

CIVIL PREAMBLE

These local district rules are found necessary and adopted pursuant to the authority in Supreme Court Rule 105 to aid in the administration of the affairs of the district court and of all courts of limited jurisdiction in the district. They are procedural in nature and attempt to provide predictable uniformity in the treatment and handling of all cases and of other matters addressed within these rules that are within the jurisdiction of this judicial district. To the extent deemed necessary by an assigned judge, application of the rules to a particular case or other matter may be modified.

CIVIL RULE- NO. 1

(Reserved)

CIVIL RULE- NO. 2

Assignment of Cases.

1. **Chapter 60 Civil Case Assignment.** Chapter 60 cases will be randomly and permanently assigned among the judges assigned to the civil department of the court in a manner approved by the Chief Judge.
2. **Chapter 61 Civil Case Assignment.** All Chapter 61 limited action cases will be assigned to a magistrate judge unless otherwise directed by the Chief Judge. Any case transferred to a district judge pursuant to K.S.A. 61-2910 will be randomly assigned to a judge assigned to the civil department of the court in a manner approved by the Chief Judge.
3. **Refiled Cases.** Any case dismissed and refiled will be assigned to the same division to which it had previously been assigned. The Clerk must be advised of the re-filing, prior case number and assigned division for the prior case upon submission of the re-filed case.
4. **Motions for Consolidation of Cases.** Motions under K.S.A. 60-242 to consolidate two or more cases will be ruled upon by the judge assigned to the case with the lowest case number. Upon filing of such a motion, the movant shall notify all presiding judges of the filing of the motion in the appropriate division. Upon consolidation, all of the consolidated cases will be assigned to the division in which the case with the lowest case number was assigned. After consolidation, unless otherwise ordered by the assigned judge, any case numbers that have been consolidated into another number will be administratively terminated.
5. **Conduct After Assignment.** After a case has been assigned to a judge, the assigned judge will have full charge of the case and all further hearings and proceedings will be before that judge, except as provided below.
6. **Unavailability of Judge.** When the judge of any division is unavailable, any case assigned to that judge may be tried before any other judge by agreement of the judge before whom the case is to be heard. Ex parte and agreed orders may similarly be presented to another judge of the civil department when an assigned judge is unavailable.
7. **Protection from Abuse and Protection from Stalking Act Cases.** A civil case under the Protection from Abuse or Protection from Stalking Act ("PFA or PFS case") ordinarily is initially assigned to a magistrate judge. If, however, a domestic relations action (which, under Local Rule 18, includes divorce, separate maintenance, annulment, and paternity cases) is pending at any time before the termination of the PFA or PFS case (including the termination of any final orders) and the PFA or PFS case involves (a) the same parties or (b) one of those parties by or against a child subject to court jurisdiction in the domestic relations action, then the PFA or PFS case will be automatically reassigned to the district judge assigned to the domestic relations action.

If a PFA or PFS case is filed (a) (1) either on behalf of a party to a previously-filed domestic relations action or (2) on behalf of a child still subject to court jurisdiction under a previously filed domestic relations action, and (b) the PFA or PFS case names as a defendant (1) the other

party to that previously-filed domestic relations action (2) a step-parent, or (3) a child still subject to court jurisdiction in that previously- filed domestic relations action, then the PFA or PFS case shall be assigned to the judge to whom the previously-filed domestic relations action is then assigned.

8. Reassignment or Recusal. When any judge has occasion to ask that a case or cases be reassigned, such reassignment shall be: (a) by the method of random assignment generally used for initial case assignment; (b) in cases in which reassignment is for reasons other than recusal of the initially assigned judge, by order of the judge directing reassignment with the consent of the successor judge; or (c) by order of the Chief Judge or the Chief Judge's designee for this purpose.

CIVIL RULE – NO 3

Pleadings, Documents, etc.

1. **Designation of Counsel.** Any pleading filed by an attorney in any action or proceeding shall contain the Supreme Court registration number of the attorney filing the same and shall clearly indicate the party or litigant represented by such attorney. All pleadings filed by a law firm or by multiple counsel shall designate the responsible local attorney for purposes of notice. Any change in designation shall be made to the court and all other parties in writing.

2. **Signatures of Local Counsel.** All pleadings or other papers filed by attorneys from other states pursuant to Supreme Court Rule 116 must also be signed by an attorney licensed to practice law in Kansas.

3. **Service of Pleadings Regarding Execution on Judgments.** It shall be the responsibility of counsel and self-represented litigants to furnish to the clerk or to the sheriff any needed directions and information for the preparation, issuance, or taking of property or persons, or for the sale or other disposition of property, including the correct amount of the judgment and interest accrued. Counsel and self-represented litigants shall also be responsible for the preparation of all orders of sale and publication notices, including notices of suit and notices of sale, and shall prepare the sheriff's return for judicial sales.

4. **Captions in Divorce Cases.** In all cases involving divorce, separate maintenance, or annulment, the caption designated by K.S.A. 23-2704(b) shall not be applicable to garnishment or summons papers issued by the clerk's office, as such papers are not pleadings under K.S.A. 60-207.

For such papers the first named party in a petition shall be considered the plaintiff, or petitioner, and the second named party shall be considered the defendant, or respondent, for purposes of service. In all authentications or certifications of divorce, separate maintenance and annulment matters, the clerk shall use the caption style provided in K.S.A. 23-2704(b), namely "In the matter of the marriage of _____ and _____."

5. **Entry of Appearance.** Each attorney who desires to be electronically associated to a case, thereby enabling access to the records and receipt of electronic notifications from Odyssey/Centralized Case Management regarding the case, must file a separate signed entry of appearance. Group or law firm entries do not achieve the individual attorney association to the case. The entry must include the current accessible e-mail address for each attorney on the case.

6. **Authorization for Electronic Service.** KSA 60-211, as amended, requires that signature blocks on all filed papers include the signer's e-mail address. KSA 60-205, as amended, allows service of papers upon opposing counsel and parties "by electronic means when authorized by supreme court rule or a local rule." This rule, therefore, authorizes service of all papers, except those required to be served with a summons or required to be served by other specific means, by e-mail or other electronic means if and when opposing counsel or parties have complied with KSA 60-211, as amended, or otherwise provided their e-mail or other electronic address to use for such service. Service by e-mail or electronic means is deemed complete when transmitted, unless returned as undeliverable.

7. **Generative Artificial Intelligence (“Generative A.I.”) certification.**

a. For purposes of this Civil Rule No. 3, “Generative A.I.” means: any machine-learning model/application that can create original content—such as text, images, video, audio or software code—in response to a filing party’s prompt or request, including but not limited to: ChatGPT, Co-Counsel, Google Bard, Neeva, Harvey, Ironclad, Bing, and similar commercial technology.

b. Litigants and their counsel have been and remain responsible for the content, accuracy, and quality of legal pleadings and papers submitted to the Court. This remains their obligation, even with the advent of Generative A.I., in the context of preparation and submission of case-related filings. Ethical obligations, applicable rules, and other legal authority (KSA 60-211, 60-212, inherent sanction authority, etc.) generally address such responsibilities, and the use of Generative A.I. applications must be consistent with these overarching obligations. There are inherent risks in using such Generative A.I. applications in drafting legal pleadings and/or papers, including risks of inaccuracy and/or non-existence of generated and proposed legal citations/authority.

c. In that regard, to further promote and ensure the accuracy and quality of legal pleadings and papers submitted to the Court, affirmative certification is appropriate and necessary for all filings subject to these Rules. Material misrepresentations within the certification of compliance set forth below, subsection (d), may result in striking of the document and/or sanctions or other consequences imposed upon the filing party and/or their attorney. Further, failure to include the required certification set forth below may result in the pleading being stricken or rejected, subject to re-submission in compliance with the Rule.

d. Effective upon the adoption of this Rule, all litigants and/or their counsel shall include and complete the following alternative certifications, which shall be placed immediately prior to the signature block for the filing party:

[Pursuant to Local Rule 3.7, the undersigned hereby certifies that no portion of [Title of Document] was drafted/prepared using Generative A.I.]

OR

[Pursuant to Local Rule 3.7, the undersigned hereby certifies that Generative A.I. was used to draft/prepare [Title of Document]. Specifically, [Name of A.I. tool] was used, in whole or in part, to draft/prepare this submission. The undersigned further certifies that he/she has independently verified the accuracy of every citation to the law or to the record and that any language drafted by Generative A.I., including quotations, citations, paraphrased assertions, and/or legal analysis has been included and submitted after considering the requirements of KSA 60-211 and any applicable ethical rules governing attorneys.]

e. Any party filing any paper with the Court, regardless of whether the required certification is included, is deemed to have reviewed this Civil Rule and impliedly represents, with his or her signature, that she/he has made good-faith efforts to ensure compliance with filing obligations, including the obligation to verify that any use of Generative A.I. is consistent with their obligations under Kansas law and these Rules.

CIVIL RULE - NO. 4

Service of Process

1. Choice of Method of Service. An attorney or self-represented litigant requesting service of process on any pleading or document must complete the form called, "Service Instruction Form" before service shall be commenced.

The attorney or self-represented litigant must elect in writing from among the following forms of service:

- a. Service through the office of the sheriff by other than certified mail.
- b. Service by a process server authorized or appointed by the provisions of K.S.A. 60-303.
- c. Return receipt delivery service by the self-represented litigant or attorney. The responsibility for obtaining service and effecting its return shall be on the attorney or self-represented litigant. The original receipt for service (e.g., in the case of certified mail, the green card) must be filed with the clerk's office before service can be perfected.
- d. Return receipt delivery service by the office of the sheriff. The responsibility for obtaining service and effecting its return shall be on the sheriff.

If the attorney or self-represented litigant fails to elect the type of service, service will be done by certified mail through the office of the sheriff (K.S.A. 60-303 (b)).

The attorney or self-represented litigant must sign any form designated for that purpose before the clerk will commence proceedings and such form shall accompany all service applications.

2. Service Instruction Form. The choice of method of service shall be indicated pursuant to the form set forth below. An attorney or self-represented litigant requesting service of process must clearly state the complete address of the person or entity service is to be made upon. A separate Service Instruction Form must be submitted for each person or entity to be served, unless service is at the same address.

IN THE DISTRICT COURT OF JOHNSON COUNTY,
KANSAS CIVIL COURT
DEPARTMENT

v.

Case No. _____
Div. No. _____
Chap. _____

SERVICE INSTRUCTION FORM

To: Clerk of the District Court

You are hereby instructed to effect service of the following pleadings and/or papers _____
(i.e., Summons, Petition, Temporary ex parte orders, etc.) among the litigant(s), as follows:

_____ a. Service through the office of the sheriff other than by certified mail.

_____ b. Service by a process server authorized or appointed by the provisions of K.S.A. 60-303.

_____ c. Return receipt delivery service by the undersigned litigant/attorney, who understands that the responsibility for obtaining service and effecting its return shall be on the attorney/litigant. The receipt for service (e.g., in the case of certified mail, the green card) must be filed with the clerk's office before service can be perfected.

_____ d. Certified mail service by the office of the sheriff. The undersigned understands that the responsibility for obtaining service and effecting its return shall be on the sheriff.

Signature Name Address
Phone
Number Ks.
Sup. Ct. #

3. Return on Service by Return Receipt Delivery. When service has been made by return receipt delivery, a form shall be filed following the form set forth below.

IN THE DISTRICT COURT OF JOHNSON COUNTY,
KANSAS CIVIL COURT
DEPARTMENT

v.

Case No. _____
Div. No. _____
Chap. _____

RETURN OF SERVICE FOR RETURN RECEIPT
DELIVERY

STATE OF KANSAS)
)
SS: COUNTY OF
JOHNSON)

The undersigned hereby states that the following Return for Receipt of Service was served on the litigant by the method checked below on _____, 20__.

- _____ Certified mail
- _____ Priority mail
- _____ Commercial courier service
- _____ Overnight delivery service
- _____ Other (Please specify:

_____)(place return receipt here)

Signature

On this ____ day of _____, 20__, the above person known to me executed this document.

Notary Public

My commission expires:

CIVIL RULE - NO. 5

Motions for Extension of Time

1. All motions for extension of time shall show (a) whether there has been prior consultation with the opposing counsel or self-represented party and the views of the opposing counsel or self-represented party; (b) the date when the document was first due; (c) if prior extensions have been granted, the number of extensions granted and the date of expiration of the last extension; and (d) the cause for the requested extension.
2. Extensions of time to complete service of process pursuant to KSA 60-203(a) may be granted either ex parte or after hearing, subject to review of the validity of “good cause,” based upon a timely filed motion by the moving party.
3. The court may grant any other extension of time to file any document ex parte, as the interests of justice may demand.
4. Anyone aggrieved by an ex parte extension of time shall be entitled to a hearing upon timely objection.

CIVIL RULE - NO. 6

Dismissal for Lack of Prosecution

1. Periodic Dismissal Lists. Each year during March and September, the court may submit to the clerk of the district court lists of cases subject to dismissal for lack of prosecution. Notices sent during March and September shall not require further notice of actual dismissal.

2. Notice and Order of Dismissal. The notice of impending dismissal shall be substantially as follows:

NOTICE AND ORDER

The following case(s) will be dismissed without prejudice for lack of prosecution on the _____ day of _____, 20____ at _____ o'clock __.M., unless a hearing or conference is set on the court's calendar or other cause is shown in accordance with K.S.A. 60-241(b)(2).

3. Method and Time of Notice. The clerk of the district court shall notify counsel of record and all self-represented parties by sending a copy of this order by ordinary mail to the attorney or self-represented party or by e-mail to the attorney of record within five days from the issuance of the dismissal list, and shall file an appropriate certificate in each case dismissed showing compliance with this order. This notice shall be given at least 20 days prior to the dismissal date.

4. Removal From Dismissal List. For a case to be removed from the dismissal list, a party must set the case for conference or hearing on the court's calendar or show to the court other cause for removing the case.

