

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

Administrative Order No. 20-07

RE: Q& I HABEAS CORPUS PETITIONS AND PROCESS

In order to avoid contamination and the potential for contamination in the event of the presence of an actual contagious and infectious disease, notwithstanding KSA 60-211 and Kansas Supreme Court Rule 111, a petition for writ of habeas corpus filed by or submitted on behalf of a person or persons held in quarantine or isolation under an order from the Secretary of the Kansas Department of Health and Environment or by the County Health Officer pursuant to KSA 65-129c and 60-1501 *et seq.*, may be filed or submitted on behalf of the person or persons so held without the need for an actual signature of that person or those persons on the petition.

Petitions may be filed directly with a Judge of the District Court if the Clerk's Office is closed. Petitions shall be provided to a Judge of the District Court immediately upon filing. The petition and processes will be handled in an expedited manner, subject to brief continuances as may be necessary from time to time. A record of proceedings will be made by the best available means.

If the person or persons quarantined or isolated under an order of the Secretary or County Health Officer requests a hearing, the Secretary or County Health Office will complete and file the Petition on behalf of that person or persons without delay if there is no non-quarantined or isolated relative, next friend, or attorney at law immediately available to do so on their behalf.

Service upon the Secretary or the County Health Officer will be presumed since the Secretary or the County Health Officer must provide notice of the opportunity for hearing to the quarantined or isolated person or persons and will know if a hearing is requested by the person or persons under their quarantine or isolation order as well as the bases for the claim for relief.


Upon filing of the petition for relief, the Secretary or County Health Officer shall at the same time file with the Court the order of quarantine or isolation together with in brief summary other supporting documentation. The Secretary or County Health Officer may file a responsive pleading forthwith but is not required to do so in order to be heard with or without counsel in the case. Further pleading and information may be required by the Court.

Hearings will be conducted by video conferencing, if feasible, or by telephone.

The Court may appoint the examining physician(s) under KSA 60-1505(b). An attorney for petitioner will be appointed upon request.

A Court order for release, granting the petition, shall be stayed not more than 72 hours, subject to extension of time in extraordinary circumstances, in order to allow the Secretary or County Health Office to docket an immediate appeal from the order, if any.

IT IS SO ORDERED, this 4th day of May, 2020.



THOMAS KELLY RYAN
Chief Judge, 10th Judicial District

Original:
Clerk of the District Court

Copies:
All Judges
Katherine Stocks, Court Administrator
Johnson County Bar Association
JoCo Courts Listserv