriate pending a formal Judicial determination

of indigency and appointment of counsel; and

(b) If such person is otherwise at liberty on bail or not otherwise in custody, the Public

Defender shall elicit only such information as may be reasonably relevant to the questions

or indigency and may seek immediate Judicial determination of indigency and appointment of counsel.

(01 - 01 - 84)

Appointments other than Public Defender. Appointments of counsel other than the Public Defender shall be made in strict rotation from the list of counsel to be maintained in the Office of the Clerk of the Court. This list and rotation shall be maintained separately from the list of counsel for Civil appointments specified in Rule 3.108; provided, however, that the names of all counsel available for any appointments shall be

set forth on both lists as a condition of eligibility for appointments.

(Amended 01-23-89)

Appeals. After appealing a conviction from a Municipal Court or District Magistrate, the

defendant will appear before the Judge of the District Court on the next regular Court day not less than 10 days after the Notice of Appeal is filed.

(01-01-84)

Preliminary Hearing Continuances. In cases in which the defendant is represented by counsel, requests for continuances of preliminary hearings shall be made no later than three days prior to such hearing unless good cause is shown for a later request.

(01-01-84)

Transcripts for Pro Se Indigent Defendants. Transcripts of Court proceedings will be provided for pro se indigent defendant as follows;

- (a) The request must be in writing.
- (b) The transcript will be prepared only after the individual requesting the transcript $\ensuremath{\mathsf{T}}$

complies with Supreme Court Rule No. 356, or, after entry of an order pursuant to paragraph

- (d) of this Rule No. 4.107.
- (c) Reporters shall assist the Court in the event of requests by individuals claiming indigency by promptly advising the requesting individual that a transcript will not be prepared except upon prior order of the Court and that the requesting individual must file a written motion with the Court setting forth the reasons why the written motion with the Court setting forth the reasons why the transcript is requested and the basis for the claim of indigency.
- (d) If the Court is satisfied that the requesting individual is indigent, and good cause is shown for having a transcript prepared, the Court may enter an order requiring

preparation by the reporter and provide for payment to be made from County or State funds.

(02-01-85)

Restriction on Use of Parolees/Probationers. No law enforcement agency shall employ or use in any capacity as an undercover agent, placed informant or in any similar activity,

in any criminal, quasi-criminal or civil investigation, any person who is on parole, probation or suspended sentence by Order of this Court.

(02-01-85)

The court adopts the following practices and procedures upon the filing of a petition for expungement under the Kansas Criminal Code or the Juvenile Offenders Code.

Counsel for the petitioner shall upon the filing of a petition submit an order for referral and investigation to Court Services. True copies of the order shall be served

upon the County Attorney and Court Services.

Upon completion of it's investigation, Court Services shall file it's report with copies

provided to all counsel of record.

Upon Receipt of the report from Court Services, petitioner's counsel shall obtain a date

and time for hearing from the Court and thereafter provide timely written notice to the County Attorney.

The petitioner shall be personally present at the expungement hearing unless specifically

excused by the Court.

The petitioner's attorney shall prepare an appropriate order of expungement and provide

the Clerk of the Court with adequate copies.

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

David S. Knudson Administrative Judge (05-01-89)

SENTENCING PROCEDURES UNDER GUIDELINES

- 1. The County Attorney shall be responsible for securing an offender's criminal justice
- history for scoring purposes. The history shall be provided by Court Services at or before a defendant's conviction.
- 2. Court Services should prepare and submit a felony $\,\,$ PSI to court and counsel not more
- than 60 days after the defendant's conviction.
- 3. Upon conviction, the Judge should schedule a departure/sentencing hearing no less than $\frac{1}{2}$
- 90 days thereafter.
- $4.\ \mbox{A}$ motion on behalf of the defendant objecting to the scoring must be filed within five
- days after receipt of the PSI setting forth the specific objections to the scoring.
- 5. A motion by either the state or the defendant requesting departure from the presumptive
- sentence must likewise be filed within five days after receipt of the PSI, setting forth
- the specific aggravating or mitigating circumstances upon which the movant intends to rely.
- Such motion shall also advise whether the issues are to be submitted upon oral argument,
- presentation of evidence, and the anticipated time necessary for hearing.
- $6.\ \mbox{An}$ exception to the requirements for filing a departure motion under paragraph 5 of this
- Order shall arise if upon hearing a defendant's objection to scoring of the criminal justice
- history of the court modifies the presumptive sentence that is applicable. If so, the party
- adversely affected may file a departure motion within five court days after written notice
- of the court's decision modifying the presumptive sentence.