5. Form of Motion and Order to Remove. If the party desires to set the case for conference or hearing, the party must submit an order substantially in the form found below and the order must be filed prior to the noticed deadline:

IN THE DISTRICT COURT OF JOHNSON COUNTY,
KANSAS CIVIL COURT DEPARTMENT

Plaintiff

vs

Case No. _____

Division No. _____

Defendant

MOTION AND SHOWING TO REMOVE FROM
DISMISSAL LIST

Plaintiff, through counsel, moves ex parte for removal of this case from the dismissal list. In support, good cause is shown.

Attorney for _____

Phone: _____

ORDER REMOVING FROM DISMISSAL LIST

On this _____ day of _____, 20 __, this case is removed from the dismissal list and set for _____ on the _____ day of _____, 20 __, at ____m. in Division No. _____. Movant's counsel is directed to notify all other counsel of this Motion and Order by forwarding to them file-stamped copies of the Motion and Order within three days.

IT IS SO ORDERED.

Judge of The District Court

CERTIFICATE OF MAILING

This is to certify that a copy of the above and foregoing Motion and Order was mailed, postage prepaid, in the United States mail this _____ day of __, 20____, to:

Attorney for _____

6. Failure to Appear at a Hearing Obtained to Have a Case Removed From the Dismissal List. If a party, either in person or through counsel, fails to appear at a conference or hearing set in any order removing a case from the dismissal list, the case may be dismissed without further notice or hearing, in accordance with paragraph 1 of this rule.

CIVIL RULE - NO. 7

Withdrawal of Attorney

1. An attorney seeking to withdraw under Supreme Court Rule 117 must file and serve a motion for leave to withdraw on all counsel of record and provide a proposed order for the court. The motion for leave to withdraw must be served on the withdrawing attorney's client. Proof of service on the client shall be filed with the clerk. Withdrawal shall not be effective until an order authorizing withdrawal is filed. The withdrawing attorney shall mail a copy of the order to the party affected. Withdrawal will not be permitted without a showing that the litigant has been notified of pending hearings and that the case will proceed whether the litigant is represented by counsel or not.
2. A motion for leave to withdraw under Supreme Court Rule 117 shall be substantially in the following form:

MOTION FOR LEAVE TO WITHDRAW
(Pursuant to Supreme Court Rule 117 and Local Rule 7)

Attorney _____ hereby moves to withdraw as counsel for _____, (plaintiff/defendant), in the above-captioned case. This motion to for leave to withdraw will be submitted to the Court for approval on the ____ day of _____, 20__, at _____ .m.

You are further notified that further proceedings may be held in this matter whether or not you are represented by counsel. If you do not retain other counsel, you should appear personally at any scheduled hearings. Presently scheduled hearings are:

_____[Type of hearing]_____ Date: _____, 20__ Time: _____ .m.

All notices and orders entered in this case after withdrawal of your attorney will be mailed to you at the address shown below.

Attorney for _____

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Motion for Leave to Withdraw was mailed, postage prepaid, on the ____ day of _____, 20__, to:

(all other counsel of record)

(withdrawing attorney's client, with address listed for future service of papers)

Attorney for _____

3. An order permitting withdrawal of an attorney shall be substantially in the following form:

ORDER PERMITTING WITHDRAWAL AND NOTICE OF HEARING
(Pursuant to Supreme Court Rule 117 and Local Rule 7)

Upon application of _____, for good cause shown, leave is hereby granted to that attorney to withdraw as attorney of record for _____. Notices of hearings in this case may now be served directly on that attorney's former client at the address and email shown below unless (1) the party files with the court and serves on all parties a notice that a different address and/or email address should be used to serve pleadings (i.e. a Self-Represented Entry of Appearance Form) or (2) an attorney enters an appearance on behalf of that party. Further proceedings may be held in this matter whether or not the party is represented by counsel. Presently scheduled hearings are:

Type of hearing _____ This is an (in-person)(video) hearing.

Date: _____, 202__

Time: _____ .m.

Client Name

Address

Phone

Email Address

District Judge

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Order was mailed, postage prepaid, in the United States mail this _____ day of _____, 20____, to

(all counsel of record)

(withdrawing attorney's client, with address listed for future service of papers)

Former Attorney for _____

4. Substitution of counsel admitted to practice in this court is authorized without an order of the court. Substitution of counsel may be accomplished by the filing of a pleading entitled "Withdrawal of Counsel and Entry of Appearance of Substituted Counsel" signed by the attorney withdrawing and the attorney to be substituted. Such pleading shall be served on the client and all counsel of record in the case.

5. The withdrawal and substitution pleading shall be substantially the following form:

WITHDRAWAL OF COUNSEL AND
ENTRY OF APPEARANCE OF SUBSTITUTED COUNSEL

_____ hereby withdraws as counsel for _____, (plaintiff/defendant), in the above-captioned action.

_____ hereby enters his/her appearance as counsel for _____,
(plaintiff/defendant), in the above-captioned action.

Withdrawing Attorney

Attorney for _____

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Order was mailed, postage prepaid, in the United States mail this _____ day of _____, 20____, to:

_____.

Attorney for _____

CIVIL RULE - NO. 8

Motions

1. **Bench Copies.** Copies of all motions, briefs in support, and briefs in opposition shall be provided by counsel to the assigned judge/division electronically (unless otherwise specified) at the time of filing to aid in the prompt adjudication of these matters. Selecting to provide a “bench copy” or “judicial review” copy when e-filing does NOT specifically transmit the document to the division, as contemplated by this Rule. Instead, direct email transmission to the specific assigned division is recommended to ensure receipt.

2. **Requests for Hearing.** Requests for hearing on motions should be made to the division in which they are filed or, when appropriate, to a hearing officer. Whenever possible, indicate in the upper right-hand corner of the motion and any supporting or opposing briefs the time and date on which the motion has been set for hearing. Counsel and self-represented litigants are responsible for either requesting and procuring a hearing date for any pending motion on which they require ruling or advising the judge/division that the matter is ready for determination and no argument is requested.

3. **Response Deadline.** If a motion is filed and the deadline for filing a response to such motion is not clearly set forth in either the Kansas statutes or the Kansas Supreme Court rules, the deadline for filing a response shall be 14 days after service of the motion.

4. **DOC Number.** Any reference to a prior pleading filed in the case shall include the pleading’s record of appearance docket number (Index #).

5. **Submission of Proposed Orders.** Proposed orders shall not be submitted along with motions, unless signed by all counsel, or the motion and proposed order specifically recites that all affected parties have been consulted and have no objection to the motion.

6. **Waiver of Oral Argument.** Counsel wishing to submit motions on the merits of the motion without argument shall notify the judge the matter is ready for determination, pursuant to Supreme Court Rule 133.

7. **Page Limitations.** Except as the court may specially authorize, the length of briefs shall not exceed the following:

a. Motions for summary judgment, to dismiss, and for judgment on the pleadings

Brief in support–50 pages
Brief in opposition–50
pages Reply brief–20 pages

b. All other motions

Brief in support–20 pages

Brief in opposition—20
pages Reply brief—10 pages

c. Any motion to exceed page limitations must be submitted before submission of the brief and shall include a specific total page request. Such motions may be ruled upon without waiting for a response from any other party. If a motion is granted increasing the size of a brief in support, the page limit for the brief in opposition is automatically increased to the same page limit.

Any brief that exceeds the page limitations may be stricken by the court.

CIVIL RULE - NO. 9

Structured Settlement Protection Act Matters.

1. In any case filed in accordance with the Structured Settlement Protection Act (KSA 40-461 et seq.), the transferee shall, in addition to the requirements set forth in KSA 40-465, include the following information in the application:
 - a. The name of the payee;
 - b. whether the payee is acting on their own behalf as an individual or is acting in some representative capacity for another;
 - c. whether the payee has sought to sell prior structured payments arising from the same structured settlement, and if “yes,”:
 - i. an identification of the Court, case number, date of Court approval, aggregate amount of the total payments purchased, and gross purchase price/amounts paid and/or advanced under the agreement.
2. In any case filed in accordance with the Structured Settlement Protection Act (KSA 40-461 et seq.), the transferee shall also specifically identify the payee as the defendant with his/her full name.
3. In any case filed in accordance with the Structured Settlement Protection Act (KSA 40-461 et seq.), the Court may require the appointment of a guardian ad litem where the structured payments are controlled and sought to be sold by a third party acting in a representative capacity for the payee. The purchasing entity/individual may be required to advance and/or pay for such services, prior to a final adjudication.
4. The Court concludes that such disclosures are necessary and appropriate to ensure that the proposed agreement is consistent with the best interests of the payee, having taken into account the welfare and support of payee and his/her dependents.

CIVIL RULE - NO. 10

Deleted

CIVIL RULE - NO. 11

1. Standard Interrogatories for Automobile Negligence Cases. The court has approved standard sets of opening interrogatories which may be used if either party elects to propound interrogatories in automobile negligence cases. These standard interrogatories are set forth in Appendix A & B to these rules. These interrogatories shall not be subject to the limitations of Supreme Court Rule 135.

CIVIL RULE - NO. 12

Deleted

CIVIL RULE - NO. 13

Pretrial Conferences – Domestic and Non-Domestic Cases

- 1. Agreed Pretrial Order.** In advance of the final pretrial conference counsel and self-represented parties shall confer and shall attempt to prepare a joint pretrial order. The order shall be in the format found in Appendix C to these rules. If agreement cannot be reached on all portions of the proposed order, then a single submission shall be made containing separate proposals for the portions not agreed upon, clearly labeled to show which party has proposed what language.
- 2.** Unless otherwise ordered by the judge, the agreed pretrial order or the proposed order containing those portions agreed upon and each party's separate proposals for the remainder must be provided to the court by the time of the pretrial conference, unless some other deadline is otherwise specified by the assigned judge. If any counsel or party fails to participate in preparation of a joint pretrial order, the court may enter sanctions against that counsel or party at the pretrial conference, but the other party is not relieved from its corresponding duties to prepare a proposed pretrial order containing the materials called for from that party.
- 3. Failure to Appear at Pretrial Conference.** If any party fails to appear at a pretrial conference after notice, an *ex parte* hearing may be held and appropriate judgment entered.

CIVIL RULE - NO. 14

Deleted.

CIVIL RULE - NO. 15

Jury Questionnaire

Jury questionnaires will be available to *counsel and self-represented litigants* before trial. Copies may be reviewed and/or downloaded, but any electronic or paper copies are to be returned to the court at the conclusion of trial. Neither counsel nor the parties shall make and/or retain any copies (regardless of format) of juror questionnaires.

CIVIL RULE - NO. 16

Deleted.

CIVIL RULE - NO. 17

Deleted.

CIVIL RULE - NO. 18

Definition: Domestic Relations Cases

As used in these rules, the term “domestic relations action” shall mean an action for divorce, separate maintenance, annulment, non-parent visitation, determination of paternity, Protection from Abuse actions, or Protection from Stalking actions.

CIVIL RULE - NO. 19

Children in Domestic Relations Actions

1. Children as Witnesses. No person under the age of 18 years shall be called as a witness in any domestic relations action or in any Protection from Abuse or Stalking Act case unless the party proposing to call the child as a witness has:

A. Notified the court and opposing counsel, or the opposing party if self-represented, of the intention to call the child witness; and,

B. The court has considered whether the testimony of the child is appropriate or might be harmful to the child; and,

C. The court has determined that alternative methods of eliciting the testimony to be offered by the child witness are unavailable or inadvisable (e.g., court interview pursuant to K.S.A. 23-3209, child custody investigation or other investigation pursuant to K.S.A. 23-3210, etc.); and

D. The court has determined that the exclusion of the child witness would unduly prejudice the ability of the offering party.

2. Children's Physical Presence at Court Proceedings. No person under the age of 18 years who is subject to the jurisdiction of the court in a domestic relations action or Protection from Abuse or Stalking Act case shall be present during any hearing, trial, or conference held in that domestic relations action or Protection from Abuse or Stalking Act case without the prior approval of the judge to whom the case is assigned.

CIVIL RULE - NO. 20

INITIAL ORDERS

1. **Standing Orders.**

Effective February 1, 2025, the following standard orders will be effective in every divorce case.

- A. **Reasonable Personal Behavior Required.** Both parties are restrained and prohibited from bothering, harassing, molesting, or otherwise interfering with the privacy of the other at home or work or elsewhere, in person or by telephone or e-mail or other electronic means. Neither party shall physically or verbally threaten the other with bodily harm or place the other in fear for his or her safety. The terms of this Order shall be enforceable by any law enforcement officer to whom a copy of this Order is exhibited and either party shall have the assistance of any such law enforcement officer upon request without further Order of the Court. The parties are each advised that violation of this Order may constitute violation of a protective order under K.S.A. 21-5924, as amended.
- B. **Maintain Financial Status Quo.** Both parties are both restrained and prohibited from altering, removing, selling, giving away, disposing, hiding, spending, mortgaging, pledging, or encumbering any assets, including withdrawals from checking, savings or other financial accounts, unless reasonably necessary for normal day-to-day business or personal expenses, for reasonable attorneys' fees and litigation expenses, in order to comply with this court's orders, or with written consent from both parties.
- C. **Records Must Be Maintained.** Both parties are restrained from destroying, altering or hiding any personal or business records, whether written, electronic, or any other form.
- D. **No Changes to Insurance.** Both parties are restrained and prohibited from modifying, altering, changing or canceling any coverage, persons insured or beneficiaries named on any existing insurance policy, whether for life, medical, dental, health, vehicle, disability, death, dismemberment or other type or kind of insurance, unless with written consent from both parties.
- E. **Civility and Protection of the Child(ren) from Harmful Conflict.** If the parties have minor children, each parent shall make every possible effort to protect their child(ren) from awareness of or involvement in conflict between the parents. Neither parent shall allow the minor child(ren) to read court pleadings or related documents. Neither parent shall make or allow others to make any critical or disparaging remarks about the other parent (or that parent's family, friends and associates), while the minor child(ren) is/are present or can hear or read such remarks. Each parent shall make sure the minor child(ren) is/are not within the presence of any person making any critical or disparaging remarks about the other parent (or that parent's family, friends and associates).

2. **Mandatory Information Exchange – Divorce/Dissolution.**

- a. The documents listed below will be exchanged within 60 days of filing or 45 days of service in any divorce case, whichever is later. No further order is required. Unreasonable failure to voluntarily provide the listed information may result in sanctions including but not limited to attorney fees and costs incurred by the other party in obtaining the information.

