

LOCAL COURT RULES

Seventh Judicial District
Douglas County, Kansas

The Honorable Robert W. Fairchild
Chief /District Judge
Division I

The Honorable Michael J. Malone
District Judge
Division IV

The Honorable Sally D. Pokorny
District Judge
Division II

The Honorable Paula B. Martin
District Judge
Division V

The Honorable Barbara K. Huff
District Judge
Division III

The Honorable Peggy C. Kittel
District Judge
Division VI

Effective March 10, 1989
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LOCAL COURT RULES OF THE SEVENTH JUDICIAL DISTRICT
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RULE NO. 1 ASSIGNMENT OF CASES

A) All cases shall be assigned or reassigned by the Clerk to a division of court in the manner directed by the chief judge. Cases shall be assigned to the judges in a manner that will equalize the caseload among the judges and will prevent the predetermined selection of a desired division of court by a litigant. The division to which assignment is made shall be noted on the appearance docket, the file, and the judge's docket sheet. After such assignment, all proceedings shall be held in the division to which the case has been assigned. In the event of the absence or disqualification of such judge, or upon the request of a party, the chief judge may appoint the judge of another division to hear the case. In the absence of the assigned judge, default judgment, judgment by agreement of the parties, or non-dispositional orders may be signed by another judge within the district without reassignment by the chief judge.

B) In civil cases when two or more cases arise out of the same transaction, such cases shall be assigned to the division that has been assigned the case with the earlier filing date. In criminal cases, when two or more cases arise out of the same event or charge the same defendant, such cases shall be assigned to the division that had been assigned the earlier trial setting or preliminary hearing date.

C) Any case dismissed and re-filed shall be assigned to the same division to which it was previously assigned.

D) Any case assigned to a division of court may be reassigned by the chief judge to another division of court as the judicial work of the district may require.

E) Criminal

1) Duty Judge

a) A duty judge shall be designated each week to review probable cause arrests, search and arrest warrant affidavits. The chief judge shall set a duty judge schedule and it shall include all divisions of the district court.

b) The duty judge shall review weekend warrantless arrests.

2) First Appearances - All first appearances, misdemeanor arraignments, and initial bond hearings shall be held at 3:00 p.m., Monday-Friday.

3) Felony

a) All felony cases shall be assigned to Division 1, 2, 4, 5 or 6.

b) Each assigned division of court shall set aside time each week for preliminary hearings.

Unless otherwise ordered, preliminary hearings shall be set as follows:

Division 1 - Tuesday from 2:00 to 3:30 p.m.

Division 2 - Monday from 2:00 to 3:30 p.m.

Division 4 - Wednesday from 2:00 to 3:30 p.m.

Division 5 - Thursday from 2:00 to 3:30 p.m.

Division 6 - Tuesday from 9:30 a.m. to 12:00 p.m.

4) Misdemeanor and Traffic

a) All misdemeanor cases shall be assigned to Divisions 1, 2, 4, 5, or 6.

b) All municipal court appeals shall be assigned to Divisions 1, 2, 4, 5 or 6.

c) Each assigned division of court shall set aside time each week for trial settings or other hearing settings. Unless otherwise ordered, the trial settings or other hearing settings shall be set as follows:

Division 1 - Tuesday at 1:30 p.m.

Division 2 - Monday at 1:30 p.m.

Division 4 - Wednesday at 1:30 p.m.

Division 5 - Thursday at 1:30 p.m.

Division 6 – Tuesday at 9:00 a.m.

d) All traffic cases and fish & game cases shall be assigned to Pro-tem Division.

e) All appeals from traffic and fish & game decisions made by a pro-tem judge shall be assigned to Division 5.

f) The pro-tem judge shall set times each month for the hearing of traffic and fish & game trials.

F) Civil

1) Major Civil

All Chapter 60 cases, excluding divorce and protection from abuse cases, shall be assigned to Divisions 1, 2, 4, 5 or 6. A docket call of all major civil cases on file for more than ninety (90) days shall occur each month.

2) Administrative Agency Appeals

All administrative agency appeals shall be assigned to Division 1, 2, 4, 5 or 6.

3) Limited Civil

All Chapter 61 cases, excluding small claims cases, shall be assigned to Divisions 1, 2, 4, 5 or 6. A docket call of all Chapter 61 cases on file for more than sixty (60) days shall occur each month.

4) Small Claims

All small claims actions shall be assigned to a pro-tem judge. All appeals from small claims shall be assigned to Division 4.

5) Probate

All probate cases (Chapter 59), excluding adoption cases, shall be assigned to Division 1.

6) Care & Treatment

All care & treatment cases (Chapter 59 and 65) shall be assigned to Divisions 1, 2, 3, 4, 5 or 6.

7) Habeas Corpus

All 60-1501 et seq. cases shall be assigned to the division of court to which the original criminal case had been assigned.

8) Domestic Relations

All domestic relations and amendment of birth certificates shall be assigned to Division 3, except as provided in Rule 18.

9) Protection From Abuse and Protection From Stalking

All protection from abuse and protection from stalking cases shall be assigned to Divisions 2, 3, and 6, in accordance with a schedule established by administrative order.

10) Adoption

All adoption cases shall be assigned to Division 3.

11) Juvenile

a) All child in need of care cases shall be assigned to Division 3.

b) All juvenile offender cases shall be assigned to the Pro-tem Division.

c) All appeals from juvenile offender decisions of a pro-tem judge shall be assigned to Division 3.

12) Special

All cases designated Special (“SP”) by the filing code shall be assigned to Division 1.

G) Jury Trials

Unless otherwise ordered, civil and criminal jury trials shall be scheduled to begin as follows:

Division 1 - Wednesday at 9:00 a.m.

Division 2 - Wednesday at 9:00 a.m.

Division 4 - Monday at 9:00 a.m.

Division 5 - Monday at 9:00 a.m.
Division 6 – Wednesday at 9:00 a.m.

RULE NO. 2 COURT HOURS

- A) Morning court hours shall commence at 9:00 a.m., and afternoon sessions shall commence at 1:30 p.m., unless otherwise ordered by the court.
- B) Jury trials shall commence at 9:00 a.m., unless otherwise ordered by the court.

RULE NO. 3 CUSTODY OF COURT RECORDS

A) Confidential Records

Except as otherwise ordered by the court, or as provided in Local Court Rule 11A, a record designated as “confidential” shall not be examined by or disclosed to anyone other than the parties’ attorneys of record.