ENTERED BY THE COURT on this 28th day of June, 1993.

David S. Knudson Administrative Judge

PRESENTATION OF COMPLAINT IN FELONY CASES

In order to facilitate the management of the Court's docket and to encourage the orderly

resolution of pending cases through early cooperation and communication between the prosecutor and defense counsel, the Court hereby adopts the following rules to be effective immediately in all felony prosecutions:

- 1. A copy of the charging document Complaint/Information) will be prepared by the prosecutor and shall be personally handed to the defendant or defendant's counsel at the defendant's first appearance.
- 2. If a defendant in custody appears by video, and the public defender is appointed, the defendant's copy of the Complaint/Information shall be handed to the Court, to be transmitted to the public defender with the order of appointment.
- 3. If a defendant in custody appears by video, and the public defender is not appointed,

the defendant's copy of the Complaint/Information shall be handed to the Court and delivered to a representative of the County Sheriff for transmittal to the defendant.

Entered by the Court on this 24th day of September, 1996.

Daniel L. Hebert Administrative Judge

RULE NO. 4.130

PROCEDURE FOR EXTENDED JUVENILE JURISDICTION PROSECUTION

- (a) Any requests for adult prosecution or extended jurisdiction juvenile prosecution in a juvenile offender case shall be filed by the County Attorney within fourteen (14) days of the filing of the complaint;
- (b) Upon the County Attorney's filing of the request for adult prosecution or the request for extended juvenile prosecution, the case shall be assigned, pursuant to Local Administrative Order 2, to Division I, II, III, or IV.
- (c) Unless otherwise ordered, the hearing on the motion for adult criminal prosecution or extended juvenile jurisdiction juvenile prosecution shall serve as the preliminary hearing.

Entered by the Court on this 13th day February, 1998.

Daniel L. Hebert Administrative Judge

(02-13-98)

APPLICATION FOR SUPPORT ORDERS IN DOMESTIC RELATIONS CASES

- (a) Applications for temporary orders which includes requests for temporary support shall
- include a completed Domestic Relations Affidavit as required under Supreme Court Rule.
- (b) Applications for temporary orders which are filed after the case has been assigned shall be addressed to the assigned Judge and docketed as any other motion.
- (c) A motion for temporary orders which need to be heard before the underlying litigation ${\ }$
- is assigned to a particular Judge, shall be presented to the Judge(s) of the District Court
- designated in Local Administrative Order 2 to hear such motions. In the event the designated
- ${\tt Judge}\,(s)$ is not available, counsel may submit the motion to any other ${\tt Judge}\,$ of the ${\tt Court.}$
- (d) Application for modifications or proceeding for enforcement of Temporary Orders shall be addressed to the assigned Judge and docketed as any other motion.

(Amended 04-02-90)

REQUIRED DISCLOSURES IN DOMESTIC RELATIONS LITIGATION

- I. Motions for interlocutory orders pursuant to K.S.A. 60-1607 as amended, and motions to modify support orders.
- (a) Form of Motions. Motions will state specifically and separately by description and dollar amount requests for payment of debts, child support, maintenance, and fees/costs.

Motions to Modify will state the increase or reduction sought. Leave will be liberally

granted by the Court to amend upon the completion of discovery or updated information as

to the other party's financial circumstances.

- (b) Orders. No interlocutory order will be issued until a completed Domestic Relations Affidavit has been filed with the Court.
- $\ensuremath{\mathsf{II}}.$ Uncontested Final Hearings. No final property or support order will be entered until

a Domestic Relations Affidavit and a Child Support Worksheet has been filed with the Court.