- b. Either party may request an Informal Disclosure Order on an ex parte basis at any time. For issuance ex parte, only the Court approved form may be submitted for signature. Modifications to the form's substance is prohibited. The Court approved form will not issue ex parte if there is a final or pending Petition for Protection from Abuse (K.S.A. 60-3101 et seq.), Petition for Protection from Stalking, Sexual Assault or Human Trafficking (K.S.A. 60-31a01 et seq.), or if one of the parties is then subject to a charge of, or been previously convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 21-5401 through 21-5609, 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto, in which the party or a child of either parent is the victim of such crime.
- c. If the case is not eligible for an ex parte order (see section 2 above), a party may redact personal identifying information including but not limited to address, phone numbers, emails, account numbers, social security numbers, provided that the party maintains in his or possession an unredacted copy that can be made available for later use.
- d. **Documents to be Exchanged.**
 - i. Complete signed and notarized Domestic Relations Affidavit (The parties shall not use the "short form" unless specifically authorized by the Court);
 - ii. Federal and State Income Tax Returns with all attachments and schedules for the most recent tax year, including, but not limited to W-2s, 1099s, 1098s, K-1s, Schedule C, Schedule E and any other schedules filed with the IRS;
 - iii. Copies of each payroll statement, pay stubs, pay advice (or equivalent documentation) for the past 12 months prior to the filing date from each employer from compensation was paid during the 12-month period, and the year-end pay stub (or equivalent documentation) for the calendar year that concluded prior to the filing of the action;
 - iv. Copies of all credit card statements (whether individual or joint accounts) for the past 6 months prior to filing date;
 - v. Copies of all checking account statements (whether individual or joint accounts) for the past 6 months prior to filing date;
 - vi. Proposed Parenting Plan;
 - vii. Documentation confirming the cost and status of enrollment of employer provided medical, dental, vision and prescription insurance coverage for the party only, the party plus spouse (if applicable), and the party plus family (and/or party plus child(ren)) if offered. If any persons are covered by the policy other than the parties and their children together, the party shall disclose the first names and ages of all others covered by the policy;
 - viii. For the six (6) months prior to the filing of the petition, statements, or other proof of payment of all work-related daycare expenses paid by a party; and
 - ix. A preliminary child support worksheet.
- e. If there is a final or pending Petition for Protection from Abuse (K.S.A. 60-3101 et seq.),

Petition for Protection from Stalking, Sexual Assault or Human Trafficking (K.S.A. 60-31a01 et seq.) involving the parties, or if one of the parties is then subject to a charge of, or been previously convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 21-5401 through 21-5609, 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto, in which the party or a child of either parent is the victim of such crime, a party may redact personal identifying information including but not limited to address, phone numbers, emails, account numbers, social security numbers, provided that the party maintains in his or possession an unredacted copy that can be made available for later use.

3. Mandatory Information Exchange – Parentage.

- a. The documents listed below will be exchanged within 60 days of filing or 45 days of service in any parentage case, whichever is later. No further order is required. Unreasonable failure to voluntarily provide the listed information may result in sanctions including but not limited to attorney fees and costs incurred by the other party in obtaining the information. This rule does not apply to cases initiated by the State (IV-D programs) as an original action or pursuant to the Uniform Interstate Family Support Act (K.S.A. 23-3601 et seq.), the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (60-31b01 et seq.), or as otherwise permitted by law.
- b. **Documents to be Exchanged.**
 - i. Complete signed and notarized Domestic Relations Affidavit (The parties shall not use the “short form” unless specifically authorized by the Court);
 - ii. Federal and State Income Tax Returns with all attachments and schedules for the most recent tax year, including, but not limited to W-2s, 1099s, 1098s, K-1s, Schedule C, Schedule E and any other schedules filed with the IRS;
 - iii. Copies of each payroll statement, pay stubs, pay advice (or equivalent documentation) for the past 12 months prior to the filing date from each employer from compensation was paid during the 12-month period, and the year-end pay stub (or equivalent documentation) for the calendar year that concluded prior to the filing of the action;
 - iv. Proposed Parenting Plan;
 - v. Documentation confirming the cost and status of enrollment of employer provided medical, dental, vision and prescription insurance coverage for the party only, the party plus spouse (if applicable), and the party plus family (and/or party plus child(ren)) if offered. If any persons are covered by the policy other than the parties and their children together, the party shall disclose the first names and ages of all others covered by the policy;
 - vi. For the six (6) months prior to the filing of the petition, statements, or other proof of payment of all work-related daycare expenses paid by a party; and
 - vii. A preliminary child support worksheet.
- c. If there is a final or pending Petition for Protection from Abuse (K.S.A. 60-3101 et seq.), Petition for Protection from Stalking, Sexual Assault or Human Trafficking (K.S.A. 60-31a01 et seq.), or if one of the parties is then subject to a charge of, or been previously convicted of any

crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 21-5401 through 21-5609, 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto, in which the party or a child of either parent is the victim of such crime, a party may redact personal identifying information including but not limited to address, phone numbers, emails, account numbers, social security numbers, provided that the party maintains in his or possession an unredacted copy that can be made available for later use.

Court Approved Form

INITIAL DISCLOSURE AND CASE MANAGEMENT ORDER

In accordance with the rules of the Supreme Court relating to District Courts and the time standards for domestic relations cases,

IT IS ORDERED that:

1. The above captioned case is set for _____ [insert hearing type] on _____ [insert date]. The parties and counsel shall personally attend, unless excused by the Court in advance.
2. Within three days of receipt, counsel for the requesting party (or the party if self-represented) shall serve a copy of this order on the opposing party and file proof of service with the Clerk of the Court.
3. Within 30 days from the date of this order, the parties and counsel (if a party is represented) are ORDERED to schedule a meeting to be personally attended by both parties and their attorneys to exchange all financial documents related to the parties' income and expenses for support determination and for evaluation of the parties' assets and debts. Such document exchange shall include, but is not limited to:
 - a. Complete signed and notarized Domestic Relations Affidavit (The parties shall not use the "short form" unless specifically authorized by the Court);
 - b. Federal and State Income Tax Returns with all attachments and schedules for the most recent tax year, including, but not limited to W-2s, 1099s, 1098s, K-1s, Schedule C, Schedule E and any other schedules filed with the IRS;
 - c. Copies of each payroll statement, pay stubs, pay advice (or equivalent documentation) for the past 12 months prior to the filing date from each employer from compensation was paid during the 12-month period, and the year-end pay stub (or equivalent documentation) for the calendar year that concluded prior to the filing of the action;
 - d. Copies of all credit card statements (whether individual or joint accounts) for the past 6 months prior to filing date;
 - e. Copies of all checking account statements (whether individual or joint accounts) for the past 6 months prior to filing date;
 - f. Proposed Parenting Plan of each parent;
 - g. Documentation confirming the cost and status of enrollment of employer provided medical, dental, vision and prescription insurance coverage for the party only, the party plus spouse (if applicable), and the party plus family (and/or party plus child(ren)) if offered. If any persons are covered by the policy other than the parties and their children together, the party shall disclose the first names and ages of all others covered by the policy;
 - h. For the six (6) months prior to the filing of the petition, statements, or other proof of payment of all work-related daycare expenses paid by a party; and
 - i. A preliminary child support worksheet.
4. The document exchange conference is expected to be conducted without the assistance of the Court. The parties should, and are expected, to discuss, the exchange of additional documentation as may be necessary under the circumstances.
5. If this box is checked, evidence at trial will be presented using the Case Center digital

evidence management platform. The platform is available for use in the discovery process. Please contact the Division administrative assistant if you wish to have a portal opened for this case for discovery purposes.

6. If the parties have not filed a final parenting plan within 90 days of the filing of the petition, or sixty days of the service of the petition upon the Respondent, whichever is later, the parties are ordered to contact the court to discuss alternative dispute resolution procedures.

7. Failure to comply with this order and/or to schedule, attend and or participate appropriately in the document exchange conference, may result in pleadings being stricken, judgment being entered as requested, the matter being dismissed and/or the Court imposing sanctions upon a party and/or counsel, including but not limited to an award of attorney's fees and costs as justice and equity may require.

8. If there is a final or pending Petition for Protection from Abuse (K.S.A. 60-3101 et seq.), Petition for Protection from Stalking, Sexual Assault or Human Trafficking (K.S.A. 60-31a01 et seq.), or if one of the parties is then subject to a charge of, or been previously convicted of any crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 21-5401 through 21-5609, 21-6104, 21-6325, 21-6326 or 21-6419 through 21-6422, and amendments thereto, in which the party or a child of either parent is the victim of such crime, a protected party may redact personal identifying information including but not limited to address, phone numbers, emails, account numbers, social security numbers, provided that the party maintains in his or possession an unredacted copy that can be made available for later use.

JUDGE OF THE DISTRICT COURT

CIVIL RULE - NO. 2125

Guardian Ad Litem or CASA in Domestic Relations Actions

- 1. Appointment.** On motion of either party, or on the court's own motion, the court may appoint an attorney as guardian ad litem to represent the interests of the children in a divorce case, or the court may appoint a Court Appointed Special Advocate (CASA) volunteer to assist the children in a domestic relations action, including supervised visitation when specifically ordered.
- 2. Participation of Guardian Ad Litem.** The guardian ad litem shall enter his or her appearance and shall receive all subsequent pleadings, and shall participate actively in the case, until the appointment is terminated by the court.
- 3. Participation of CASA.** A CASA volunteer shall enter his or her appearance, shall receive all subsequent pleadings filed in the case, and shall participate actively in the case in conformity with Supreme Court Rule 110 until the appointment is terminated by the court.
- 4. Notice to Guardians Ad Litem and CASAs.** Counsel for the parties in a divorce case shall give to both CASAs and guardians ad litem notice of all pending motions and hearings and shall send copies to them of all subsequently filed pleadings.

CIVIL RULE - NO. 22

Parents Forever, Mediation and Domestic Relations Investigations

- 1. Parents Forever.** Unless waived by the court all parents in domestic relations actions (except for Protection from Abuse and Protection from Stalking, Sexual Assault and Human Trafficking actions) in which there are minor children shall be required to attend a “Parents Forever” program. The Parents Forever program track will be determined by the court. The order will state the track and the time for completion. Parties will contact the Johnson County Mental Health Department and pay all assessed fees as set forth in the order. No case shall proceed to final hearing until the parties have complied with this rule provided, however, that nothing in this rule shall preclude the finalization of orders requested by the Department of Children and Families. In actions to establish the parentage of a child the parents shall attend as ordered. The court will issue an order requiring attendance and directing payment of the fee in a form approved by the Chief Judge.
- 2. Mediation or Domestic Conciliation Required.** Unless waived by the court or on a motion to modify an *ex parte* temporary order (which is required by K.S.A. 23-2707(b) or 23-3219(b) to be heard within 14 days), any disputes concerning the legal custody of a child, parenting time, or visitation arising from a motion to modify a pre-existing parenting plan must be submitted to court-approved mediation or domestic conciliation through Domestic Court Services before an evidentiary hearing is held. Upon approval of the court, the parties may agree upon and engage a private provider approved under Supreme Court Rules 907 or 908 as applicable.
- 3. Information to Be Provided.** If Domestic Court Services or the Johnson County Mental Health Department is appointed to provide services pursuant to this rule, counsel, or the parties if self-represented (*pro se*), shall provide the full names, addresses, telephone numbers (home and work) and email addresses for all the parties to whom services are provided.
- 4. Continuing Mediation and Conciliation Orders.** A provision for mediation or conciliation through Domestic Court Services shall be continuing for two years from the date issued. During that time additional orders shall not be necessary unless specifically requested by a party or required by Domestic Court Services.
- 5. Ex Parte Motion for Mediation.** In post-decree matters either party may make an *ex parte* request for the issuance of an order for mediation to resolve any disputes concerning the provisions of an existing permanent or temporary parenting plan. An *ex parte* motion may be denied if the requesting party has not previously complied with orders to attend Parents Forever or an alternative court approved program.
- 6. Mediation, Higher Ground, Domestic Conciliation, Expedited Child Interviews and Family Assessments.** All court orders for Mediation, Higher Ground, Domestic Conciliation, Expedited Child Interviews and Family Assessments shall be issued in a form approved by the Chief Judge.

CIVIL RULE - NO. 23

Dissemination of Domestic Relations Investigation Reports

1. **Application of Rule.** This rule applies to cases where the court directs that a written report be prepared by an investigator relating to legal custody, parenting time or visitation issues.
2. **Investigator Defined.** The term "investigator" includes anyone whom the court directs to make an investigation or evaluation, including a court services officer, mental health professional, CASA volunteer, and a guardian ad litem.
3. **Delivery of Report.** A copy of the report shall be provided by the investigator to court for dissemination to the attorney of record for each party.
4. **Limitation on Dissemination of Report.** Attorneys may generally discuss the contents of the report with their clients but shall not give a copy of the report to their clients and shall not permit their clients to read or make notes from the report. If the investigator clearly designates a portion or portions of the report for general release, those portions may be read by the client or copied and released to the client. The remaining portions of the report shall remain confidential and shall not be read by or released to the client.
5. **Self-represented Litigants; Dissemination of Report.** If a party is not represented by an attorney of record, the report shall be made available for review by the self-represented litigant, but no copy of the report shall be given to self-represented parties. The review of the report by a self-represented litigant shall be subject to such conditions as the court shall determine.

If a self-represented litigant is allowed to read the report, then the represented litigant shall be allowed that same privilege. Portions of the report designated for general release under part 4 above may be copied.
6. **Exceptions; Procedure.** Pursuant to K.S.A. 23-3210(c), exceptions to this policy may be granted upon a showing of necessity after a written motion and hearing unless the court finds that distribution of the report would be harmful to either party, the child, the investigator, or other witnesses. A copy of the motion and notice of hearing shall be served upon the investigator who prepared the report, who shall be allowed to advise the court regarding the investigator's recommendations as to the risks of providing a written copy of the report.
7. **Required Language.** The following notice shall be included as part of any order for child custody investigation or other report.