B) General Court Files

In compliance with SUPREME COURT RULE 106, the following procedure shall apply to the removal of court records from the Office of the Clerk of the District Court:

1) Attorneys

- a) Attorneys with offices located in Douglas County, Kansas, may check out a file by submitting to the Clerk’s office a records request form. The Clerk shall furnish the requested record before the close of the next business day, absent extenuating circumstances.
- b) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.
- c) Court records may be retained for seven (7) days, unless the court requests their immediate return.
- d) No court record shall be taken outside of Douglas County, Kansas, except by order of the judge and execution of a Receipt for Court Files (Appendix A).
- e) In accordance with Kansas Supreme Court Administrative Order No. 156, the Clerk’s office may charge a fee for furnishing court records and may assess a monetary penalty for failure to return court records in accordance with subsection c). The amount of any such assessment shall be determined by the Chief Judge.

2) Licensed and Bonded Abstracters

- a) Licensed and bonded abstracters must furnish to the clerk’s office for filing a copy of their current State of Kansas Abstracter’s Registration and License prior to checking out any official court records.
- b) Abstracters with offices located in Douglas County, Kansas, may check out court records by completing and submitting a records request form. Court personnel shall make every

effort to furnish the requested records by the end of the next business day but in any event shall furnish the requested records within three (3) business days.

c) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

d) Court records may be retained for seven (7) days, unless the court requests their immediate return.

e) No court record shall be taken outside of Douglas County, Kansas.

f) In accordance with Kansas Supreme Court Administrative Order No. 156, the Clerk's office may charge a fee for furnishing court records and may assess a monetary penalty for failure to return court records in accordance with subsection d). The amount of any such assessment shall be determined by the Chief Judge.

3) Public and Self-represented Parties

a) Members of the public and self-represented parties shall be permitted to review court records in a room designated for such purpose by the Clerk of the District Court. A request form shall be submitted to the Clerk's office. The requested records shall be furnished to self-represented parties by the close of the next business day, absent extenuating circumstances. Court personnel shall make every effort to furnish all other requested records by the end of the next business day but in any event shall furnish the requested records within three (3) business days.

b) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

c) In accordance with Kansas Supreme Court Administrative Order No. 156, the Clerk's office may charge a fee in an amount determined by the Chief Judge for furnishing court records.

C) Records of Cases on Appeal

1) Counsel of record, or his or her designee, may check out the court record by signing a receipt for the record on appeal. The attorney's designee must also provide a written authorization from the attorney of record that will be maintained by the Clerk's office until the record is returned. The entire record on appeal must be checked out. The records shall be returned only to the Clerk's office and the clerk will provide a return receipt.

2) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

3) In accordance with Supreme Court Rule 3.06, appellate counsel may retain the record on appeal during the period of time allotted by the appellate court for preparation of the appellate briefs.

4) Any person who misplaces or damages all or part of a record on appeal, including transcripts, shall be responsible for the cost of replacing the missing or damaged portions of the record.

RULE NO. 4 FILING DOCUMENTS IN CONSOLIDATED CASES

- A) A document to be entered on the appearance docket and filed in each of the consolidated court cases must contain each case number, and the party filing the document must supply sufficient copies to be placed in each court file.
- B) In the event the document lists only one of the case numbers, the document will be docketed for that case only and placed in the respective court file.

RULE NO. 5 EXPUNGEMENT OF SENTENCE/RECORDS

- A) *Expungement of Conviction Procedure for Obtaining Relief under K.S.A. 2011 Supp. § 21-6614*
Upon the filing of a petition requesting expungement of conviction:
 - 1) The court will order a date for hearing and include a notice to the district attorney. The movant shall prepare the order and notice for the court's approval.
 - 2) The defendant shall, on the date of hearing, present evidence in person or, at the discretion of the judge, by affidavit, as to whether he or she has been convicted of a felony in the past two (2) years preceding the date of the hearing and whether any proceedings involving any such crime are presently pending or being instituted against the defendant. The court shall make an order allowing or denying the relief requested and file the order in the case. If relief is granted, the order shall, in addition to the information required by K.S.A. 2011 Supp. 21-6614, contain a direction to the Clerk to send certified copies of the order to the agencies set out at K.S.A. 2011 Supp. 21-6614.
- B) *Expungement of Records Procedure for Obtaining Relief under K.S.A. 2010 Supp. §38-2312*
Upon the filing of an application requesting expungement of records:
 - 1) The court shall order a date for hearing and include a notice to the district attorney. The applicant shall prepare the order and notice for the court's approval.
 - 2) The applicant shall on the date of hearing present evidence in person or, at the discretion of the judge, by affidavit, concerning those matters set out in K.S.A. 2010 Supp. §38-2312. The court shall make an order allowing or denying the relief requested and file the order in the case file. If relief is granted, the order shall in addition to the information required by K.S.A. 38-2010 Supp. §38-2312, contain a direction to the Clerk to send certified copies of the order to the agencies set out at K.S.A. 2010 Supp. §38-2312.

RULE NO. 6 SCHEDULING OF CIVIL CASES

- A) Conferences, hearings, and court trials may be set by counsel, at a time available to the court, either:
 - 1) By agreement of counsel; or
 - 2) By serving notice not less than seven (7) days before the date specified for the conference, hearing, or court trial, unless otherwise provided by statute. Computation of time shall be as provided by K.S.A. 60-206. Counsel shall make every reasonable effort to schedule matters by agreement before scheduling by notice.
- B) Jury trials shall be scheduled by the court at the discovery conference or by agreement of the parties with the court's prior approval.
- C) This rule is supplemental to Supreme Court Rule 131 and any amendments thereto.

RULE NO. 7 POST-JUDGMENT MATTERS

A) Garnishments

1) Limitation on Frequency

Except as provided in this rule, no more than two (2) garnishments shall be issued out of this court applicable to the same claim or claims and against the same judgment debtor in any thirty (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 which are not exempt from execution.

2) Processing

An Order to Pay may not be submitted to the court until fourteen (14) days after the Answer has been filed. To facilitate the processing of garnishments, the following information shall be included in each Order to Pay:

- a) Date the Order of Garnishment was filed;
- b) Date the Answer of Garnishee was filed; and
- c) If a payroll garnishment, the payroll period that the request covers.

B) Hearings in Aid of Execution

1) Limitation on Frequency

Except for good cause shown, no more than one (1) hearing in aid of execution shall be ordered per judgment debtor on each judgment in any four (4) month period. At the time of a hearing in aid of execution, the Court may order that the judgment debtor return to court at a future date but said date shall not be sooner than four (4) months from the date of the order. Additionally, the order may not require a judgment debtor who has made regular payments pursuant to an agreement between the parties or who has been found to be disabled or otherwise unable to pay to return to court more frequently than yearly.

2) Limitation on Setting

No more than ten (10) hearings in aid of execution shall be scheduled in any twenty (20) minute span.

RULE NO. 8 CONTINUANCES

A) Criminal Cases

Continuances may be granted only by the judge assigned the case, and only for good cause shown. Unless otherwise ordered the following procedure shall be followed:

1) Felony Cases

Continuances may be granted only when the defendant appears in person and with counsel unless the court, in its discretion, may otherwise order.

