

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, including divorce 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. 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.

3. 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 that judge of the filing of the motion. 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.

4. 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.

5. 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.

6. 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.

7. 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. Each attorney who desires to be electronically associated to a case, thereby enabling access to the records and receipt of electronic notifications from JIMS 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. 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.

CIVIL RULE - NO. 4

Service of Process

1. Choice of Method of Service. An attorney or pro se 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 pro se 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 pro se litigant or attorney. The responsibility for obtaining service and effecting its return shall be on the attorney or pro se 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 pro se 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 pro se 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 pro se 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 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 unrepresented party and the views of the opposing counsel or unrepresented 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. The court may grant an extension of time to file any document ex parte as the interests of justice may demand.
3. 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 cases 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 pro se parties by sending a copy of this order by ordinary mail to the attorney or pro se party, or by deposit in the attorney's designated box in the clerk's office, 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

Defendant

Case No. _____
Division No. _____

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 _____, (plaintiff/defendant). Notices of hearings in this case may now be served directly on that attorney's former client at the address shown in the attorney's motion for leave to withdraw unless (1) the party files with the court and serves on all parties a notice that a different address should be used to serve pleadings 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] _____ Date: _____, 20__
Time: _____ .m.

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 at the time of filing to aid in the prompt adjudication of these matters.
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.
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 (DOC #).
5. Submission of Proposed Orders. Proposed orders shall not be submitted along with motions unless signed by all counsel, or, unless the motion 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

Deleted

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 Non-Domestic Cases. In advance of the final pretrial conference, in non-domestic cases, counsel and unrepresented 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. 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. 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.
2. Pretrial Questionnaires in Domestic Cases. In domestic relations cases, each party should prepare and file a pretrial questionnaire in the format found in Appendix D (for divorce, separate maintenance, or annulment) or Appendix E (for paternity) to these rules. Unless otherwise ordered by the judge, this questionnaire must be filed and provided to the judge at the time of the final pretrial conference.
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 checked out, but are to be returned to the court at the conclusion of trial. Neither counsel nor the parties shall make any copies of juror questionnaires.

CIVIL RULE - NO. 16

Chapter 61 Cases

1. Court Assignment. All Chapter 61 limited action cases will be assigned to Division No. 61 unless otherwise directed by the Chief Judge. The current schedule is posted on the [Court's website](#).

2. Transfer to Chapter 60. When a motion under K.S.A. 61-2910 to apply the provisions of Chapter 60 to a case is granted, that case will be reassigned from Division No. 61 to a District Judge in the Civil Department under the procedures of Local Rule 2. Motions to transfer a case to Chapter 60 procedures should be made no later than 10 days prior to a trial date.

Motions to Transfer will only be granted if good cause is shown. If the Motion to Transfer is denied, expansion of discovery provisions will be liberally granted.

3. Answer Dates. Answer Dates in Division No. 61 will be on Thursdays at 9:30 a.m. and at 10:30 a.m. as set forth on the [Court's website](#). If the defendant fails to appear or file a written Answer, default judgment for the liquidated amounts set forth in the Petition may be entered against the defendant. The specific amount requested, including any amount requested for attorney fees, must be stated in the Petition in order to be granted in the Judgment. If the plaintiff fails to appear to call the case, the Petition will be dismissed for failure to prosecute unless the plaintiff has knowledge that a written Answer has been filed. Continuance of Answer Dates ordinarily will not be granted. If the defendant appears on an Answer Date and enters a general denial, the defendant shall file with the Court Clerk a Written Answer within **14** days from the Answer date and provide a copy to plaintiff (or plaintiff's attorney) per K.S.A. 61-2904. Failure to do so may result in Judgment entered against the defendant. Written Answers are subject to the requirements of K.S.A. 61-2904 (which requires filing a written Answer to assert affirmative defenses under K.S.A. 60-208).

Blank Answer Forms will be provided by the Clerk's Office and are posted on the [Court's website](#).