IT IS BY THE COURT ORDERED that this report is subject to the provisions of K.S.A. 23-3210(c) and Local Rule 23. Attorneys may generally discuss the contents of the report with their clients but shall not give a copy of the report to their clients and shall not permit their clients to read or make notes from the report. If the investigator clearly designates a portion or portions of the report for general release, those portions may be read by the client or copied and released to the client. The remaining portions of the report shall remain confidential and shall not be read by or released to the client.

If a party is not represented by an attorney of record, the report shall be made available for review by the self-represented party, but no copy of the report shall be given to self-represented

parties. The review of the report by an self-represented party shall be subject to such further conditions as the court shall determine. If an self-represented party reviews a report the represented party may request the opportunity to review the report, but no copy of the report shall be given to a represented party.

Failure to comply with the terms of this order by either an attorney or an self-represented party may be punishable by sanctions for contempt as the Court may determine.

CIVIL RULE - NO. 24

FAMILY COURT TRIAGE: Case Management Information & the Pathway Assignment Sheet

To increase the efficiency and efficacy of the family court, the Tenth Judicial District has developed a case assignment plan for the Family Department. This plan was developed by the judges in consultation with the family law bar and other allied professionals. The plan uses objective criteria to assign family court cases to a case management pathway. The appropriate assignment is designed to increase court user satisfaction, improve outcomes, and assist judges in their continuing efforts to manage family court cases effectively and efficiently.

1. **Pathway Assignment Sheet.** Effective April 1, 2023, a party will complete the Pathway Assignment Sheet (“PAS”) in the form and manner approved by the District Court:
 - a. when filing an initial petition or request for Divorce, Determination of Parentage, Child Custody, or Non-Parent Visitation;
 - b. when filing an answer or other responsive pleading thereto (or if no responsive pleading is filed, within 30 days of receipt of the initial pleading);
 - c. when filing a motion to modify an existing parenting plan, or
 - d. upon the Court’s request.
2. **Exempt Actions.** The following actions are exempt from this rule.
 - a. An action filed by the Department of Children and Families, or their contractors, for the establishment of child support, including an initial action to establish parentage, except that the parents may be required to complete the PAS if the Court is asked to establish or modify a parenting plan.
 - b. An action to register for enforcement under the UCCJEA and/or UIFSA, if that action does not request the establishment or modification of a parenting plan.
 - c. An action commenced pursuant to K.S.A. 60-3101 et seq (Protection from Abuse Act, a/k/a PFA) and or 60-31a01 et seq. (Protection from Stalking, Sexual Assault or Human Trafficking Act, a/k/a PFS or PFSSAHTA);
3. **Information not Retained.** PAS is considered an appendix to the Civil Cover Sheet. The PAS:
 - a. must not be retained in the case file;
 - b. must not contain personal identifiers;
 - c. is not subject to Supreme Court Rule 108; and
 - d. may be shredded or otherwise destroyed after the case assignment has been established.
4. **Department Policies.** The Family Department may issue policies regarding implementation of this rule including but not limited to the collection, scoring, and reporting of data.

CIVIL RULE - NO. 25

DIVORCE AND PARENTAGE CASES: TEMPORARY RESTRAINING ORDERS; EX PARTE TEMPORARY ORDERS OF CUSTODY AND SUPPORT; LIMITED EX PARTE ORDERS IN PARENTAGE CASES; TEMPORARY ORDERS UPON HEARING; IMMEDIATE EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE

- 1. Temporary Restraining Orders in Divorce Cases.** Parties requesting temporary restraining orders, *ex parte* or otherwise, shall use Domestic Form 1, separately or combined with Domestic Forms 2 or 3, unless a judge has specifically approved a different form. Parties may not submit a modified Domestic Form 1 to the signing judge without good cause and explaining all proposed changes, although inapplicable paragraphs may be struck. These temporary restraining orders shall issue upon request of either party.
- 2. Ex Parte Temporary Orders of Child Custody and Support in Divorce Cases.** Parties requesting *ex parte* temporary orders of child custody and support shall use Domestic Form 2, with or without the restraining orders, unless a judge has specifically approved a different form. Parties may not submit a substantively modified Domestic Form 2 to the signing judge without good cause and explaining all proposed changes, although inapplicable paragraphs may be struck.
- 3. Limited Ex Parte Orders in Parentage Cases.** *Ex parte* temporary orders in parentage cases shall be limited to orders restraining both parties from harassing or interfering with the privacy rights of each other and/or an order confirming existing *de facto* custody of a child. See K.S.A. 23-2224.
- 4. Temporary Orders upon Hearing.** Other temporary orders after hearing in parentage or divorce cases shall use Domestic Form 3, with or without the restraining orders, unless a judge has specifically approved a different form. Parties may not submit substantive modifications of Domestic Form 3 to the signing judge without good cause and explaining all proposed changes, although inapplicable paragraphs may be struck.
- 5. Immediate Exclusive Possession of the Marital Residence.** *Ex parte* orders immediately granting exclusive possession of a residence to a party will not be granted absent evidence of a risk of violence or other extraordinary circumstances.

COURT APPROVED DOMESTIC FORM 1

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

In the Matter of the Marriage of:

_____ ,

Case No. _____

And

Division _____

_____.

TEMPORARY DOMESTIC RESTRAINING ORDERS

NOW on this ____ day of _____, 20__ upon application of the (petitioner) (respondent), the Court issues the following Temporary Restraining Orders to remain in effect until modified or terminated.

1. Both parties are both restrained and prohibited from bothering, harassing, molesting, or otherwise interfering with the privacy of the other at home or work or elsewhere, in person or by telephone or e-mail or other electronic means including but not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the other persons location, movement or travel patterns. Neither party shall physically or verbally threaten the other with bodily harm or place the other in fear for his or her safety. The terms of this Order shall be enforceable by any law enforcement officer to whom a copy of this Order is exhibited and either party shall have the assistance of any such law enforcement officer upon request without further Order of the Court. The parties are each advised that violation of this Order may constitute violation of a protective order under K.S.A. 21-5924, as amended.

2. Both parties are both restrained and prohibited from altering, removing, selling, giving away, disposing, hiding, spending, mortgaging, pledging, or encumbering any assets, including withdrawals from checking, savings or other financial accounts, unless reasonably necessary for normal day-to-day business or personal expenses, for reasonable attorneys' fees and litigation expenses, in order to comply with this court's orders, or with written consent from both parties. Neither party may utilize any electronic tracking system or acquire tracking information to determine the other persons location, movement or travel patterns.

3. Both parties are both restrained from destroying, altering or hiding any personal or business records, whether written, electronic, or any other form.

4. Both parties are restrained and prohibited from modifying, altering, changing or canceling any coverage, persons insured or beneficiaries named on any existing insurance policy, whether for life, medical, dental, health, vehicle, disability, death, dismemberment or other type or kind of insurance, unless with written consent from both parties.

5. If the parties have children, both parents will execute any and all documents, including any releases, necessary so that both parents may obtain information from and to communicate with any health insurance provider regarding the health insurance coverage provided by such health insurance provider to the child. The provisions of this paragraph shall apply irrespective of which parent owns, subscribes or pays for such health insurance coverage.

6. Other Orders:

- a.
- b.
- c.
- d.

IT IS SO ORDERED.

Judge of The District Court

COURT APPROVED DOMESTIC FORM 2

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

In the Matter of the Marriage of:

_____ ,

Case No. _____

And

Division _____

_____ .

EX PARTE TEMPORARY ORDERS

NOW on this ____ day of _____, 20__ the above captioned matter comes on for hearing on Petitioner's Motion for *Ex Parte* Temporary Orders. Petitioner appears by _____. Whereupon, after reviewing Petitioner's verified Petition, Proposed Temporary Parenting Plan, Domestic Relations Affidavit, proposed Child Support Worksheet and hearing statements of counsel, the Court issues the following Temporary Orders to remain in effect until modified or terminated. These Orders are temporary in nature and not necessarily indicative of how this case may be resolved. Respondent may move to modify these temporary orders at any time pursuant to K.S.A. 23-2707.

1. Both parties are restrained and prohibited from bothering, harassing, molesting, or otherwise interfering with the privacy of the other at home or work or elsewhere, in person or by telephone or e-mail or other electronic means including but not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the other persons location, movement or travel patterns. Neither party shall physically or verbally threaten the other with bodily harm or place the other in fear for his or her safety. The terms of this Order shall be enforceable by any law enforcement officer to whom a copy of this Order is exhibited and either party shall have the assistance of any such law enforcement officer upon request without further Order of the Court. The parties are each advised that violation of this Order may constitute violation of a protective order under K.S.A. 21-5924, as amended.

2. Both parties are both restrained and prohibited from altering, removing, selling, giving away, disposing, hiding, spending, mortgaging, pledging, or encumbering any assets, including withdrawals from checking, savings or other financial accounts, unless reasonably necessary for normal day-to-day business or personal expenses, for reasonable attorneys' fees and litigation expenses, in order to comply with this court's orders, or with written consent from both parties. Neither party may utilize any electronic tracking system or acquire tracking information to determine the other persons location, movement or travel patterns.

3. Both parties are restrained from destroying, altering or hiding any personal or business records, whether written, electronic, or any other form.

4. Both parties are restrained and prohibited from modifying, altering, changing or canceling any coverage, persons insured or beneficiaries named on any existing insurance policy, whether for life, medical, dental, health, vehicle, disability, death, dismemberment or other type or kind of insurance, unless with written consent from both parties.

5. Both parents will execute any and all documents, including any releases, necessary so that both parents may obtain information from and to communicate with any health insurance provider regarding the health insurance coverage provided by such health insurance provider to the child. The provisions of this paragraph shall apply irrespective of which parent owns, subscribes or pays for such health insurance coverage.

6. Child-Custody Jurisdiction. The Court makes a preliminary non-binding finding of child-custody jurisdiction under the following UCCJEA provision: (home state) (significant connection) (emergency).

7. Children. The parties shall have joint legal custody of the following minor child(ren): (Name and age).

"Joint legal custody" means both parents have equal rights to involvement in and responsibility for decisions affecting their child(ren)'s health, education and welfare and does not have any bearing on the amount of time either parent spends with the child(ren). As "joint legal custodians" neither parent has a primary right to decide matters regarding any child's health, education or schedule, without consulting the other parent or without that

other parent's input to that decision, although many day-to-day decisions about a child may be made by the parent with whom the child is then spending time.

8. Parenting Time. Both parents shall have parenting time with the child(ren). Time with both parents is the child's right. The current daycare and school arrangements shall not be changed absent written agreement of the parents or Court order. Parent A is the Petitioner. Parent B is the Respondent.

Parent A currently resides at:

Parent B currently resides at:

The parents shall follow the temporary parenting time arrangement below, subject to minor alterations by agreement between the parties (set out the schedule in as much detail as possible, excluding holidays unless imminent; do not simply reference the parenting plan or bar association guidelines):

Parent A's Parenting Time. Parent A shall have the following parenting times:

Parent B's Parenting Time. Parent B shall have the following parenting times:

Parenting Time Restrictions. The following parenting time restrictions apply: (supervised, exchange provisions, etc.)

9. Civility and Protection of the Child(ren) from Harmful Conflict. Each parent shall make every possible effort to protect their child(ren) from awareness of or involvement in conflict between the parents. Neither parent shall allow the minor child(ren) to read court pleadings or related documents. Neither parent shall make or allow others to make any critical or disparaging remarks about the other parent (or that parent's family, friends and associates), while the minor child(ren) is/are present or can hear or read such remarks. Each parent shall make sure the minor child(ren) is/are not within the presence of any person making any critical or disparaging remarks about the other parent (or that parent's family, friends and associates).

10. Child Support. _____ shall pay to _____ \$ _____ each month as temporary child support, payable as provided in paragraph (13).

11. Spousal Support. _____ shall pay to _____ \$ _____ each month as temporary spousal support, payable as provided in paragraph (13).

12. Payment Due Dates. Support payments shall be due on a monthly basis beginning _____, 20__.

13. Payment Location. All support payments shall be paid through the Kansas Payment Center, P.O. Box 758599, Topeka, KS 66675-8599. Payments shall contain both the case number and the designation of "JO." Both parents shall provide the Kansas Payment Center and the District Court Trustee's Office with any information requested and shall provide written notice of any change of name, residence address, or employer within seven (7) days after the change.

14. Other Orders:

a.

b.

IT IS SO ORDERED.

District court Judge

COURT APPROVED DOMESTIC FORM 3

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

In the Matter of the Marriage of:

_____ ,

Case No. _____

And

Division _____

_____ .

TEMPORARY ORDERS

NOW on this ____ day of _____ 20__ , the above captioned matter comes on for hearing on (Petitioner's) (Respondent's) Motion (for) (to Modify) Temporary Orders. Petitioner appears (with) (by) _____. Respondent appears (with) (by) _____. Whereupon, after reviewing the (verified Petition) (Proposed Parenting Plan) (Domestic Relations Affidavit) (proposed Child Support Worksheet) (exhibits) submitted by the parties and hearing statements of counsel, the Court issues the following Temporary Orders to remain in effect until modified or terminated. These Temporary Orders supersede all previously filed temporary orders.

1. Both parties are restrained and prohibited from bothering, harassing, molesting, or otherwise interfering with the privacy of the other at home or work or elsewhere, in person or by telephone or e-mail or other electronic means including but not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the other persons location, movement or travel patterns. Neither party shall physically or verbally threaten the other with bodily harm or place the other in fear for his or her safety. The terms of this Order shall be enforceable by any law enforcement officer to whom a copy of this Order is exhibited and either party shall have the assistance of any such law enforcement officer upon request without further Order of the Court. The parties are each advised that violation of this Order may constitute violation of a protective order under K.S.A. 21-5924, as amended.

2. Both parties are restrained and prohibited from altering, removing, selling, giving away, disposing, hiding, spending, mortgaging, pledging, or encumbering any assets, including withdrawals from checking, savings or other financial accounts, unless reasonably necessary for normal day-to-day business or personal expenses, for reasonable attorneys' fees and litigation expenses, in order to comply with this court's orders, or with written consent from both parties. Neither party may utilize any electronic tracking system or acquire tracking information to determine the other persons location, movement or travel patterns.