2) Misdemeanor Cases

The party requesting the continuance shall file with the court and serve upon opposing counsel or party, at least five (5) court days prior to the trial or hearing unless a later time is

permitted by the court, a written motion and order for continuance stating the cause for such request. A new trial or hearing date may be set by such order without the necessity of any appearances, unless otherwise required by the court, provided counsel for the State and the defendant approve the written order.

3) Traffic Cases

The party requesting the continuance shall file with the court and serve upon opposing counsel or party, at least five (5) court days prior to the trial or hearing unless a later time is permitted by the court, a written motion and order for continuance stating the cause for such request. A new trial or hearing date may be set by such order without the necessity of any appearances, unless otherwise required by the court.

B) Civil Cases

Continuances may be granted only for good cause shown and upon the filing with the court and serving opposing counsel or party, at least five (5) days prior to the trial or hearing date unless otherwise permitted by order of the judge assigned the case, a written motion and order for continuance stating the cause for such request.

RULE NO. 9 PRETRIAL STATEMENT

At least five (5) days prior to the pretrial conference, each party shall file with the court, and exchange with one another, a typed pretrial statement containing the information required by Supreme Court Rule 140(g).

RULE NO. 10 CHAPTER 61 CASES (LIMITED CIVIL)

- A) To facilitate the disposition of Chapter 61 cases, a docket call of Chapter 61 cases on file for more than sixty (60) days will be initiated by the divisions of court no more frequently than each month.
- B) All cases not scheduled for hearing or disposition shall be included in the monthly notice to counsel or pro se parties of intended dismissal for lack of prosecution on a stated date.
- C) Notice of cases to be called shall be mailed to counsel involved or pro se parties at least fourteen (14) days prior to the date stated for the docket call.
- D) A request to pass a case must be in writing, and a copy shall be mailed to opposing counsel or pro se party stating the reason for the request.
- E) Failure to respond to the docket call shall result in dismissal of the case.
- F) If defendant does not appear, and has not otherwise complied with Supreme Court Rule 104, the court may grant plaintiff default judgment upon request pursuant to K.S.A. 61-1721 and Supreme Court Rule 104.
- G) All other matters concerning case status shall be determined by the judge according to information provided by parties.
- H) All cases designated for trial shall be set within forty-five (45) days from the date of the docket call as the court schedule permits.

RULE NO. 11 DOMESTIC CASES

A. Newly filed divorce and paternity actions.

1. *Filing of Petition.* At the time a party files a divorce or paternity action, the clerk will give the petitioner a date and time to appear for a status docket.

2. *Status Docket.*

a. At the status docket, the court will hear any divorce cases in which the parties have entered into an agreement concerning child support, parenting time, and division of property and debts and any cases in which the respondent is in default, so long as the documents served with the divorce petition include a document that contains the following language:

Please take notice that a divorce hearing is scheduled be held on the _____ day of _____, _____, at 9:00 a.m. or as soon thereafter as is convenient to the Court, before the Honorable _____, District Judge, Division _____ in the Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas 66044.

If you do not file an answer within the time period specified in the summons or appear in court on the above date, a default judgment may be entered against you as to all matters over which the court has jurisdiction.

b. If the respondent has filed an answer or appears at the status docket and the parties state that the parties have not reached agreement on all issues, the court will set a status conference or pretrial hearing at a future date. The court will determine the appropriate nature of the future hearing on a case by case basis.

3. *Status Conferences.*

a. The judge of Division 2 will hold status conferences on Tuesdays between 11:00 a.m. and noon.

b. The judge of Division 3 will hold status conferences on Mondays between 9:00 a.m. and 11:00 a.m.

4. *Motions.* Parties wishing to set motions for hearing should contact the administrative assistant for the division to which the case has been assigned. Routine motions will be set for a proffer hearing on a date established by that division for proffer hearings. Motions requiring more than thirty minutes or requiring testimony of witnesses will receive a special setting

a. The judge in Division 2 will hear motions by proffer on Tuesdays between 11:00 a.m. and noon.

b. The judge of Division 3 will hear motions by proffer on Mondays at 2:00 p.m.

5. *Pretrial Conferences.* The parties to a divorce case which has been set for a contested hearing must set the case for a pretrial conference prior to the contested hearing. The parties shall exchange pretrial questionnaires five days before the date of the pretrial conference. At the pretrial conference the court will direct the parties to prepare a pretrial order that will

govern the conduct of the trial. The parties should exchange proposed parenting plans and lists of witnesses and exhibits prior to the pretrial conference and should determine which exhibits can be admitted by stipulation at the pretrial conference. The pretrial order will replace the suggested findings of fact previously required by the court.

6. *Certificates of Divorce or Annulment.* Prior to presenting evidence at a final divorce or annulment hearing the petitioner, or the respondent if the respondent is the only party that is going to present evidence, shall submit to the court a completed, typed certificate of divorce or annulment form.

7. *Paternity Cases.* Attorneys have an obligation to evaluate the facts in all paternity cases and determine whether the facts require a *Ross* hearing. If the attorney determines that such a hearing is necessary the attorney should prepare an order appointing a guardian-ad-litem for the child and set the matter for hearing.

8. *Mandatory Divorce Education Classes and Child Custody Mediation*

a. All parents in divorce, annulment, separate maintenance, protection from abuse and post paternity actions involving issues regarding minor children of the relationship shall attend a divorce education class approved by the Douglas County District Court.

b. Each parent shall be responsible for prepayment of the fee for the class. At its discretion the court may assess this expense to one or both parties as costs in the action.

c. Parties to a contested case involving issues of child custody, parenting schedules and/or parenting rights must attempt to settle the issues through mediation prior to setting the case for final hearing.

d. The court will not set a divorce, annulment, separate maintenance action or post paternity proceeding involving minor children of the relationship for final hearing until the parents have complied with this rule. The court may waive this requirement for good cause.

e. The court may require the parties to attend a Divorce Education Class or a similar program prior to hearing a motion for change of custody.

B. Ex Parte Orders

1. Ex parte orders containing provisions that restrain the disposition of property or contact between the parties shall restrain both parties equally.

2. A party filing an ex parte request for a restraining order that requires either party to leave the home should file a domestic relations affidavit and should include in the affidavit supporting the request the following information in addition to all other matters required by law:

- a. a paragraph stating whether either party has left the home;
- b. a paragraph stating whether either party has alternative housing available (e.g. relative and friends), and the parties' financial ability to obtain alternative housing; and
- c. a paragraph stating the health conditions of both parties.