III. Contested Final Hearings (including post divorce hearings.) The following documents

are to be filed with the Clerk of the District Court and exchanged by counsel not less than seven (7) days prior to trial:

- (a) A Domestic Relations Affidavit.
- (b) If a post divorce proceeding, an Affidavit as to a present spouse's gross and net monthly earnings with itemized deductions shall be submitted.
- (c) Child Support Worksheet.
- (d) List of witnesses and exhibits.
- IV. Actions commended pursuant to K.S.A. Chapter 38 or Chapter 39 to enforce a duty of obligation of support will comply with this Rule.
- $\ensuremath{\mathtt{V}}.$ Counsel are under a continuing duty to the Court and opposing counsel until hearing to

promptly amend or supplement statements or worksheets upon a material change of circumstances.

(Amended 03-27-90)

The former Rule No. 5.103, regarding Investigations and Reports adopted January 1, 1984, is

hereby repealed in it's entirely and K.S.A. 60-1615 incorporated herein by reference will

govern practices and procedures for Investigations and Reports, subject to the following $% \left(1\right) =\left(1\right) +\left(1\right) +\left$

policies of implementation:

- (a) Referrals to the Court Service Office or to any other agency for investigation and report
- will be ordered only upon good cause being shown, and will not be routinely granted upon
- stipulation by the parties.
- (b) Court Service Offices or other designated investigators will advise all persons interviewed

that their statements will be of record and will be divulged to the parties, unless the parties

in requesting the home study shall stipulate to confidentiality, or the Court, pursuant to K.S.A.

60-1615(c), orders that the interviewer's records not be divulged in a particular case.

- (c) Copies of the investigator's reports shall be made available to counsel for review, and, $\$
- unless otherwise stipulated or ordered, counsel may advise their clients of the contents of $\ensuremath{\mathsf{contents}}$

the report. In no event, however, shall counsel copy the report or provide copies of the

report to the client.

(Amended 02-01-85)

Mental Health Classes.

(a) Both parents in divorce and separate maintenance cases in which there are minor children

age seventeen (17) or under shall be required to attend an education class on "The Mental or

Emotional Impact of Divorce on Children." The class will be conducted by the Central Kansas

Mental Health Center Family Counseling Services at 809 Elmhurst, Salina, Kansas. The parents

shall be responsible for the charges for the class. This expense may be taxed as costs in the case.

- (b) No decree if divorce or separate maintenance will be entered until the petitioner has completed the class.
- (c) Enforcement of parental rights of the respondent will be contingent upon completion of the class.
- (d) Parties who fail to complete the class within a reasonable time may be subject to citation in Contempt of Court.
- (e) Upon good cause being shown, the Court may excuse the parties or either of them from compliance or may authorize substitution of an alternative program.

(Amended 02-01-85)

Rule No. 5.105

Scheduling of Divorce Cases.

All divorce and separate maintenance cases filed will be automatically scheduled for hearing on the first day of Court following 60 days after filing. Upon failure of counsel to appear for trial, the case will be subject to dismissal for lack of prosecution

at the discretion of the Court without further notice

If the case is to be continued, counsel shall submit a written order for specific setting $\ensuremath{\mathsf{S}}$

prior to the trial date.

(01-01-84)

Child Support. Except for good cause shown, the parties shall submit issues hereunder by

domestic relations affidavits, worksheets, and oral argument. Oral testimony shall not be

presented except upon prior application of a party and approval of the Court.

Scheduling of Divorce Cases. All divorce, separate maintenance and annulment cases shall

be automatically docketed by the court for hearing on the first day of court 60 days after

the case is filed. Hearings shall be on an uncontested basis only. Counsel may secure a

date for a contested hearing in advance of the first setting or may wait and do so at the

time of the first setting.

Required Documents. Within 60 days after the action has been filed, every party not in

default shall have filed and served a domestic relations affidavit, child support worksheet,

and detailed settlement proposal as to all issues.

Mediation or Settlement Conferences (ADR).

1. Any contested issue under K.S.A. 60-1610 shall be submitted to either mediation or settlement conference if not resolved within 60 days after the divorce is filed. However,

for good cause shown and upon prior written application filed within 60 days after the divorce is filed, the court may waive the requirements of ADR.

2. No post divorce motion to modify child custody or visitation shall be heard in the district court unless the parties have attempted resolution through ADR. (Parenthetically,

the court of course has no objection to completion of ADR prior to any motion being filed.)

However, for good cause shown and upon prior written application of either party, the court

may waive the requirements of ADR.