3. Both parties are restrained from destroying, altering or hiding any personal or business records, whether written, electronic, or any other form.

4. Both parties are restrained and prohibited from modifying, altering, changing or canceling any coverage, persons insured or beneficiaries named on any existing insurance policy, whether for life, medical, dental, health, vehicle, disability, death, dismemberment or other type or kind of insurance, unless with written consent from both parties.

5. Both parents will execute any and all documents, including any releases, necessary so that both parents may obtain information from and to communicate with any health insurance provider regarding the health insurance coverage provided by such health insurance provider to the child. The provisions of this paragraph shall apply irrespective of which parent owns, subscribes or pays for such health insurance coverage.

6. Child-Custody Jurisdiction. The Court makes a preliminary non-binding finding of child-custody jurisdiction under the following UCCJEA provision: (home state) (significant connection) (emergency).

7. Children. The parties shall have joint legal custody of their minor child(ren) (names, ages). "Joint legal custody" means both parents have equal rights to involvement in and responsibility for decisions affecting their child(ren)'s health, education and welfare and does not have any bearing on the amount of time either parent spends with the child(ren). As "joint legal custodians" neither parent has a primary right to decide matters regarding any child's health, education or schedule, without consulting the other parent or without that other parent's input to that decision, although many day-to-day decisions about a child may be made by the parent with whom the child is then

spending time.

8. Parenting Time. Both parents shall have parenting time with the child(ren). Time with both parents is the child's right. The current daycare and school arrangements shall not be changed absent written agreement of the parents or Court order. Petitioner is Parent A. Respondent is Parent B.

Parent A currently resides at:

Parent B currently resides at:

The parents shall follow the temporary parenting time arrangement set forth below, subject to minor alterations by agreement between the parties (set out the schedule in as much detail as possible; do not simply reference the parenting plan or bar association guidelines; only include reasonably imminent holidays):

Parent A's Parenting Time. Parent A shall have the following parenting times:

Parent B's Parenting Time. Parent B shall have the following parenting times:

Parenting Time Restrictions. The following parenting time restrictions apply: (supervised, exchange provisions, etc.)

9. Civility and Protection of the Child(ren) from Harmful Conflict. Each parent shall make every possible effort to protect their child(ren) from awareness of or involvement in conflict between the parents. Neither parent shall allow the minor child(ren) to read court pleadings or related documents. Neither parent shall make or allow others to make any critical or disparaging remarks about the other parent (or that parent's family, friends and associates), while the minor child(ren) is/are present or can hear or read such remarks. Each parent shall make sure the minor child(ren) is/are not within the presence of any person making any critical or disparaging remarks about the other parent (or that parent's family, friends and associates).

10. Child Support. _____ shall pay to _____ \$ _____ each month as temporary child support, payable as provided in paragraph (13).

11. Spousal Support. _____ shall pay to _____ \$ _____ each month as temporary spousal support, payable as provided in paragraph (13).

12. Payment Due Dates. Support payments shall be in equal monthly installments beginning _____, 20__.

13. Payment Location. All support payments shall be paid through the Kansas Payment Center, P.O. Box 758599, Topeka, KS 66675-8599. Payments shall contain both the case number and the designation of "JO." Both parents shall provide the Kansas Payment Center and Johnson County District Court Trustee's Office with any information requested and shall provide written notice of any change of name, residence address, or employer within seven (7) days after the change.

14. Income Withholding Provisions. (use applicable provisions).

Child Support. (with or without spousal support). The District Court Trustee shall issue an immediate Income Withholding Order to Obligor's employer under K.S.A. 23-4,107(b) to enforce this order for support.

Spousal Support Only. The District Court Trustee shall issue an income withholding order under K.S.A. 23-3103(b), if: (i) The obligor and obligee consent in writing to issuance; or (ii) an arrearage amount of at least two months support exists and (a) a Notice of Intent has been timely mailed to the parties and (b) either no motion to stay withholding has been filed or a motion to stay withholding was denied.

No withholding ordered. It is in the child(ren)'s best interests that no immediate automatic wage withholding order issue at this time. Income withholding from Obligor's income shall take effect to enforce these support orders if: (i) This order is administered under Title IV-D, as defined by the District Court Trustee; or (ii) This order is not administered under Title IV-D, as defined by the District Court Trustee, and (a) There is an arrearage in support payments equal to or greater than the amount payable for one month, and (b) There is compliance with K.S.A. 23-3103, as amended.

15. Other Orders:

- a.
- b.
- c.

IT IS SO ORDERED.

Judge of The District Court

CIVIL RULE - NO. 26

District Court Trustee; Appointment; Enforcement of Support; Income Withholding Orders; Temporary Orders; Hearing Officers; Contempts; Appeals; Procedure.

1. **Appointment of District Court Trustee.** The judges shall appoint a District Court Trustee and deputy trustees, to serve at the pleasure of the court, who are licensed to practice law in the State of Kansas and who shall be prohibited from representing parties in domestic relations actions in Johnson County, Kansas, except as required in the performance of the duties of the trustee or as otherwise authorized by the Chief Judge.
2. **Powers of Trustee.** The powers of the trustee shall include all those set forth in K.S.A. 23-375 et seq., as amended. The trustee shall also have the power and the duty to preside as a hearing officer at summary administrative hearings and domestic contempt hearings as needed.
3. **Appointment of Hearing Officers.** The Chief Judge shall appoint hearing officers to serve at the pleasure of the court, who are licensed to practice law in the State of Kansas and who shall be prohibited from representing parties in domestic support matters in Johnson County except as required in the performance of the duties of the hearing office or as otherwise authorized by the Chief Judge.
4. **Payment and Enforcement of Support.**
 - a. *Payment of Support Through Kansas Payment Center.* All payments of support shall be made payable to the order of the Kansas Payment Center and mailed to P.O. Box 758599, Topeka, Kansas 66675-8599, or such other address as may be designated from time to time, unless otherwise ordered by the court. All support payments shall reflect the court order number preceded by the letters "JO" (e.g., JO 23CV001234).
 - b. *Enforcement of Support by District Court Trustee.* All orders for support shall be enforced by the District Court Trustee unless otherwise ordered by the court for good cause shown upon motion with notice to the parties of record and the District Court Trustee.
5. **Costs of Enforcement.** The trustee may charge a fee to defray the costs of enforcement. Such fee may be adjusted by order of the Chief Judge.
6. **Support Orders.**
 - a. *Mandatory Information.* Upon the filing of each new or modified order of support, except for ex parte orders, each party shall complete and file an information form in such format as may be specified by the trustee. Each party shall provide updated information to the trustee within 7 days following a change of name, address, or employment. The trustee shall forward to the obligee and obligor the trustee's information form upon the commencing of a new action or modification of an old action. Failure of a party to provide or update this information may be considered an indirect civil contempt of court.

All support or maintenance orders shall provide for payment on a monthly basis the amount to be paid per pay period, and the date by which the first payment shall be made. Absent language to the contrary, the payment schedule shall be on the first of each month. The court trustee shall have no responsibility to recompute the amount to be paid pursuant to any order which provides for periodic modification based upon income information to be provided by the parties or on changes in any cost of living index.

- b. *Ex parte/temporary support orders.* The clerk shall transmit to the trustee a copy of all ex parte and temporary orders for support and the domestic relations affidavits required by Supreme Court rule or Kansas child support guidelines. The residence, business address, and social security numbers of both parties shall be contained in the affidavit. The trustee shall not

enforce any ex parte parentage orders unless there is compliance with K.S.A. 23-2224. The trustee shall enforce ex parte and temporary support orders unless the Court makes a finding upon a showing of good cause that the District Court Trustee shall not enforce ex parte or temporary orders for support.

Enforcement of ex parte or temporary orders for support by the District Court Trustee shall not occur until child support is delinquent more than thirty (30) days and maintenance is delinquent more than sixty (60) days. The calculation of this time frame shall occur from the date of service of the party responsible for the payment of child support and/or maintenance.

The trustee may present the following ex parte orders to the assigned judge or hearing officers: Orders to Appear for Failure to Pay, Orders in Lieu of Payment of Social Security Benefits, Orders Transferring to Court Trustee, Orders Withdrawing Court Trustee Enforcement, Orders Setting Lump-Sum Judgments, and such others as approved by the assigned judge or hearing officer.

- c. *Support Orders Entered at Trial and in Post-Trial Proceedings.* The clerk shall transmit to the trustee a copy of all support orders entered at trial or in post-trial proceedings, together with the domestic relations affidavits required by Supreme Court rule, and the child support worksheet required by Kansas child support guidelines. The required factual statement shall include the residence, business address, and social security numbers of both parties. Each final support order containing orders of child support or spousal support shall include the following provisions:

IT IS FURTHER ORDERED that all support and maintenance payments shall be made payable to the order of the Kansas Payment Center P. O. Box 758599, Topeka, Kansas 66675-8599, www.ksPAYcenter.com. Each payment must include the Court Order Number (case number) preceded by the two-letter identifier for Johnson County (JO).

IT IS FURTHER ORDERED that the District Court Trustee shall enforce the orders of support entered herein. Each party shall inform the District Court Trustee in writing of any change of name, residence, and employer (with business address) within 7 days after such change.

- d. *Mandatory Income Withholding Language in Child Support Orders.* The following provision shall be contained in all orders of child support or child support and maintenance orders:

IT IS FURTHER ORDERED that unless the court makes findings in conformity with K.S.A. 23-3103(j), income withholding shall take effect immediately to enforce the order of child support or child support and maintenance granted herein.

- e. *Mandatory Income Withholding Language in Orders for Spousal Support Only.* The following provision shall be contained in all orders wherein spousal support, and no child support, is ordered::

IT IS FURTHER ORDERED that all spousal maintenance payments shall be subject to income withholding but only if (a) there is an arrearage in the payment of maintenance in an amount equal to or greater than the amount of maintenance payable for two months and (b) there has been compliance with K.S.A. 23-3103(h).

7. **Record of Support Payments.** The trustee shall maintain a record of child support and maintenance payments.
8. **Trustee's Records.** Except for printouts of payment records, copies of motions, and briefs of the parties, and orders of the hearing officers, documents, and records maintained by the trustee may be obtained only by order of the District Court upon motion with notice to all interested parties, including the trustee.

9. **Imminence of Delinquency Action.** Whenever an obligor is 7 days delinquent in any payment, the trustee shall notify the obligor of the delinquency and that action (including income withholding) will be taken to enforce the support order unless the support payments are immediately paid.

10. **Powers of Hearing Officers.**

- a. Hearing officers shall preside at summary administrative hearings to establish, modify, or enforce support orders; to determine the division and payment of health expenses; to impose interest on arrearages; to enforce existing parenting time orders for parents, to enforce visitation orders for non-parents; to hear all domestic relations contempt matters; and to conduct proceedings under K.S.A. 23-3106 to contest or stay withholding orders. A hearing officer that is appointed as a judge pro temp may hear such additional matters as the Chief Judge may determine.
- b. The hearing officer shall have the authority in summary administrative hearings:
 - i. To take testimony and prepare recommended written findings of fact and conclusions of law;
 - ii. To evaluate evidence and decide the most expeditious manner either to establish or to enforce court orders;
 - iii. To accept voluntary acknowledgment of support liability and stipulated agreements setting the amount of support to be paid;
 - iv. To accept voluntary acknowledgment of parentage;
 - v. To make recommended orders, including recommended default orders; and
 - vi. To hear and issue orders in contempt proceedings relating to non-payment of support.
- c. The hearing officer shall have the following additional authority in domestic relations contempt matters:
 - i. To appoint legal counsel;
 - ii. To approve appointed counsel fees. (Exceptional fee applications that exceed the current maximum amount may be approved by the district court judge); and
 - iii. To order obligors to repay the costs of appointed counsel as a part of any domestic relations contempt order. The trustee may charge 20% of the funds collected to defray costs of enforcement for collection of these costs and fees.

11. **Hearings Before Hearing Officers.**

- a. *Procedure: Record.* All matters concerning modification and enforcement of support shall be heard by the hearing officer pursuant to Kansas Supreme Court Rule 172 except that:
 - i. the modification and enforcement of ex parte orders of support shall be heard by the assigned District Court Judge, and
 - ii. modification and enforcement of support issues coupled with other post-divorce or similar issues such as enforcement of parenting time, the enforcement of visitation and child custody may be set for hearing before the assigned District Court Judge.
 - iii. The Hearing Officers, for good cause, may retain the child support portion of a case that would normally go to the District Court Judge.
- b. *Orders.* The hearing officer shall prepare proposed orders on a judgment form approved by the Chief Judge. The hearing officer shall announce the decision, after administrative approval by the District Court, by mailing a copy to counsel for all parties, to all pro se parties, and to the trustee.

12. **Review of Contempt Findings.** Any party placed in custody as punishment for the contempt shall be entitled, upon request, to a hearing before a District Court Judge within 48 hours thereafter. Notice shall be given to the District Court Trustee. At the discretion of the District Court Judge, the request need not be in writing.