3. A party filing an ex parte request for temporary custody of a minor child should include in the affidavit supporting the request, in addition to all matters required by law, the following:

- a. a paragraph describing with specificity any special circumstances that would make temporary sole custody rather than temporary joint custody appropriate;
- b. a statement as to which parent presently has custody of the child;
- c. a paragraph stating whether either party has left the home, and if so, whether the child or children accompanied the party;
- d. a paragraph stating which parent has furnished the majority of the personal care for the child(ren); and
- e. a paragraph stating whether any child has special needs that a specific parent has been meeting.

4. A party requesting a child support order, whether the request is for a temporary order or an order approving child support contained in a separation agreement, must submit with the proposed child support order a completed, typed Domestic Relations Affidavit and a typed, suggested Child Support Worksheet completed in accordance with the Kansas Child Support Guidelines. A party requesting a maintenance order shall submit a completed, typed Domestic Relations Affidavit prepared pursuant to Supreme Court Rule 139.

5. Any attorney or party who submits to the court a motion and proposed ex parte order granting child support shall include an additional copy of the order, clearly marked "Court Trustee" together with a copy of the Child Support Worksheet and the Domestic Relations Affidavit required by Supreme Court Rule 139 and Administrative Order No. 128. The affidavit shall include the residences, business addresses, and properly redacted Social Security numbers for both parties.

C. Post Divorce Issues

1. Motions to enforce parenting time and motions to enforce or modify child support are assigned to the Pro-tem Division.
2. Cases that involve issues other than or in addition to motions to enforce parenting time and motions to enforce or modify child support will continue in the division to which the case was originally assigned.
3. Post divorce cases involving issues other than enforcement of parenting time are subject to the requirements of Section A.8. of this rule.

RULE NO. 11.A CUSTODY EVALUATION DISTRIBUTION

Court-ordered custody evaluations shall be delivered by the evaluator to the court for distribution to attorneys. If either of the parties is *pro se*, no copies will be distributed, but the court will provide space in court offices for the *pro se* litigant(s) and for the attorney(s), if any, to review the evaluation and prepare for its use at trial.

Because these evaluations are prepared for the court's use, at the direction of the court, and because they contain confidential information, these evaluations shall not be released in whole or in part to any other person without further order of the court. No copy shall be given directly to any litigant.

RULE NO. 12 APPOINTED ATTORNEYS

A) Felony Cases

- 1) Attorneys assigned to the Panel for Indigent Defense Services (felony panel) shall be limited to those attorneys who volunteer and are approved by the District Judges of the Seventh Judicial District, or who are otherwise appointed by said judges. Attorneys appointed to the felony panel shall serve thereon for a minimum period of one (1) year after the date of their approval unless sooner released as a result of illness, ineligibility, or for good cause by order of the chief judge. The felony panel may be revised from time to time as provided by law, and shall be reviewed and approved annually by the judges of the district.
- 2) Appointment of counsel from the felony panel may be by rotation or otherwise, provided that no judge shall appoint the same attorney another time until each of the other members of said felony panel has been appointed by such judge the same number of times.
- 3) Unless otherwise ordered an appointed attorney's responsibility in a felony case ends with the filing of any of the following:
 - a) Order of Withdrawal
 - b) Order of Dismissal
 - c) Diversion Order Staying Prosecution
 - d) Order of Probation
 - e) Order of Parole
 - f) Notice of Appeal
 - g) Thirty (30) days after the issuance of a bench warrant for failure to appear

B) Non-felony Cases (Misdemeanor, Traffic, Contempt, Treatment, and Juvenile)

- 1) Attorneys assigned to the non-felony appointment panel shall be limited to those attorneys who volunteer and are approved by the District Judges of the Seventh Judicial District, or who are otherwise appointed by said judges. Attorneys appointed to the non-felony panel shall serve thereon for a minimum period of one (1) year after the date of their approval unless sooner released as a result of illness, ineligibility, or for good cause by order of the chief judge.
- 2) Appointment of counsel from the non-felony panel may be by rotation or otherwise, provided that no judge shall appoint the same attorney another time until each of the other members of the non-felony panel has been appointed by such judge the same number of times.
- 3) An appointed attorney's responsibility in a misdemeanor case ends with the filing of any of the following:
 - a) Order of Withdrawal
 - b) Order of Dismissal
 - c) Diversion Order Staying Prosecution
 - d) Order of Probation
 - e) Order of Parole
 - f) Notice of Appeal
 - g) Thirty (30) days after the issuance of a bench warrant for failure to appear

C) Submission of Vouchers

Appointed attorneys in felony cases shall submit vouchers on forms provided by the court within thirty (30) days after their responsibility ends per Local Court Rule 12(A)(3). The voucher in non-felony cases shall be identical to the form in [Appendix C](#), and shall be submitted, if applicable, at the time of sentencing; otherwise, within thirty (30) days after the attorney's responsibility ends per Local Court Rule 12(B)(3).

RULE NO. 13 AUDIO, VIDEO AND PHOTOGRAPHIC RECORDING OF COURT PROCEEDINGS

This rule supplements Kansas Supreme Court Rule 1001 and any amendments thereto.

1. Anyone seeking to create any type of audio, video or photographic recording of court proceedings, whether taking place in the courtroom or another location, including the hallways or outside the courtroom, must request permission from the court and must follow Supreme Court Rule 1001 and any amendments thereto.
2. Anyone seeking permission to make an audio, video or photographic recording shall contact the administrative assistant of the division of the court in which the proceeding is taking place at least seven (7) days prior to the hearing. In the event the administrative assistant is not available, the requesting party shall contact the court administrator. The court may waive the seven-day period if it deems waiver to be appropriate.
3. The administrative assistant, or court administrator in the administrative assistant's absence, shall notify the presiding judge of any requests for media recordings and advise the requesting party or parties of the judge's decision.
4. Whenever the judge presiding over a case believes it is advisable, the chief judge may appoint a specific media coordinator for that case only.
5. No one may photograph, interview or record a juror or witness during a court proceeding.
6. No video or photographic recording shall be made of a defendant in a criminal case who is in restraints unless the defendant is seated at counsel table and the restraints are not visible in the image.
7. No one shall make any photograph or record items of evidence that have not been admitted into evidence by the court.
8. The presiding judge may restrict the locations within the courtroom where photography and recording equipment may be located or used.

RULE NO. 14 JUDICIAL BUILDING AND COURTROOM SECURITY

- A) A security hotline phone number is established in the Sheriff's office for the purpose of providing a quick method to inform the Sheriff's personnel of a judicial building or courtroom security concern.
- B) The Court Administrator will disseminate the phone number to the district court staff and local bar and be responsible for updating the number as needed.
- C) If an attorney, litigant, witness, or other individual has a security concern about a person who will be entering the judicial building or attending a hearing or trial, the information may be called to the security hotline number or given directly to a Judicial Center Security Officer.
- D) The information will be addressed by the security officer, whose measures may include the use of metal detectors, placement of officers in the courtroom, or other security measures. The general information that a security concern has been received and the security plan devised shall be given to the appropriate judge and staff; however, the security officer shall not give specific information to the judge unless the officer believes it is necessary for the judge's or his or her staff's safety and the judge requests this information.