4. Answer Dates and Trials – Evictions. Trials in eviction cases under K.S.A. 61-3801 et. seq. shall be held at 9:00 a.m. on the Friday of the week following the Answer Date (i.e. within 14 days after the appearance date set forth in the summons unless a holiday or furlough day). No separate written notice of this trial is required; counsel and parties are deemed to have notice of this local rule. Continuance of this trial cannot be granted unless the defendant files the bond required by K.S.A. 61-3807(b) in advance of the trial setting or has such bond to present for approval at the time of trial.

5. Journal Entries. It is the responsibility of the plaintiff to determine the status of service of process and to present to the Judge a proposed Journal Entry/Judgment Form reflecting service, appearances, and the proposed Judgment or disposition to be entered, if appropriate. Unless otherwise directed by the Judge, a Journal Entry/Judgment Form shall be presented to the Judge at the conclusion of the call of the docket.

An approved Journal Entry form and instructions are posted on the [Court's website](#) and shall be used in all cases. Blank Journal Entry forms will be made available at each docket call by the Clerk's Office.

6. Attorney Fees. 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 either failed to appear on the Answer date or 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).
Any other case authorized by statute or contract: \$1,000.00 (subject to Court discretion).

7. Trial Dates and Motion Settings. Trial dates for all cases except evictions shall be obtained from the clerk for Division No. 61. The current schedule is posted on the Court's website.

8. Continuances - Non-Eviction Cases. Except to prevent manifest injustice, trial settings will not be continued except on written motion and order of the Court entered prior to the scheduled time of trial, or upon the joint request of the parties. Continuances of trial settings will not be granted ex parte.

9. Dismissal List. Cases will not be removed from the dismissal list for Division No. 61 unless service has been made on the defendant before the scheduled date of dismissal. All cases removed from the Dismissal List shall be set for a Pre-trial Conference.

10. Multiple Defendants. Unless otherwise ordered, in multiple-defendant cases in which service of process has not been obtained on all defendants, the plaintiff must, before trial, either (a) elect to proceed against the served defendants, dismissing the case without prejudice against the unserved defendants, or (b) allow the entire case to be dismissed without prejudice.

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, or 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 pro se, 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

Deleted.

CIVIL RULE - NO. 21

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 actions) in which there are minor children shall be required to attend "Parents Forever" within thirty (30) days of service of process or the entry of an appearance by the respondent. 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 within thirty (30) days of the entry of the order establishing parentage. 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 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 a court-appointed mediator or conciliation through Domestic Court Services or another court approved conciliator before an evidentiary hearing is held. Upon approval of the court, the parties may agree upon and engage a private mediator under Supreme Court Rule 902.

3. Information to Be Provided to Domestic Court Services If Domestic Court Services 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 and 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 its predecessor General Responsibilities as Separating Parents (GRASP).

6. Mediation, Solid Ground, Higher Ground, Conciliation, Expedited Child Interviews and Family Assessments All court orders for Mediation, Solid Ground, Higher Ground, Conciliation, Expedited Child Interviews and Family Assessments shall be issued in a form approved by the Chief Judge.

COURT APPROVED MEDIATION ORDER FORM

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

In the Matter of

Petitioner.

Case No. _____

and

Division No. 1

Respondent.

ORDER FOR MEDIATION

NOW on this _____ day of _____, 20____ the Court finds that issues are pending concerning a parenting plan for parties' minor child(ren) and that it would be in the best interest of the minor child(ren) for the parties to mediate the issues prior to any adversarial hearing before the Court. Therefore mediation is ordered.

A mediation fee of \$150.00 shall be paid by the parties as follows: Petitioner shall pay \$_____ and Respondent shall pay \$_____ within 14 days of the filing of this order. The Court reserves the right to reapportion, reduce or waive this fee if justified. All fee payments shall be paid to the District Court Trustee in person at the Court Trustee's office or by mail at 588 E. Santa Fe, Suite 3000, Olathe, KS 66061 (913-715-3600). If payment is mailed, you must include your case number, return address and designate that this payment is for mediation fees. Upon payment, the Trustee shall issue a receipt to the payor and enter the payment into the JIMS court file. All fees must be paid prior to any further hearing relating to the issues of the mediation or finalization of this matter by order, decree or journal entry. Failure to pay the fee or failure to participate in good faith at the mediation may constitute Contempt of Court or could otherwise result in the Court assessing fines, attorney fees or other costs related to this order.