13. **Finality of Orders, Review Hearings and Motions for Rehearing.**

a. *Finality of Judgment*

- i. Hearing - No Transcript available. An order of the hearing officer following a hearing for which no transcript is available or for which no audio recording was made, after it is approved by a judge of the District Court and filed with the clerk, shall become a final judgment of the District Court unless a party requests either (1) a rehearing before the hearing officer or (2) a review hearing before the District Judge pursuant to Supreme Court Rule 172(h). The request shall be by written motion filed within 14 days of the filing of the judgment and served on counsel for all parties, on all unrepresented parties, and on the trustee. The review by the District Court Judge will be de novo (as if the first hearing did not occur) and the trustee will not enforce the order subject to de novo review.
- ii. Hearing - Transcript available. An order of the hearing officer following a hearing for which a transcript is available or for which an audio recording was made, after it is approved by a judge of the District Court and filed with the clerk, shall become a final judgment of the District Court unless a party requests a rehearing before the hearing officer. If a rehearing is denied, the judgment is final. If a review hearing before the District Judge pursuant to Supreme Court Rule 172(h) is granted, the judgment is final subject to review. The review is of the record applying an abuse of discretion standard. The request shall be by written motion filed within 14 days of the filing of the judgment and served on counsel for all parties, on all unrepresented parties, and on the trustee. The trustee will enforce the hearing officer's order as a final judgment. If a stay of enforcement is requested, the District Court may require the Obligor to post a supersedeas bond.

b. *Rehearing or Review Hearing.* Motions for a review hearing or rehearing shall be served upon counsel for all parties, on all unrepresented parties, and on the trustee. Forms for such motions shall be made available by the trustee. A motion for rehearing shall be summarily granted or denied by the Hearing Officer within 14 days of the filing of the motion. The moving party shall have 14 days following the filing of an order denying rehearing to request a review hearing before the assigned District Judge.

c. *Review Hearings before the District Judge*

- i. Review After Recorded Hearing. If the hearing was recorded, counsel or the unrepresented party requesting review by the assigned District Court Judge will request a transcript of the hearing within thirty days of filing the request for review. The unrepresented party or counsel requesting review will transmit to the District Court the full transcript and all admitted exhibits within 14 days of the completion of the transcript. If a transcript is not timely obtained, the motion will be dismissed for lack of prosecution pursuant to K.S.A. 60-241(b)(2). A party requesting review, may ask that the District Court review the recording of the hearing instead of a transcript pursuant to Supreme Court Rule 172(h). Any request for review upon the recording (instead of a transcript) must be made by motion when requesting review as set forth in subsection A above (within 14 days of the filing of the hearing officer's judgment). The motion will state the reason for requesting review of the recording. If the District Court denies the request, the party requesting review will have 14 days to request the transcript unless otherwise ordered.

- ii. **Review After a Hearing Not Recorded.** If the hearing was not recorded, the review will proceed de novo. Within 30 days after filing the motion for a de novo review hearing, the movant shall obtain from the court a date for the review hearing. If a hearing date is not timely obtained, the motion will be dismissed for lack of prosecution pursuant to K. S.A. 60-241(b)(2).

14. **Time Standards.** The Chief Judge of the District Court shall monitor all cases subject to the expedited judicial process in order to ensure that actions to establish, modify, or enforce court obligations are completed from the time of filing to the time of disposition as follows:

- a. 90% in 90 days.
- b. 98% in 180 days
- c. 100% in 365 days.

If a case involves complex issues which cannot be resolved within these time standards, a temporary support order shall be entered by the hearing office under expedited processes and the unresolved issues shall be referred to the District Court.

CIVIL RULE - NO. 27

Garnishments

1. **Garnishments for Child Support.** If the party seeking garnishment for child support does not know the current marital status, current support obligations, or current status of arrearages, the party shall be limited to garnishment as though the principal debtor was supporting a spouse or child other than those covered by the support order whose enforcement is sought and that all payments are current.
2. **Issuance Upon Good Faith.** No garnishment shall issue except on the good-faith belief of the party seeking garnishment that the party to be served with the garnishment order has, or will have, assets of the judgment debtor. Nothing in this rule shall require affidavits or other formal proof of the good faith of the party seeking garnishment unless otherwise ordered by the court.
3. **Limitation on Use of Garnishment.** Concerning any garnishment issued, no attorney shall abuse the procedures so as to utilize garnishment actions as substitution for proceedings in aid of execution, or other discovery procedures otherwise provided for by statute.
4. **Limitation on Frequency of Garnishments.** Except as provided in this rule, no more than two garnishments shall be issued out of this court applicable to the same claim or claims and against the same judgment debtor in any 30-day period. A judge of this court may order an exception to this rule in any case in which the party seeking the garnishment shall in person or by attorney: (a) certify that the garnishment is not for the purpose of harassment of the debtor, and (b) state facts demonstrating to the satisfaction of the judge that there is reason to believe that the garnishee has property or credits of the debtor that are not exempt from execution.

CIVIL RULE - NO. 28

Liens upon Funds Paid Into or Out of Courts

1. **Notice to Clerk of Lien.** In all cases in which funds are paid into or out of the court, the parties are required to notify the clerk in the manner set forth in this rule of any lien that, to that party's knowledge, has been asserted against the funds. If any party or counsel has knowledge of any such liens, a "Notice of Lien Claim" shall be filed with the clerk and served on all parties identifying the person claiming a lien, giving the amount of the lien claim, and giving the stated basis for the lien (e.g., under K.S.A. 65-406).

2. **Order to Pay Funds Out of Court Deposit.** It is the obligation of the party seeking an order to pay funds deposited to the court to that party to check the docket for any notice of a lien claim potentially applicable to the funds to be paid out. No order to pay funds out of court shall be presented to a judge for approval until (a) the judge has been specifically told of any such liens (including any the party or counsel has knowledge of that have not been filed) and (b) the judge has determined that the lien has been satisfied, that the lien does not affect the funds at issue, or that for some other good reason the funds may be paid out notwithstanding the lien. Ordinarily, an order to pay funds out of court will not be granted if a lien notice has been filed without first providing notice and an opportunity to be heard to the lien claimant.

CIVIL RULE - NO. 29

Eminent Domain Actions

In all eminent domain actions, the attorney representing the condemning authority shall provide the clerk with an additional copy of the report of the appraisers and of the order approving that report. These copies will be provided to the County Clerk to update tax records.

CIVIL RULE - NO. 30

Deleted.

CIVIL RULE - NO. 31

Professional Malpractice Screening Panel

1. Any party filing a request for a medical malpractice screening panel shall file with the request:
 - (a) A short statement explaining the basic medical failures alleged and the nature of the alleged injury and/or damages. (That defendant was negligent or deviated from care generally is not sufficient. There must be some identification of the claimed injury and/or damages and some brief statement of the suspected departures from standard practice.) This statement shall not be binding or limit the plaintiff from other allegations which become known thereafter.
 - (b) An order signed by counsel and ready for the court's signature authorizing the release of medical records and x- rays, etc. to the screening panel, the parties, and/or counsel for all parties. (The names of counsel need not be specified as they will be unknown at that time.)
 - (c) A list of all health care providers or professional licensees who have provided services or rendered treatment to the plaintiff in connection with the claim within the preceding five years, including all hospitals where plaintiff received any treatment. To the extent possible, full names and addresses shall be provided.
 - (d) The above list shall include the plaintiff's date of birth, subject to appropriate redaction for filed copies.
2. Along with the notice convening the screening panel, the court shall provide to counsel for the plaintiff file-stamped copies of all additional documents required to be filed by these rules, including a certified copy of the order for production of medical records, and a notice of a status conference. It is plaintiff/claimant's obligation to promptly and timely serve all pleadings and papers identified herein on each party defendant, in accordance with KSA 60-203 and 60-301 through 60-313.
3. The court shall hold a status conference in all screening panel cases. Counsel for the parties and the chairperson shall appear and a schedule shall be established for the submission of records, contentions, and the preliminary conference of the panel.
4. Except by agreement of all parties, no affidavits from the parties, nor any "expert opinions," nor depositions taken in the case shall be submitted.
5. The chairperson shall provide a file stamped copy of the opinion of the panel to counsel for all parties and the Commissioners of Insurance as administrator of the Health Care Stabilization Fund.

CIVIL RULE - NO. 32

Admission of Out-of-State Attorneys to Practice.

Motions and Orders for the admission of an attorney not licensed in Kansas to practice under Supreme Court Rule 116 shall be substantially in the form set out in [Appendix D](#)

CIVIL RULE - NO. 33

Recovery of Attorney Fees in Certain Cases

In cases involving a claim of property damage arising out of an automobile accident under K.S.A. 60-2006, and in all other cases in which attorney fees are authorized either by statute or written contract, and the defendant failed to file a written answer and default judgment was granted, the Court will presume that the following shall constitute a reasonable attorney's fee in the absence of an affidavit or other evidence demonstrating, under applicable standards (see Model Rule of Professional Responsibility 1.5), that a different amount is required for the award of a reasonable fee in a specific case:

Automobile accident cases: \$1,000.00 (subject to Court discretion);

Insufficient fund check cases: \$ 350.00 (subject to Court discretion);

Credit card cases: 15% of amount due up to a maximum of \$1,000.00 (subject to Court discretion); and

Any other case authorized by statute or contract: \$1,000.00 (subject to Court discretion)

CIVIL RULE - NO. 34

Mortgage Foreclosure Cases

1. Submission of Proposed Orders.

Unless all affected parties agree to the order, see Civil Rule No. 8, ¶ 5, no proposed order shall be submitted for execution by the Court before any required hearing. A proposed order may be submitted with a motion if (1) notice and hearing are not required, or (2) all counsel have signed the order, or (3) the motion and order recite that counsel for all affected parties consent to the motion and order.

2. Duty to Give Notice; Deceased Defendants.

(a) If the plaintiff in a mortgage foreclosure action learns that the defendant is deceased, before or after filing the Petition or through subsequent pleading or motion, the plaintiff has a responsibility to conduct a good faith and due diligent search for the titled owner's heirs at law and inform the Court of the results of its search. Notice shall be given to all heirs at law located by the Petitioner.

(b) A guardian ad litem shall also be appointed to represent the unknown heirs at law. The guardian ad litem shall conduct an additional search to locate heirs at law of the titled owner.

(c) The costs associated with the appointment of a guardian ad litem and the guardian ad litem's initial search for heirs at law shall be borne by the Petitioner.

(d) If the guardian ad litem locates heirs at law, the guardian ad litem shall file a report of the results of the search and the Petitioner shall serve notice of the Petition and any pending hearings upon all identified heirs at law.

3. Non-Appearance Hearing.

(a) Motions for default judgment, for confirmation of sale, and to shorten, extend or extinguish the redemption period must be set for a "non-appearance hearing."

(b) No party is required to appear at a non-appearance hearing, however any party may appear and object to the motion, or may file written objections prior to the hearing with the Clerk of the Court and send copies to the Judge and other parties. If no objection is made or an objection is found without sufficient legal support, the Court may grant the relief to which movant is entitled. If an objection is made to the motion, the Court may set the motion for another hearing to consider the motion and objection.

(c) A non-appearance hearing requires a written motion served on all parties including those in default, together with a "notice of non-appearance hearing" denominated as such, by ordinary mail to recipient's last known address. The notice shall include the date, time and place of the hearing and the following language:

This is a non-appearance hearing. No party is required to appear, but any party may appear and object to the motion, or, prior to the scheduled hearing may, file written objection with the Clerk of the Court and mail a copy to the Judge and all other parties. If any party appears or files a written objection, the Court may set a further hearing to consider the motion and objection. If no party appears or objects, or any objection is found to be without merit, the motion may be granted.

(d) Every journal entry of a non-appearance hearing which grants the motion shall include as its initial paragraph the following language:

On the ____ day of _____, 20_____'s Motion for _____ came on for a non-appearance hearing. There were no appearances or written objections filed. The requirements of Local Rule 34 were complied with. The motion is granted.

4. Judgment of Foreclosure-Attorney Fees and Expenses of Foreclosure.

(a) Any motion for default judgment on a petition that seeks unliquidated damages will be granted only upon a showing of compliance with Supreme Court Rule 118(d); provided, however, that service of such motion and notice of hearing need not be by certified mail but may be by ordinary mail to the last known address for parties in default.

(b) A default judgment in excess of the amount of the petition's demand for judgment in violation of K.S.A. 2010 Supp. 60-254(c) will be vacated or considered voidable to the extent of the excess.

(c) When any proposed journal entry includes judgment for attorney fees and/or the mortgagee's costs or expenses of the foreclosure proceeding the fees, costs, and expenses shall be supported by the record. This support may be provided by affidavit, establishing (1) the mortgagee's entitlement to and (2) the amount, reasonableness and basis of, each such item. The decree shall state the total amount of the judgment.

(d) When interest is sought in a motion, or awarded in a judgment, the interest rate and the amount of interest shall be stated.

(e) Court costs shall be set out separately and in accordance with K.S.A. 60 Article 20.

5. Confirmation of Sheriff's Sale.

(a) A motion to confirm a Sheriff's sale shall be accompanied by a copy of the signed Sheriff's Return of Sale in the form attached to this rule, an Itemization of Judgment in the form attached to this rule, and a proposed order.

(b) A motion to confirm a Sheriff's sale requires a non-appearance hearing with 14 days notice to all judgment debtors, regardless of whether they are in default in the litigation, at their last known address(es) by ordinary mail. Any such motion shall be supported by appraisals, affidavits or other evidence demonstrating the value of the property to assist the court in determining that fair value has been obtained.

(c) If the Sheriff's sale results in a deficiency that is waived by the Motion and Order, they shall be titled "Motion to Confirm Sheriff's Sale-Deficiency Waived" and "Order Confirming Sheriff's Sale-Deficiency Waived." If a deficiency results but is not waived the Motion and Order shall be titled: "Motion to Confirm Sheriff's Sale-Deficiency" and "Order Confirming Sheriff's Sale-Deficiency."

(d) A Motion or Order to Confirm a Sheriff's Sale in a case in which the judgment is *In Rem* shall be titled "Motion for Order Confirming Sheriff's Sale – *In Rem* Judgment" or "Order Confirming Sheriff's Sale – *In Rem* Judgment."

6. Redemption.

(a) If a decree of foreclosure or other order determines the owner's period of redemption to be less than twelve (12) months, or that the same is waived within the meaning of K.S.A. 60-2414(a), it shall state the reason which shall be supported by the record.

(b) Any motion to shorten, extend or extinguish the period of redemption of the defendant owner pursuant to K.S.A. 60-2414(a) or 60-2414(m) shall be set for a "nonappearance" hearing with not less than 21 days of notice to all parties or persons claiming redemption rights and proof of service. The facts on which the motion relies must be supported by the record which, in the Court's discretion, may be provided by affidavit.

(c) The defendant owner or assignee of redemption rights may redeem for the amount paid by the then current holder of the Certificate of Purchase including expenses incurred in accordance with K.S.A. 60-2414(a) and K.S.A. 60-2414(d), which expenses are evidenced by vouchers or receipts filed in the office of the Clerk of the District Court in accordance with K.S.A. 60-2414(d) and are entered on the appearance docket of the case. The holder of the certificate or a creditor who has redeemed prior to a defendant owner or assignee, shall be entitled to interest in accordance with K.S.A. 16-204(e)(1), as amended, on the net amount paid to redeem the property.