RULE NO. 15 FORMS OF PLEADINGS

A) Pursuant to Supreme Court Rule 111, only standard-size paper (8 ½ x 11 inches) shall be used for pleadings, briefs, and other papers filed in the District Court.

B) If a party or an attorney for a party files documents with the clerk and requests conformed copies of the documents submitted for filing, at the time of making the request the party or attorney must provide the clerk with the copies of the document(s) to be conformed together with either a self-addressed, stamped envelope in which the copies are to be returned to the party or the number of a box outside the office of the clerk of the district court in which the documents can be placed when conformed.

RULE NO. 16 CHAMBERS COPY OF MOTIONS, REPLIES TO MOTIONS, AND PRETRIAL STATEMENTS

When filing any motion or reply to a motion, counsel shall deliver a copy of the motion and a copy of any brief or reply brief to the administrative assistant for the assigned judge. Counsel shall clearly mark the copy of the motion and any brief or reply brief "Chambers Copy." The chambers copy shall not be filed with the clerk of the district court and will be disposed of after the judge resolves the motion. If the chambers copy is transmitted by facsimile, it shall be transmitted to the fax machine located in the assigned division.

Counsel shall deliver a clearly marked chambers copy of any required pretrial statement to the assigned judge five days prior to a scheduled pretrial conference. Also see Local Court Rule 9.

RULE NO. 17 OFFICE OF THE DISTRICT COURT TRUSTEE

As authorized by K.S.A. 23-492 *et seq.*, and Supreme Court Rule No. 172, there shall be established the Office of District Court Trustee for the judicial district.

A) Qualifications, Appointment and Prohibitions of Court Trustees

The court trustee shall be a person licensed to practice law in the State of Kansas and shall be appointed by and serve at the pleasure of the chief judge.

Pursuant to K.S.A. 23-4,100(a), there shall be appointed by the judges of the district court such other persons, including but not limited to deputy trustees, assistant trustees, hearing officers, and support staff, as shall be necessary to carry out the purpose of the office. The court trustee shall supervise the day-to-day activities and personnel matters of the Office of District Court Trustee, except matters relating to the hearing officer.

Neither the court trustee nor the staff shall engage in the private practice of law or engage in work that conflicts or appears to conflict with the interest of the Office of Court Trustee. No part-time court trustee shall engage in the private practice of domestic relations or criminal law.

B) Powers and Duties of Court Trustee

The court trustee shall be authorized and empowered to pursue all civil remedies that would be available to the obligee in establishing and enforcing payment of support and collecting restitution. The trustee is also authorized and empowered to pursue all civil remedies in collecting court debts and restitution. The court trustee may also file motions for an increase or a decrease of the amount of support on behalf of any child. Any such motion to modify the amount of support shall not be heard until notice has been given to the obligee, the obligor and their attorneys of record, if any. The court trustee shall have the responsibility for collecting and enforcing support from obligors pursuant to any new or modified support order entered on or after the 1st day of January 1995.

Orders involving only spousal support (maintenance) shall require an application to the court trustee for enforcement services. The court trustee shall have the following additional powers and duties:

- (1) To issue summonses, subpoenas, and subpoenas duces tecum to obligors, obligees, and other witnesses who possess knowledge or books and records relating to the enforcement of support to appear in the Office of the Court Trustee or before the district court for examination;
- (2) To administer oaths and take sworn testimony on the record or by affidavit;
- (3) To appoint special process servers as required to carry out the court trustee's responsibilities under this section;
- (4) To enter into stipulations, acknowledgments, agreements, and journal entries, subject to the approval of the court;
- (5) To enter into contracts pursuant to K.S.A. 75-719 and amendments thereto with the Office of the Attorney General for the purposes of collecting court debts and victim restitution; and
- (6) To collect restitution and court debt.

C) Costs of Enforcement

Commencing May 1, 1995, the court trustee is authorized to charge 5% of the funds collected for Non-Title IV-D child support, to defray the costs of enforcement. The court trustee shall charge the fee authorized by statute and the trustee's contract with the state Attorney General to defray the cost of collecting court debt and restitution. These funds shall be placed in the court trustee's operations fund, and shall be distributed as ordered by the court and as provided by law. The amount charged by the court trustee may be increased and decreased as deemed appropriate by the judges of the district court and as provided by law.

D) Exemption

- (1) By written motion, any party may request the district court judge of original assignment to exempt the court trustee from the responsibility of collecting support payments in a particular case. The moving party shall file the motion with the clerk of the district court and serve a copy of the motion and notice of hearing upon the other party and the court trustee. Upon hearing and based on all relevant factors, exemption may be granted if the court finds that the request is for good cause. The court trustee shall not thereafter be responsible to enforce the order of support.
- (2) By written direct payment agreement, the parties may agree that child support and maintenance payment shall be made directly to the obligee and not through the central unit for collection and disbursement, otherwise known as the Kansas Payment Center (KPC). The parties must present the written agreement signed by the parties to the court of original assignment for approval. The written agreement must contain current address information for both parties. The original agreement shall be filed with the clerk of the district court and the obligor shall provide a copy to the obligee, the obligee's attorney, and the court trustee. No written payment agreement shall be considered effective until approved by the court and filed with the clerk of the district court. Such agreement shall exempt the court trustee from the responsibility of collecting support payments or any other action.
- (3) Upon approval of the direct payment agreement, the obligor shall thereafter at least annually on the date the first payment under the agreement was to be made file with the clerk of the district court a report of the payments made. Such report shall be on a form prescribed by the court trustee. A copy of the report shall be provided to the obligee and the obligee's attorney. The obligor shall keep written proof of payments to the obligee in the form of canceled checks or other receipts. Failure to file the annual reports required or maintain adequate written evidence of payments may result in the payments being presumptively disallowed.

- (4) Any case wherein a direct payment agreement has been approved by the court may revert to a case enforced by the court trustee upon the following events, which shall be verified by the court trustee:
 - (a) The obligee provides written notification to the court trustee of the obligor's failure to file the annual report with the clerk of the district court or failure to provide the obligee with a copy of said report;
 - (b) the obligee provides a written notarized affidavit to the court trustee that the obligor's child support and/or maintenance payment is delinquent by thirty (30) or more calendar days; or
 - (c) the obligor or obligee provides a written rescission of the direct pay agreement to the court trustee, the other party, and their attorney.
- (5) Upon receipt of one of the above (a) or (b) notifications, the court trustee shall move the court for an order rescinding the direct payment agreement and ordering all child support and/or maintenance to be paid through the KPC and enforced by the court trustee. If the motion is granted, the order shall be served on the obligor, obligee, and their attorneys, if any.
- (6) In the event any court-approved direct payment agreement is set aside or terminated for any reason under this rule, the parties shall not be eligible to enter into a subsequent direct payment agreement and the court shall not approve any subsequent request, except for good cause shown.