- 3. Mediation may be conducted before any mediator approved by the court. Settlement conferences may only be conducted before a lawyer authorized to practice law in Kansas.
- 4. The parties shall be given 60 days to complete the alternative dispute resolution process

as provided in this rule. Counsel for the parties shall sign and cause to be filed with the $\$

district court a verified certificate of compliance. Noncompliance shall be grounds for

dismissal or the imposition of other appropriate sanctions.

5. Successful or Unsuccessful ADR. The parties and their counsel shall appear before the

district court on the first day of court after the 60 days to engage in ADR has lapsed.

At that time, the litigation shall be resolved by uncontested hearing or the court shall

schedule the litigation for contested trial.

Bifurcation of Issues. In litigation involving ADR the court shall liberally grant requests

to hear and decide whether a divorce should be granted at the earliest opportunity and direct

judgment to be entered under K.S.A. 60-254 (b).

This rule shall be effective for all proceeding commended after November 30, 1992.

(Amended 11-17-92)

RULE NO. 5.106

Child Support During Visitation. No party directed by Court Order to pay child support shall

be relieved of the obligation to pay child support during a visitation period except as may be

expressly provided by the Order of the Court.

(Amended 02-01-85)

 ${f Joint \ Custody.}$ Unless the parties shall present to the Court an acceptable plan for joint

custody which is in substantial compliance with relevant Statutes, the following definition ${\sf Statutes}$

of joint custody shall be incorporated by reference into all divorce decrees;

- (a) Each of the parents are fit and proper persons to have the responsibility of the care and custody of the minor children.
- (b) The principal residence of the children shall be with their mother/father.
- (c) Both parents have the right to jointly make major decisions affecting the children including, but not limited to, authorization for major medical, mental, institutional, psychiatric or other cares; schooling and education placement; and to inspect and receive

school and medical records. Provided, however, the residential parent shall take responsibility for meeting any medical or dental emergencies, and in a bona fide emergency

the permission of both parents shall not be necessary.

- (d) Any dispute or disagreement regarding the terms and conditions of joint custody shall be upon prior order of the Court initially submitted to the Court Service Office for investigation and a written report prior to further court hearing.
- (e) When the children are living with one parent, the other parent shall have liberal visitation privileges as mutually agreed upon by the parties.
- (f) It shall be the responsibility of the non-residential parent to pick the children up
- at the time(s) specified, and it shall be the responsibility of the residential parent to

have the children ready for visitation at the time they are to be picked up and to be present at the time to receive the children at the time they are returned.

- (g) The non-residential parent shall give the residential parent two days prior notice if
- he or she does not intend to exercise a planned visitation unless an emergency exists, in

which case he or she will give such notice as is possible under the circumstances.

(h) Each of the parties shall supply the other with his or her correct address and telephone

number and shall promptly advise the other of any changes that may occur.

(09-17-85)

Divorce Decrees/Vital Statistics Information. No Journal Entry or Divorce Decree shall

be presented to the Clerk, and the Clerk shall not accept such Journal Entry or Decree of

Divorce for filing, unless it is accompanied by a completed Department of Vital Statistics ${\sf Statistics}$

Information form.

(07-20-87)

Insufficient Funds on Personal Checks

(a) In the event that any personal check tendered for payment collected by the Clerk of

the District Court is returned unpaid either as "insufficient funds", "account closed" or for any other reason, the Clerk may thereafter require payment from the obligor in cash, by certified or cashier's check, by money order, or other acceptable form of guaranteed payment.

(b) The Clerk may also collect an insufficient funds fee.

(04-88)

The minor child(ren) of a litigant in domestic relations litigation is not to be present

in the courtroom during hearing or argument except upon prior oral application and approval

of the trial judge.

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

David S. Knudson Administrative Judge

(05-23-89)

Closed or Sealed Files. All Judicial employees are prohibited from disclosing to any unauthorized person, information relating to a pending case that is not part of the public

records of the Court and that may tend to interfere with the right of litigant to a fair $\ensuremath{\text{a}}$

trial. Affidavits in support of probable case to issue either an arrest or search warrant

are not public records subject to disclosure until all trial proceedings have concluded.

(02-01-85)