(d) Unless waived pursuant to K.S.A. 60-2414(a), redemption rights transferred or assigned pursuant to K.S.A. 60-2414(h), must comply with K.S.A. 58-2342 (2005), and its disclosure form, if the defendant owner resides in the foreclosure property at the time of transfer. Any assignment, transfer or other paper filed that purports to claim redemption rights must be verified and reflect (1) the status of the defendant owner's residence at the time of any assignment, (2) the actual consideration between the defendant owner and the assignee, and thereafter such assignment of redemption rights must be (3) be served on all parties and the Certificate of Purchase holder (if not a party). Statutory redemption rights may not be transferred or assigned until after the sheriff's sale. *Capitol Building & Loan Ass'n of Topeka v. Ross*, 134 Kan. 441, 7 P.2d 88 (1932) (recognizing redemption rights cannot be assigned until after the sale and confirmation of the same); *Anspacher & Assocs., Inc. v. Leslie*, 5 Kan. App. 2d 348, 350, 616 P.2d 297 (1980) (redemption runs from date of sale). Accordingly, no party or person attending an ordered sale, pursuant to K.S.A. 60-2410, shall represent that such party or person holds redemption rights and, in particular, to discourage others from bidding at the sale. See *Knutson Mortgage Corp. v. Coleman*, 24 Kan. App. 2d 650, 951 P.2d 548 (1997) (inherent power of court to address bad faith conduct from foreclosure sale). Before confirmation of any sale, pursuant to K.S.A. 60-2415, the sheriff shall inform the Court if any party or person may have impacted the sale proceedings from otherwise being regular and in conformity with the law.

(e) Before any Order of Disbursement of redemption funds paid into the Clerk of the District Court is approved, the party or person seeking disbursement shall file a verified motion that any such redemption has complied with this Rule. Such motion may be heard on the Court's non-appearance docket pursuant to ¶ 3(c) and (d) of this Rule.

7. Bankruptcy.

(a) Under federal bankruptcy law, a petition filed under of 11 U.S.C. §§ 301, 302 or 303 operates as a stay of actions against property of the bankruptcy estate, property of the debtor, or against the debtor. 11 U.S.C. § 362(a). Thus, when a party to a foreclosure action in this Court files for bankruptcy protection, the party shall, as soon as possible, but no later than ten (10) days thereafter, file with this Court and all parties to the litigation in this Court a copy of the party's Notice of Bankruptcy Filing in the relevant case in this Court. The party prosecuting the

foreclosure action shall file the Notice of Bankruptcy Filing with this Court, within a reasonable time after receipt of the notice from the bankruptcy court, if the debtor fails to do.

(b)(1) If a party prosecuting an action for foreclosure obtains relief from the automatic stay, that party shall notify this Court by filing a Notice of Right to Proceed and attach thereto a copy of the bankruptcy court order granting relief from the automatic stay; or

(2) In the alternative, the party prosecuting the foreclosure action in this Court shall file a Notice of Right to Proceed with an Affidavit attached explaining the basis of its right to proceed as to debtor/defendant(s) and/or any other defendant(s).

8. Jurisdiction.

(a) Any decree of foreclosure shall state for each named party defendant, whether they have been served with summons and process, if so, when and how, and whether each has answered or otherwise pled.

(b) If the Court does not have personal jurisdiction over a party defendant, or if a personal judgment against the mortgagor is not otherwise available, and if the Court has jurisdiction over the mortgage contract, the note, and/or the property, the Court may enter an *in rem* judgment against the party over whom the Court does not have *in personam* jurisdiction.

9. Writ of Assistance.

Upon the filing of an Application for Writ of Assistance, the court may, in its discretion, grant the Writ upon a showing that the applicant is entitled to possession. That required showing may be made by (1) showing that the applicant is the current holder of the Certificate of Purchase and any applicable Period of Redemption has run, or in the alternative (2) the presentation of a recorded Sheriff's Deed to the applicant as grantee. The Writ of Assistance shall be in the form attached to this rule.

CIVIL RULE - APPENDIX A

Plaintiff's Interrogatories to Defendant, Automobile Accident

IN THE DISTRICT COURT OF JOHNSON COUNTY,
KANSAS CIVIL COURT DEPARTMENT

)
)
Plaintiff,)
)
v.)
)
)
)
Defendant.)

Case No. _____
Div. No. _____
Chap. _____

INTERROGATORIES TO DEFENDANT

1. State your full name, date of birth and place of birth.

Name

Date of

birth Place

of birth

Social Security No.

Operators or Chauffeurs License No.

2. If the vehicle being operated by you was being operated by someone other than the owner, then state:

- a) The name and address of the owner;
- b) The relationship between the owner and the driver with reference to the use of the automobile.

ANSWER:

Did you have any occupants in your vehicle at the time of the collision other than yourself? If so, state the name, address and age of each other occupant. ANSWER:

3. Were you at the time of the occurrence or occurrences forming the basis of this suit performing any job, task or undertaking for any person, firm or corporation other than yourself? If your answer is yes, state:

- a) The name and address of the person, firm or corporation for whom you were performing some job, task or undertaking.
- b) The nature of the job, task or undertaking you were performing for such person, firm or corporation.

ANSWER:

4. Were any statements, either written, recorded or stenographic obtained from plaintiff by you or anyone acting in your behalf in connection with the occurrence described in the petition? If so, state:

- a) The dates they were obtained;
- b) The name and address of each person obtaining such statements;
- c) Describe the method by which the statement was taken;
- d) If written, were they signed by the person?
- e) The name and address of the present custodian of the statement;
- f) If you will do so without a Request for Production, attach a copy of each statement to your answers to these Interrogatories.

ANSWER:

5. Do you claim that anyone's fault should be compared other than those who are a party to this suit? If so, state:

- a) The name, address and any other identification of any person, firm or corporation for whom you claim was responsible;
- b) The factual basis for your claim.

ANSWER:

6. Have you given any statements, written, recorded or stenographic, to anyone concerning the occurrence described in the Petition? If so state:

- a) The dates they were given;
- b) The name and address of each person taking such statements;
- c) The name and address of the present custodian of the statement.

ANSWER:

7. State the names and addresses of any and all persons known to you, your attorneys, or any other representatives, who claim to have witnessed the occurrence that is the subject of this action.

ANSWER:

8. Were any statements, written or otherwise, obtained from anyone other than defendant by a person acting on your behalf in connection with the occurrence described in the Petition? If so, state:

- a) The date of each statement;
- b) The name and address of each person whose statement was taken;
- c) Whether such statement was written, recorded or taken by any other means;
- d) The name and address of each person who took such statements;
- e) The name and address of the present custodian of the statements.

ANSWER:

9. Do you, or anyone acting on your behalf, have any photographs of any objects (e.g., scene, vehicles, etc.) that were taken since the occurrence described in the Petition which relate or may relate to the occurrence described in the Petition? If so, state:

- a) The number of photographs you have;
- b) The subject matter of each photograph;
- c) The dates the photographs were taken;
- d) The name and address of each photographer taking the photographs;
- e) The name and address of the present custodian of the photographs.

ANSWER:

10. Do you have any documentary evidence that you claim or may claim is relevant to the issues of this action other than photographs (e.g., repair estimates, scene diagrams, medical records, correspondence, etc.) or statements identified elsewhere in your Interrogatory answers? If so, identify the same and produce a copy unless you object to production without a Motion to Produce.

ANSWER:

11. Do you, or anyone acting in your behalf, have a copy of any record of testimony taken at a prior hearing involving this case? If so, state:

- a) The date and nature of the hearing;
- b) The name and address of the person who recorded the testimony;
- c) The name and present address of the present custodian thereof.

ANSWER:

12. Were you arrested or were any citations issued to you on charges arising out of the occurrence described in the Petition? If so, identify the court wherein the charges or citations were filed, and state the disposition of those charges or citations.

ANSWER:

13. Please state whether or not the defendant has liability insurance coverage for personal injury. If the answer is in the affirmative, state:

- a) Whether or not the company with which you have insurance is defending this action;
- b) The name and address of the insurance company defending the action;
- c) The applicable limits of liability insurance contained in said policy.
- d) Provide the name and address of each named insured under the policy.

ANSWER:

14. Pursuant to K.S.A. 60-226, please provide the name and address of each person whom you expect to call as an expert witness at trial, state the subject matter about which the expert is expected to testify, and state the substance of the facts and opinions as to which the expert is expected to testify along with a summary of the grounds for each opinion.

ANSWER:

15. Please state the name and address of the person currently in possession of the vehicle you were operating. If the vehicle is no longer in your custody or your right of control, please provide the following information:

- a) The date the vehicle was last in your custody and right of control.
- b) The name and address of the person or company to which custody of your vehicle was transferred.
- c) The amount of consideration, if any, paid to you for your vehicle.
- d) The location of the vehicle at the present time or the last known location of the vehicle.

ANSWER:

16. Except for this lawsuit, have you, in the last 10 years, had any other claim or suit filed against you?

Yes _____ No _____

If your answer is yes, state separately for each claim or suit.

- a) Style of the suit, including court and case number.
- b) A brief description of the nature of the suit.
- c) Name of your attorney, if any.
- d) Name and address of all other parties to the case.

ANSWER:

17. Please indicate all states in which you have been licensed to drive, the approximate date of the licensure and the driver's license number.

ANSWER:

18. Please list all citations for moving violations which have been issued to you during the 10 years preceding the occurrence described in the Petition indicating the approximate date, the location, the specific charge, and the disposition.

ANSWER:

19. Have you ever been involved in a vehicular collision during the 10 years preceding the occurrence described in the Petition? If so, for each one, provide the following information:

- a) Date.
- b) Location.
- c) The nature of the incident.
- d) Were you issued any citations?
- e) Whether or not a claim arose out of the collision.

ANSWER:

CIVIL RULE - APPENDIX B

Defendant's Interrogatories to Plaintiff, Automobile Accident

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	Div. No. _____
)	Chap. __
)	
)	
Defendant.)	

INTERROGATORIES TO PLAINTIFF

1. State your full name, date of birth and place of birth.

Name

Date of

birth Place

of birth

Social Security No.

Operators or Chauffeurs License No.

2. If applicable, were you the operator (passenger) of an automobile, _____, license number, _____ which was involved in an accident with the defendant at _____, in the City of _____, Kansas, on _____, 20 ?

ANSWER:

3. If applicable, furnish the following information with respect to such vehicle:

- a) The make and model of the vehicle;
- b) The name and address of the owner of such vehicle.

ANSWER:

4. If the vehicle being operated by you was being operated by someone other than the owner, then state:

- a) The name and address of the owner;
- b) The relationship between the owner and the driver with reference to the use of the automobile.

ANSWER:

5. Did you have any occupants in your vehicle at the time of the collision other than yourself? If so, state the name, address and age of each other occupant.

ANSWER:

6. Were any statements, either written, recorded or stenographic obtained from defendant by you or anyone acting in your behalf in connection with the occurrence described in the Petition? If so, state:

- a) The dates they were obtained;
- b) The name and address of each person obtaining such statements;
- c) Describe the method by which the statement was taken;
- d) If written, were they signed by the person?
- e) The name and address of the present custodian of the statement;
- f) If you will do so without a Request for Production, attach a copy of each statement to your answers to these Interrogatories.

ANSWER:

7. Have you given any statements, written, recorded or stenographic, to anyone concerning the occurrence described in the Petition? If so, state:

- a) The dates they were given;
- b) The name and address of each person taking such statements;
- c) The name and address of the present custodian of the statement.

ANSWER:

8. State the names and addresses of any and all persons known to you, your attorneys, or any other representatives, who claim to have witnessed the occurrence that is the subject of this action.

ANSWER;

9. Were any statements, written or otherwise, obtained from anyone other than defendant by a person acting on your behalf in connection with the occurrence described in the Petition? If so, state:

- a) The date of each statement;
- b) The name and address of each person whose statement was taken;
- c) Whether such statement was written, recorded or taken by any other means;
- d) The name and address of each person who took such statements;
- e) The name and address of the present custodian of the statements.

ANSWER:

10. Do you, or anyone acting on your behalf, have any photographs of any objects (e.g., scene, vehicles, etc.) that were taken since the occurrence described in the Petition which relate or may relate to the occurrence

described in the Petition? If so, state:

- a) The number of photographs you have;
- b) The subject matter of each photograph;
- c) The dates the photographs were taken;
- d) The name and address of each photographer taking the photograph;
- e) The name and address of the present custodian of the photographs.

ANSWER:

Do you have any documentary evidence you know of which you claim or may claim is relevant to the issues of this action other than photographs (e.g., repair estimates, scene diagrams, medical records, correspondence, etc.) or statements identified elsewhere in your Interrogatory answers? If so, identify the same and produce a copy unless you object to production without a Request for Production.

ANSWER:

11. Do you, or does anyone acting in your behalf, have a copy of any record of testimony taken at a prior hearing involving this case? If so, state:

- a) The date and nature of the hearing;
- b) The name and address of the person who recorded the testimony;
- c) The name and present address of the present custodian thereof.

ANSWER:

12. Were you arrested or were any citations issued to you on charges arising out of the occurrence described in the Petition? If so, identify the court wherein the charges or citations were filed, and state the disposition of those charges or citations.

ANSWER:

13. Pursuant to K.S.A. 60-226, please identify each person by name and address whom you expect to call as an expert witness at trial, state the subject matter about which the expert is expected to testify; and state the substance of the facts and opinions as to which the expert is expected to testify and a summary of the grounds of each opinion.

ANSWER:

14. Do you claim to have suffered personal injuries in the occurrence described in the Petition? If so, please describe the nature and extent of injuries you claim and state those injuries which you claim are of a permanent nature.

ANSWER:

15. Did you seek medical attention for such injuries? If so, state the name and address of each doctor or entity who has attended you for such injuries, the dates of such treatment, and the amounts charged for each treatment.

ANSWER:

16. Have you been released from treatment? If so, state the date of such release.

ANSWER:

17. Were you hospitalized as a result of the injuries claimed to have been sustained in the occurrence described in the Petition? If so, state the names and addresses of each hospital and dates of confinement and the charges incurred for each hospitalization.