E) Receipt and Record of All Support Payments

All support payments, whether or not the responsibility of the court trustee to enforce and collect, shall be paid through KPC. The trustee shall maintain a record of child support and maintenance payments pursuant to this rule. Any payments of child support not paid through the KPC shall be presumptively disallowed unless the court has approved a direct payment agreement.

F) Support Orders

1) To whom payable

All new and modified orders for payment of support shall provide that such payments shall be made payable to the order of the KPC. If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has made a determination concerning the manner of payment of child support, then maintenance payments shall be made in the same manner.

2) Ex parte Orders

Any attorney who submits to the court for approval an ex parte order for support shall include an additional copy of the order, clearly marked "Court Trustee," together with the Child Support Worksheet and the Domestic Relations Affidavit, required by Supreme Court Rule 139 and Administrative Order No. 128. The residence, business address, and Social Security numbers of both parties shall be contained in the affidavits.

3) Order of Support Decreed at Trial and Subsequent to Trial

The clerk shall transmit to the court 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 No. 139 and the Child Support Worksheet required by Kansas Supreme Court Administrative Order No. 128. Any attorney who submits such orders shall include an additional copy of each document clearly marked "Court Trustee" to the clerk of the court for transmittal to the court trustee. The required factual statement shall include the residence, business address, and Social Security numbers of both parties.

4) Mandatory Information Form

Both the obligor and the obligee shall update and replace said information form ([Appendix D](#)) at any time the obligor or obligee change employment or residence. Failure by either party to

provide or update the form as required by this rule may be considered an indirect contempt of court.

5) Mandatory Supplemental Orders

Each order for maintenance or support entered in this district shall include the provisions set forth in Local Administrative Order No. 00-02.

RULE NO. 18 DISTRICT COURT HEARING OFFICER

As authorized by K.S.A. 23-492 *et seq.*, and Supreme Court Rule No. 172, there shall be established the office of district court hearing officer for the judicial district.

A) Qualifications and Prohibitions of Hearing Officer

The hearing officer shall be a person licensed to practice law in the State of Kansas, and shall be appointed by and serve at the pleasure of the chief judge. No full-time hearing officer shall engage in the private practice of law or engage in work that conflicts or appears to conflict with the interest of the Kansas Judicial Branch. No part-time hearing officer shall engage in the private practice of domestic relations law.

B) Powers and Duties of Hearing Officer

The hearing officer shall have the power to hear all matters filed by the court trustee. The hearing officer shall preside at summary hearings relating to the modification of enforcement of support pursuant to the Kansas Parentage Act, the Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Kansas Income Withholding Act, the Protection from Abuse Act, post-divorce or separate maintenance K.S.A. 60-1601 *et seq.*, K.S.A. 39-718b, and K.S.A. 39-755. The hearing officer shall preside at hearings relating to the enforcement of parent visitation rights pursuant to K.S.A. 23-701.

The hearing officer shall have the following additional powers and duties:

- 1) To administer oaths and take testimony and prepare written findings of fact and conclusions of law which shall constitute the summary record;
- 2) To evaluate evidence and to accept stipulations, acknowledgments, and agreements of support and parentage;
- 3) To enter journal entries and orders including default orders, as necessary;
- 4) To direct the issuance of summonses, notices to appear, orders to appear, citations in contempt, and bench warrants;
- 5) To appoint special process servers as required to carry out the court trustee's responsibilities;
- 6) To order parties into mediation;
- 7) To preside at all original domestic relations contempt matters. In addition, the hearing officer shall have the authority: a) to appoint legal counsel for alleged contemnors who are indigent and to approve appointed counsel fees at the rate of \$50.00 per hour to a maximum of \$200.00. Exceptional cases may be approved by the district judge assigned the domestic docket in an amount exceeding \$200.00; b) to order the contemner to repay the costs of the appointed counsel as part of any domestic contempt order.
- 8) All other powers and duties authorized by K.S.A. 23-492, K.S.A. 23-701, and Supreme Court Rule 172.

C) Hearing Officer Procedure

1) Hearings

All motions to modify or enforce orders of support and enforcement of visitation matters shall be heard by the hearing officer pursuant to Supreme Court Rule No. 172 except the modification and enforcement of ex parte orders of support which shall be reserved to district court judges. Modification and enforcement of support or visitation issues coupled with other post divorce or similar issues, such as child custody, shall be heard by the district court judge of original assignment. If a case involves complex issues that cannot be resolved, temporary orders may be established under expedited processes and the unresolved issues shall then be referred to the assigned district court judge for resolution.

2) Order Preparation

The hearing officer may direct either party or the court trustee to prepare any order, including but not limited to journal entries, judgment forms, notice of hearings, and memoranda.

3) Formal Record

If a formal record of any hearing officer's proceeding is desired, it shall be the responsibility of the party requesting the record to make appropriate arrangements in advance of the hearing. The costs of the formal record shall be borne by the requesting party.

D) Finality of Order, De Novo Hearings, Motions for Rehearing and Review of Contempt Findings

- 1) All orders of the hearing officer shall be deemed approved by a judge of district court and shall become a final judgment of the district court unless: (i) within fourteen (14) days from the date of the filing of the order with the clerk of the district court either party files a written motion for a de novo hearing before the judge of original assignment. Notice of a request for a de novo hearing shall be served upon the parties or their counsel and the trustee; or (ii) within fourteen (14) days after the filing of the order either party files a written motion for a rehearing before the hearing officer in lieu of a hearing de novo. A motion for rehearing shall be summarily granted or denied, in whole or in part, by the hearing officer within fourteen (14) days of the filing of said motion. Upon the filing of a judgment form denying rehearing, the moving party shall have an additional fourteen (14) days to request a de novo hearing before the judge of original assignment.
- 2) If no request is made within the time allowed for a de novo hearing or rehearing, the hearing officer's order shall be final.
- 3) A person who is committed to custody by the hearing officer for execution of sentence for contempt shall be entitled to have the sentence reviewed within forty-eight (48) hours, excluding weekends and holidays, by the district judge of original assignment. The district judge may, upon such review, affirm, modify, vacate, or stay the sentence. If a motion for rehearing or for de novo hearing from the judgment of the hearing officer finding the person guilty of contempt is timely filed, then the district judge shall stay further execution of sentence pending the entry of final judgment.

RULE NO. 19 PROCEDURE FOR EXTENDED JUVENILE JURISDICTION PROSECUTION

Upon the district attorney's filing of the request for adult prosecution or the request for extended juvenile prosecution, the case shall be assigned, pursuant to Local Court Rule 1, to Division 1, 2, 4, or 5.