If you are in need of an interpreter, please call (913)715-7590. Si necesita un intérprete por favor llame al (913)715-7590. If you are in need of a sign language interpreter, please call (913)715-7400.

IT IS THEREFORE ORDERED that the parties mediate the pending issues with Domestic Section of Court Services at 588 E. Santa Fe, Suite 4000, Olathe, KS 66061. Additional information may be obtained at http://courts.jocogov.org/cs_dom.aspx or by calling (913)715-7400.

Keven M.P. O'Grady

Attorney for Petitioner

Petitioner's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

Attorney for Respondent

Respondent's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

COURT APPROVED SOLID GROUND ORDER FORM

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

In the Matter of

Petitioner.

and

Respondent.

Case No. _____

Division No. 1

ORDER TO ATTEND SOLID GROUND

Now on this _____ day of _____, 20__ the Court finds that it would be in the best interest of the minor child(ren) for the parties to attend Johnson County District Court Services, "Solid Ground: Skills for Cooperative Parenting."

The Solid Ground fee of \$150.00 shall be paid as follows: Petitioner shall pay \$_____ and Respondent shall pay \$_____ within 14 days of the filing of this order. The Court reserves the right to reapportion, reduce or waive this fee if justified. All fee payments shall be paid to the District Court Trustee in person at the Court Trustee's office or by mail at 588 E. Santa Fe, Suite 3000, Olathe, KS 66061 (913-715-3600). If payment is mailed, you must include your case number, return address, and designate that this payment is for the Solid Ground fee. Upon payment, the Trustee shall issue a receipt to the payor and enter the payment into the JIMS court file. All fees must be paid prior to any finalization of this matter by order, decree or journal entry. Failure to pay the fee or failure to attend and/or participate in good faith in Solid Ground may constitute Contempt of Court or could otherwise result in the Court assessing fines, attorney fees or other costs relating to this order.

If you are in need of an interpreter, please call (913)715-7590. *Si necesita un intérprete por favor llame al (913)715-7590.* If you are in need of a sign language interpreter, please call (913)715-7400.

IT IS THEREFORE ORDERED that the parties the next session of Solid Ground at Domestic Section of Court Services at 588 E. Santa Fe, Suite 4000, Olathe, KS 66061. Additional information may be obtained at http://courts.jocogov.org/cs_dom.aspx or by calling (913)715-7400.

Keven M.P. O'Grady

Attorney for Petitioner

Petitioner's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

Attorney for Respondent

Respondent's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

COURT APPROVED HIGHER GROUND ORDER FORM

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

In the Matter of

Petitioner.

Case No. _____

and

Division No. 1

Respondent.

ORDER TO ATTEND HIGHER GROUND

Now on this _____ day of _____, 20__ the Court finds that it would be in the best interest of the minor child(ren) for the parties to attend Johnson County District Court Services, "Higher Ground: Skills for Cooperative Parenting."

The Higher Ground fee of \$300.00 shall be paid as follows: Father shall pay \$_____ and Mother shall pay \$_____ within 14 days of the filing of this order. The Court reserves the right to reapportion, reduce or waive this fee if justified. All fee payments shall be paid to the District Court Trustee in person at the Court Trustee's office or by mail at 588 E. Santa Fe, Suite 3000, Olathe, KS 66061 (913-715-3600). If payment is mailed, you must include your case number, return address and designate that this payment is for the Higher Ground fee. Upon payment, the Trustee shall issue a receipt to the payor and enter the payment into the JIMS court file. All fees must be paid prior to any finalization of this matter by order, decree or journal entry. Failure to pay the fee or failure to attend and/or participate in good faith in Higher Ground may constitute Contempt of Court or could otherwise result in the Court assessing fines, attorney fees or other costs relating to this order.

If you are in need of an interpreter, please call (913)715-7590. *Si necesita un intérprete por favor llame al (913)715-7590.* If you are in need of a sign language interpreter, please call (913)715-7400.