ANSWER:

18. Are you claiming a wage or earnings loss as a result of the injuries you allege to have sustained? If so, state:

- a) The name and address of your employer;
- b) The nature of your work;
- c) Your salary or wage basis;
- d) The total amount of lost earnings claimed;
- e) The dates you claim you were unable to work because of such injuries.

ANSWER:

19. State any other items of damages besides those previously mentioned which you are claiming.

ANSWER:

20. Have you within the last 10 years suffered any injuries which required medical treatment, consultation or examination (other than in the accident described in your Petition)?

Yes _____ No _____.

If your answer is yes,

state:

- a) The date and place such injury was sustained;
- b) The type of accident involved;
- c) The injuries you sustained;
- d) Identify all medical practitioners who treated or examined you therefore.

ANSWER:

21. Except for this lawsuit, have you within the last 10 years made claim or filed suit for damages or compensation for personal injuries? Yes __, No __.

If your answer is yes, state:

- a) First claim.

Date of injury _____

Name of your attorney, if any _____
Name and address of party against whom made
Name of other party's insurer _____
Court or agency where claim or suit filed, if any

b) Add separate page for all other claims, giving all information required above.

22. Have you received any payments from any insurer, government agency or other third party payor as a result of injuries you sustained in the occurrence described in the Petition? If so, state:

- a) The name of the payor;
- b) The amount of payment you have received.

ANSWER:

23. Have you made a claim under the Kansas Automobile Injury Reparations Act with your automobile insurance carrier? If so, state:

- a) The name and address of the insurance carrier;
- b) The amount you have claimed for medical and hospital expense;
- c) The amount you have claimed as lost income;
- d) Any other amounts you have claimed under the Kansas Automobile Injury Reparations Act.

ANSWER:

Please take notice that a copy of your answers to the foregoing Interrogatories must be served upon the undersigned within 30 days after service of these Interrogatories.

These Interrogatories shall be deemed continuing so as to require supplemental answers if you or your attorneys obtain further information between the time answers are served and the time of trial.

Attorney for Defendant

I hereby certify that the original and two copies of the above and foregoing Interrogatories to Plaintiff were mailed this _____ day of _____, 20____, to:

Attorney for Defendant

STATE OF KANSAS)
)
SS.: COUNTY OF
JOHNSON)

_____ of lawful age, being first duly sworn on his (her) oath, states: That he (she) is the plaintiff above-named, that he (she) has read the above and foregoing Interrogatories and that the answers thereto are true and correct, based upon his/her/its personal knowledge.

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

CIVIL RULE - APPENDIX C

Pretrial Order

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

Plaintiff,

v.

Case No. _____

Div. No. _____

Chap. _____

Defendant.

PRETRIAL ORDER

[As noted in Local Rule 13, this order should be jointly prepared by counsel for all parties. If agreement cannot be reached on the language for some of the sections, competing language may be included, clearly marked to show by which party the language has been submitted.]

A final pretrial conference was held in this case on the _day of _____ 20__.

1. APPEARANCES

[List appearances.]

2. VENUE; JURISDICTION; PROPRIETY OF PARTIES

a. There are no objections to jurisdiction, venue, or propriety of parties.

OR

b. [State concisely all objections to jurisdiction, venue, or propriety of parties.]

3. PLAINTIFF'S LEGAL THEORIES

[Give a brief, concise statement of the legal theories relied upon for recovery; where applicable, list the grounds of negligence or breach of contract relied upon. In jury trial cases, please include sufficient facts so that this section of the Pretrial Order may be used as the basis of a jury instruction summarizing your claims under P.I.K. 106.01. Provide a statement of the total damages being sought under each legal theory or claim; separately provide an itemization of the damages.]

4. DEFENDANT'S LEGAL THEORIES

[Give a brief, concise statement of the legal theories relied upon for any defenses, including affirmative defenses. For any counterclaims, list the grounds of negligence or breach of contract relied upon when applicable. In jury trial cases, please include sufficient facts so that this section of the Pretrial Order may be used as the basis of a jury instruction summarizing your claims under P.I.K. 106.01. Provide a statement of the total damages being sought under each legal theory or claim being pursued in a counterclaim; separately provide an itemization of the damages.]

5. STIPULATIONS

[Consider whether stipulations can be entered into that will expedite the presentation at trial. Possible stipulations:

- a. The following listed exhibits are considered business records under K.S.A. 60-460(m), but the parties reserve the right to object to the contents of these documents on any other basis, including relevance and hearsay within a document.
- b. The following factual matters are undisputed: [Consult summary judgment materials and proposed findings of fact, among other things, for possible stipulations as to matters of fact.]
- c. The following legal issues are undisputed: [Example: The law of Kansas applies to all issues in this case.]
- d. Copies of exhibits may be used in lieu of originals.
- e. The witness exclusion rule will be applied at trial. Witnesses (other than parties) will be excluded from the trial until after their testimony has been completed so that they cannot hear the testimony of other witnesses.
- f. The parties have stipulated to the admission of the following exhibits: [List].]

6. AMENDMENTS TO PLEADINGS

a. None.

OR

b. [Provide a concise statement of any proposed amendments.]

7. ISSUES OF FACT

These are the disputed issues of fact (or mixed questions of fact and law) that must be resolved at trial:

- a. [Issue.]
- b. [Issue.]
- c. [Issue.]

8. ISSUES OF LAW

These are the disputed issues of law that must be resolved by the court:

- a. [Issue.]
- b. [Issue.]
- c. [Issue.]

9. DISCOVERY

- a. Discovery has been completed.

OR

- b. Plaintiff/Defendant/All parties request[s] that discovery be extended to [date]. That request is granted/denied.

10. WITNESSES AND EXHIBITS

- a. All exhibits shall be marked with exhibit stickers by no later than five days before the trial date. The parties shall exchange copies of exhibits at or before that date.
- b. The parties have already filed their final witness lists.

OR

- b. The parties will exchange and file their final witness lists by no later than [date].
- c. Witnesses and exhibits listed by one party may be called or offered by the other party.
- d. Witnesses not listed and exhibits not exchanged and marked as required by this order shall not be permitted to testify or to be received in evidence, respectively, absent Order of the Court and based upon substantial justification.
- e. Compliance with the provisions of this section of the Pretrial Order shall be required in all cases except by agreement of counsel, upon order of the Court, or in proper rebuttal.

11. MOTIONS

- a. [List any pending motions.]
- b. [List any motions a party intends to file prior to trial.]

12. JURY INSTRUCTIONS

The parties shall confer in an attempt to arrive at an agreed set of jury instructions. The parties are encouraged to submit a single set of proposed instructions, which would include, in separate sections, (a) all instructions agreed upon by all parties, (b) all instructions proposed only by plaintiff, and (c) all instructions proposed only by defendant.

If the parties are unable to submit instructions jointly, then each party should submit proposed jury instructions one week in advance of trial (or as otherwise ordered by the court).

Proposed instructions should provide a brief listing of the applicable authority. When Pattern Instructions for Kansas are modified, that should be noted. Objections to jury instructions should be filed by the beginning of the trial (or as otherwise ordered by the Court).

Unless otherwise directed by the court, a chambers copy of the proposed instructions should be provided to the judge along with an electronic version of the proposed instructions in either.

13. OTHER

[Identify any significant matters affecting the trial of the case that have not been noted elsewhere.]

14. TRIAL

Trial will be: [to the court] [to a 12-person jury] [to a 6-person jury]. Trial is set for [date] and is expected to take _____ days.

15. SETTLEMENT PROSPECTS

Settlement prospects are [good] [fair] [poor].

IT IS SO ORDERED and this Pretrial Order shall supersede the pleadings and control the future course of this action, unless modified to prevent substantial injustice.

District Judge

CIVIL RULE - APPENDIX D

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

Plaintiff
v.

Defendant

Case No. _____
Division _____
KSA Chapter _____

MOTION TO ADMIT OUT-OF-STATE ATTORNEY
PRO HAC VICE FOR THIS CASE

COMES NOW _____, a Kansas-licensed attorney in good standing and of record as counsel for _____ (party) in the caption case, and hereby moves the court for admission of _____, an attorney licensed in _____, *PRO HAC VICE* for purposes of this case only. In support of the motion, the undersigned submits the non-refundable fee, together with the verified application of _____, which the undersigned has reviewed. As the moving attorney, I hereby acknowledge my obligation to remain actively engaged in the conduct of the case, attend every hearing, and sign every pleading, document, brief, motion and other papers filed in this case on behalf of our client.

(Signature)

(Kansas Attorney - Typed or Printed)

(Kansas Bar Registration No.)

(Business Address)

(City) (State) (Zip)

(Business Telephone Number)

(E-Mail Address)

CERTIFICATE OF SERVICE

(Include a signed certificate showing service of the motion and verified application upon all other counsel of record in the case and upon the out-of-state attorney's client.)

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

Plaintiff
v.

Defendant

Case No. _____
Division _____
KSA Chapter _____

VERIFIED APPLICATION OF AN OUT-OF-STATE ATTORNEY
FOR ADMISSION *PRO HAC VICE* TO PRACTICE IN THE CAPTIONED CASE

_____(Name of Non-Kansas Attorney), an attorney not licensed to practice in Kansas, moves this court, under Supreme Court Rule 116, for its order allowing the outof- state attorney to practice in this court for the professional business and purpose of this case only, to represent the following party or parties: _____, a _____ (designation of the party) in this case.

_____(Name of Kansas-licensed Attorney), an attorney who is regularly engaged in the practice of law in Kansas, and who is in good standing under all the applicable rules of the Supreme Court of the State of Kansas, moved for my admission pro hac vice. Said attorney shall be actively engaged in the conduct of the case; shall sign all pleadings, documents, and briefs; and shall be present throughout all court or administrative appearances.

In support, the applicant shows the court that he/she is regularly admitted to the following bars and/or courts of record: _____(show all States and other jurisdictions where you are admitted to practice law); is regularly engaged in the practice of law in each such jurisdiction(s); is in good standing pursuant to the rules of the highest appellate court of such jurisdiction(s); and is not currently, nor has ever been the subject of a disciplinary action or a current disciplinary action under investigation, including but not limited to suspension or disbarment (if otherwise, please provide a detailed description of the nature and status of the action of investigation, as well as the address of the disciplinary authority in charge).

The applicant was granted permission previously to appear *PRO HAC VICE* in the State of Kansas within the past twelve months; Case Name: _____, Case Number: _____, Court Where Granted: _____. (List all such admissions, if any)

_____(applicant's name), acknowledges that he/she will be held to the standard of conduct of the State of Kansas, the Kansas Rules of Professional Conduct, and will be subject to the orders of, and amenable to disciplinary action by, the courts and administrative tribunals of the State of Kansas. The out-of-state attorney has sworn to and signed the Out-of-State Attorney's Oath, which is attached hereto.

This application, the statements herein made and all information provided are complete, true and correct under penalty of perjury. I acknowledge that I have a continuing obligation to advise the court if a change occurs with regard to any information herein provided. The associated Kansas attorney has reviewed and approved this application as evidenced by also signing the same.

Respectfully submitted,

(Signature)

(Signature)

(Out-of-State Attorney - Typed or Printed)
(Kansas Attorney - Typed or Printed)

(State & Bar Registration No.(s))

(Kansas Bar Registration No.)

(Business Address)

(Business Address)

(City) (State) (Zip)

(City) (State) (Zip)

(Business Telephone Number)

(Business Telephone Number)

(E-Mail Address)

(E-Mail Address)

(Resident Address)

(City) (State) (Zip)

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

Plaintiff
v.

Defendant

Case No. _____
Division _____
KSA Chapter _____

BEFORE _____

TITLE _____

ADDRESS _____

OUT-OF-STATE ATTORNEY'S OATH

I _____ (name of out-of-state attorney), solemnly swear or affirm that I will support and bear true allegiance to the Constitution of the United States and the Constitution of the State of Kansas; that I will neither delay nor deny the rights of any person through malice, for lucre, or from any unworthy desire; that I will not knowingly foster or promote, or give my assent to any fraudulent, groundless or unjust suit; that I will neither do, nor consent to the doing of any falsehood in court; and that I will discharge my duties as an attorney and counselor in the District Court for the Tenth Judicial District of the State of Kansas with fidelity both to the court and to my cause, and to the best of my knowledge and ability. So help me God.

I, _____ (name of out-of-state attorney), acknowledge that I will be held to the standard of conduct of the State of Kansas, the Kansas Rules of Professional Conduct, and will be subject to the order of, and amenable to disciplinary action by, the courts and administrative tribunals of this State.

I, _____ do so swear (or affirm).

(Signature) (Business Address)

(Out-of-State Atty Name - Typed or Printed)

(State & Bar Registration No.) (City) (State) (Zip)

(E-Mail Address) (Business Telephone Number)

Now on this _____ day of _____, 20____, came _____, who is known to me. I did administer and the attorney did make the above-stated oath and did also in my presence sign

the same.

Judge (Seal) or Notary Public (Seal)

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

Plaintiff
v.

Defendant

Case No. _____
Division _____
KSA Chapter _____

ORDER ADMITTING OUT-OF-STATE ATTORNEY TO PRACTICE

IT IS HEREBY ORDERED this ____ day of _____, 20 __, that
_____(out-of-state attorney), whose address is
_____, is admitted to practice law before this court for the
business of this case only, having made the showing required Supreme Court Rule 116, and having sworn to
and signed the Out-of-State Attorney's Oath.

This order shall be effective only so long as the out-of-state attorney has associated continually and is
personally appearing with _____(name of attorney licensed in Kansas), upon whom service
may be had in all matters connected with this action with the same effect as if personally made on the out-of-
state attorney.

Judge of the District Court
Submitted by:

(Kansas Attorney)

(Out-of-State Attorney)

(Kansas Bar Registration No.)

(State & Bar Registration No.(s))

(Business Address)

(Business Address)

(City) (State) (Zip)

(City) (State) (Zip)

(Business Telephone Number)

(Business Telephone Number)

(E-Mail Address)

(E-Mail Address)

(This Order, when approved by the assigned judge, shall be served upon all counsel of record in this case.)