RULE NO. 20 SETTLEMENT CONFERENCES

- A) Cases to be Tried by a Jury. A party may request that the judge assigned to a case to be tried by a jury conduct a settlement conference in the case. If all parties agree to the convening of a settlement conference by the assigned judge, the judge may conduct a settlement conference at such time as is convenient with the court's schedule. If the judge to whom the case is assigned is not available to conduct a settlement conference, he or she may contact the judges assigned to other divisions in the district to determine whether another judge is willing and able to conduct a settlement conference in the case. If a judge of another division agrees to do so, that judge will conduct a settlement conference in the case. At the conclusion of the settlement conference, the judge conducting the settlement conference shall report the result to the judge to whom the case is assigned for trial.
- B) Cases to be Tried by the Court. The judge assigned to a case set for trial to the court shall not conduct a settlement conference in the case. If all of the parties to the case request that a settlement conference be conducted in the case, the judge to whom the case is assigned may contact the judges assigned to other divisions in the district to determine whether another judge is willing and able to conduct a settlement conference in the case. If a judge of another division agrees to do so, that judge may conduct a settlement conference in the case. At the conclusion of the settlement conference, the judge conducting the settlement conference shall report the result to the judge to whom the case is assigned for trial.
- C) Documents to be Submitted Prior to Settlement Conference. At least five days prior to the date of the settlement conference unless otherwise directed by the judge conducting the settlement conference, all parties participating in the conference shall submit to the judge conducting the settlement conference the following information:
- 1) a brief statement of the facts the party believes it will prove to support its position;
 - 2) a brief statement of the major areas of agreement and disagreement between the parties;
 - 3) a brief statement of the strengths of the party's case;
 - 4) a brief statement of the weaknesses of the party's case;
 - 5) a description of the settlement negotiations that have taken place;
 - 6) a statement of the party's candid assessment of the value of the case;
 - 7) such other information as is specifically requested by the judge conducting the settlement conference.

The information furnished by the parties to the judge conducting the settlement conference shall be held in confidence unless the party furnishing the information gives the judge permission to disclose it to the other party.

- D) Parties to be in Attendance. Unless waived by the judge conducting the settlement conference prior to the date of the conference, all parties, or, if approved by the judge, a representative of each party who has settlement authority, must be present at the settlement conference.

Rule No. 21 MOTIONS FOR PROTECTIVE ORDERS

The filing of a motion for a protective order pursuant to K.S.A. 60-226(c) or K.S.A. 60-230(d) shall stay the discovery at which the motion is directed pending order of the court. The filing of a motion to quash or modify a deposition subpoena pursuant to K.S.A. 60-245(c)(3)(A), or a motion to order appearance or production only upon special conditions pursuant to K.S.A. 60-245(c)(3)(B), shall stay the deposition at which the motion is directed. No properly noticed deposition shall be automatically stayed under this rule unless the motion directed at it shall have been filed and served upon counsel or

parties by delivering a copy within 11 days after service of the deposition notice, and at least 48 hours prior to the noticed time of the deposition. Pending resolution of any motion which stays a deposition under this rule, neither the objecting party, witness, nor any attorney shall be required to appear at the deposition to which the motion is directed until the motion has been ruled upon or otherwise resolved.

Rule No. 22 EVICTION CASES

All petitions for possession of real property in eviction cases shall include as an exhibit the notice to leave premises that was served on the tenant as a prerequisite to bringing the action.

Rule No. 23 COURTROOM ETIQUETTE

All lawyers will be professionally attired while in court, and shall not be groomed or attired in a manner reasonably calculated to distract attention from the proceedings, call attention to themselves or show disrespect to the court.

All attorneys should wear professional and conservative attire. Men shall wear coats, ties, slacks and appropriate footwear, which does not include athletic shoes, sandals or shoes without socks. Women shall wear business dresses, suits or pantsuits with professional tops and appropriate footwear, which does not include sandals or athletic shoes.

Rule No. 24 JURORS- EXCUSALS AND POSTPONEMENTS

- A. All persons are eligible for jury service except the following:
 - a. persons that are less than eighteen (18) years of age;
 - b. persons that are not citizens of the United States;
 - c. persons that are not residents of Douglas County;
 - d. persons that are unable to understand the English language with a degree of proficiency sufficient to respond to a jury questionnaire form prepared by the jury clerk;
 - e. persons that have within 10 years immediately preceding the date of summons for jury service been convicted of, pleaded guilty to or pleaded no contest to an indictment or information charging a felony;
 - f. persons that are presently under adjudication of incompetency; or
 - g. mothers breastfeeding their children, in which case jury service shall be postponed until such mother is no longer breastfeeding the child.
- B. The following persons may be excused from jury service by a judge:
 - a. persons who are physically or mentally unable to serve as a juror;
 - b. persons whose presence elsewhere is required for the public welfare, health, or safety;
 - c. persons for whom jury service would cause extraordinary or compelling personal hardship; or
 - d. persons that have served as jurors during the preceding 24 months.
- C. The following persons will be excused from jury service by the clerk upon request:
 - a. persons over the age of 70;
 - b. persons physically unable to serve;
 - c. persons whose religious beliefs do not allow them to serve;
 - d. persons who have served as jurors in state or federal court during the preceding 24 months.

D. Any person summoned for jury service may request that their jury service be postponed to a later date. No person may request more than two postponements and the total postponement period for all postponements may not exceed 12 months.

APPENDIX A

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

Seventh Judicial District

Plaintiff(s)

Vs

Case No. _____

Division _____

Defendant(s)

RECEIPT FOR COURT FILE

The undersigned, an attorney admitted to the bar of the State of Kansas and authorized to practice law within this state, acknowledges receipt of the court file in the above captioned case.

The undersigned agrees to return the file within seven (7) days from date hereof, or immediately upon request.

Attorney Signature

S.C.#

Address

City, State, Zip

Phone number

Consent to remove court file is granted this _____ day of _____,
_____.

Clerk of the District Court

APPENDIX B

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

Plaintiff(s)

Vs.

Case No. _____
Division _____

Defendant(s)

RECEIPT FOR RECORD ON APPEAL

The undersigned, counsel of record in the above captioned case, is granted access to the prepared record on appeal pursuant to Supreme Court Rule 3.06 and will comply with the following conditions:

- 1) Will make no marks of any kind on the record on appeal, including the transcript;
- 2) The transcript or record will not be taken apart for copying or for any other purpose; and
- 3) The record on appeal, including the transcript, will be returned to the clerk of the court within the time allotted by Supreme Court Rule for preparation of the brief.

Attorney Signature

S.C.#

Address

City, State, Zip

Phone number

Date _____

APPENDIX C

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

Misdemeanor/Care & Treatment/Indirect Contempt/Putative Parent Appointments

Payment to:

Name _____ Case No. _____

SSN/SC# _____ Div No. _____

Address _____ Defendant _____

_____ Offense _____

Date Appt. _____

Have you previously submitted a voucher in this case? _____

If so, how much have you received? _____

TIME IN COURT: (Itemize on attached sheet)

TOTAL IN COURT HOURS: _____

TIME OUT OF COURT: (Itemize on attached sheet)

TOTAL OUT OF COURT HOURS: _____

EXPENSES: (Itemize on attached sheet)

TOTAL EXPENSES: _____

I hereby certify the above information to be just, correct, unpaid, and due by law.

Signature

_____ Hours in court @ \$ _____ = \$ _____

_____ Hours out of court @ \$ _____ = \$ _____

TOTAL \$ _____

Approved:

District Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

In the Matter of)
)
) Case No. DG
and) Division 3
)
)

COURT TRUSTEE INFORMATION FORM

NOTICE: This form is to be filed upon each new or modified order of support. The Obligor/Obligee is also responsible for keeping the Court Trustee informed of any change in the basic information. Failure to do so may be an indirect civil contempt of court.

Please place an X where appropriate:

- Initial filing (fill out item Nos. 1 through 5)
Subsequent filing:
Address change (fill out item No. 1)
Name change (fill out item No. 1 & please include old name)
Employment change (fill out item Nos. 1, 2, 3 & 4)
The Court has found good cause for keeping this information confidential.

- 1. Obligor/Obligee Information: Effective Date:
Name:
Address:
City/State/Zip:
Phone:
Social Security No.: Date of Birth:
2. Legal name of Obligor=s/Obligee=s employer:
Address:
Phone: FAX:
3. Name and address of corporate and/or payroll office if different from above:
Name:
Address:
Phone: FAX:
4. Payroll contact person or other person designated to receive income withholding orders:
Name:
Address:
Phone: FAX:
5. Support amounts:
Child support: Arrears:
Spousal support: Arrears:

(Date)

(Signature)

Appendix E

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

In the Matter of: _____)
 _____)
 _____) Case No. DG _____
 Petitioner, _____) Division III
 and _____)
 _____)
 Respondent. _____)
 _____)

POST-DECREE DOMESTIC RELATIONS AFFIDAVIT

OF _____
(Your name)

To be used with post-decree Motions to Modify Child Support **ONLY**.

1. **Your Name:** _____
 First Middle Last
Residence: _____
 Street Address City State Zip

 Home phone number Work phone number Social Security Number Date of Birth

2. Please provide information on minor children of the **relationship in this case** for whom child support is being calculated.

<u>Name</u>	<u>Social Security Number</u>	<u>Date of Birth</u>	<u>Resides With</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Please provide information on minor children of **previous relationships** and facts as to custody and support payments paid or received, if any.

<u>Name</u>	<u>Resides With</u>	<u>Date of Birth</u>	<u>Support Paid/Rec'd</u>	<u>Case No./County</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4. Please provide information on minor children of **current relationship** that are living with you.
(Please include biological/adopted children only.)

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

5. You are employed by: Name: _____
Address: _____

6. **Monthly** income for Wage Earner: You are paid:
A. Wage Earner, Gross income \$ _____ _____ weekly
B. Other Income received \$ _____ _____ every 2 weeks
_____ twice per month
_____ monthly

7. **Monthly** income for Self-Employed
A. Gross Income \$ _____
B. Other income received \$ _____
C. Reasonable Business Expenses \$ _____
(Itemize on attached exhibit)
D. Self-Employment Tax \$ _____
E. Estimated Tax Payments \$ _____

8. Are you receiving Unemployment Compensation? **Yes/No** Weekly amount: \$ _____
For how many weeks are you eligible? _____

9. Are you receiving Social Security Supplemental Income or Social Security Disability benefits? **Yes/No**
If yes, \$ _____ per month What date did you start receiving it? _____

10. **Work-Related** Child Care Expenses for child(ren) for whom support is being calculated: (You must attach proof of payment such as canceled checks, receipts, child care tax credit schedule, printouts or letter from child care provider.)

A. Weekly Summer Expense Name and Address of Provider
\$ _____ _____

B. Weekly School Year Expense Name and Address of Provider
\$ _____ _____

11. Who provides health insurance for child(ren)? _____ Father _____ Mother _____ Other
A. Name and address of health insurance plan: _____

B. Persons insured on plan: _____

C. Monthly cost of **employee only** coverage for:
health insurance \$ _____
dental insurance \$ _____
vision insurance \$ _____
drug prescription insurance \$ _____

D. Monthly cost **insured is currently paying** for (including costs to add dependents):
health insurance \$ _____
dental insurance \$ _____
vision insurance \$ _____
drug prescription insurance \$ _____

E. If your employer provides a **benefit allowance** and you choose a plan which equals, exceeds, or is less than that allowance, please provide amount of allowance and your additional contribution, if any. Also,

if your employer pays for you declining insurance or choosing a less expensive plan, please provide the monthly amount you receive:

12. Who claims child(ren) for income tax purposes?
_____ Father _____ Mother **OR** _____ Alternate/Share exemptions

You file taxes as: _____ Single _____ Head of Household _____ Joint _____ Other

13. Child Support Adjustments requested: (If no adjustment is requested, do not complete this section. The requesting party must prove the basis for the adjustments.)

- _____ Long Distance Parenting Time Adjustment (+/-) \$ _____
- _____ Parenting Time Adjustment (+/-) \$ _____
- _____ Income Tax Adjustment (if not sharing or alternating exemption(s)) (+/-) \$ _____
- _____ Special Needs (+/-) \$ _____
- _____ Agreement Past Minority (when parent having primary residency seeks increase for child(ren) under 18) (+/-) \$ _____
- _____ Overall Financial Condition (+/-) \$ _____

14. Attached is:
- _____ Current pay statement
 - _____ Itemized list of reasonable business expenses
 - _____ Last year's Federal Income Tax Return
 - _____ W-2 (if tax return not yet completed)
 - _____ Written proof of work-related child care costs
 - _____ Written proof of insurance costs
 - _____ Other (statement regarding requested child support adjustment(s))

I have read the above affidavit; and to the best of my knowledge and belief, the information is accurate and complete.

Your name

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 ____.

NOTARY PUBLIC

My appointment expires: _____

The Local Court Rules of Douglas County District Court, 7th Judicial District, as amended January 8th, 2004, filed with the Clerk of the Supreme Court of Kansas on January 8, 2004.

Robert W. Fairchild
Chief/District Court Judge
Division No. 1

Sally D. Pokorny
District Court Judge
Division No. 2

Jean F. Shepherd
District Court Judge
Division No. 3

Michael J. Malone
District Court Judge
Division No. 4

Paula B. Martin
District Court Judge
Division No. 5

Peggy C. Kittel
District Court Judge
Division No. 6