IT IS THEREFORE ORDERED that the parties attend the next session of Higher Ground at Domestic Section of Court Services at 588 E. Santa Fe, Suite 4000, Olathe, KS 66061. Additional information may be obtained at http://courts.jocogov.org/cs_dom.aspx or by calling (913)715-7400.

Keven M.P. O'Grady

Attorney for Petitioner

Petitioner's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

Attorney for Respondent

Respondent's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

COURT APPROVED CONCILIATION FORM

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

In the Matter of

Petitioner.

Case No. _____

and

Division No. 1

Respondent.

ORDER FOR CONCILIATION

NOW on this _____ day of _____, 20____ the Court finds that issues are pending concerning a parenting plan for parties' minor child(ren) and that it would be in the best interest of the minor child(ren) for the parties to engage in conciliation prior to any adversarial hearing before the Court. Therefore conciliation is ordered. Any reports to the court shall be subject to K.S.A. 23-3210.

A conciliation fee of \$200.00 shall be paid by the parties as follows: Petitioner shall pay \$100.00 and Respondent shall pay \$100.00 within 14 days of the filing of this order. The Court reserves the right to reapportion, reduce or waive this fee if justified. All fee payments shall be paid to the District Court Trustee in person at the Court Trustee's office or by mail at 588 E. Santa Fe, Suite 3000, Olathe, KS 66061 (913-715-3600). If payment is mailed, you must include your case number, return address and designate that this payment is for mediation fees. Upon payment, the Trustee shall issue a receipt to the payor and enter the payment into the JIMS court file. All fees must be paid prior to any further hearing relating to the issues of the conciliation or finalization of this matter by order, decree or journal entry. Failure to pay the fee or failure to participate in good faith at the conciliation may constitute Contempt of Court or could otherwise result in the Court assessing fines, attorney fees or other costs related to this order.

If you are in need of an interpreter, please call (913)715-7590. *Si necesita un intérprete por favor llame al (913)715-7590.* If you are in need of a sign language interpreter, please call (913)715-7400.

IT IS THEREFORE ORDERED that the parties attend participate in conciliation with Domestic Section of Court Services at 588 E. Santa Fe, Suite 4000, Olathe, KS 66061. Additional information may be obtained at http://courts.jocogov.org/cs_dom.aspx or by calling (913)715-7400.

Keven M.P. O'Grady

Attorney for Petitioner

Petitioner's Address

Phone no. _____

Email: _____

Phone no. _____

Email: _____

Attorney for Respondent

Respondent's Address

Phone no. _____

Email: _____

Phone no. _____

Email: _____

COURT APPROVED CHILD CUSTODY EVALUATION ORDER FORM

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

In the Matter of

_____ Case No. _____
Petitioner.

and _____ Division No. 1

Respondent.

ORDER FOR CHILD CUSTODY EVALUATION

Now on this ____ day of _____, 20__ the Court finds that issues are pending concerning custody or residential placement of the parties' minor child(ren) and that it would be in the best interest of the minor child(ren) to have a (full) (limited) child custody evaluation with report to the Court prior to a hearing.

A custody evaluation fee shall be paid as follows: Petitioner shall pay \$_____ and Respondent shall pay \$_____ within ____ days of the date of this order. The Court reserves the right to reallocate payment of this fee in a different proportion. All fee payments shall be paid to the District Court Trustee in person at the 4th floor of the Johnson County Courthouse or by mail at P.O. Box 760, Olathe, KS 66051-0760 (913-715-3600). If payment is mailed, you must include your case number and designate that this payment is for child custody evaluation fees. Upon payment, the Trustee shall issue a receipt to the payor and enter the payment into the JIMS court file. All fees must be paid prior to any further hearing relating to custody or finalization of this matter by order, decree or journal entry. Failure to pay this fee may also be considered Contempt of Court.

If you are in need of an interpreter, please call (913)715-7590. *Si necesita un intérprete por favor llame al (913)715-7590.* If you are in need of a sign language interpreter, please call (913)715-7400.

IT IS THEREFORE ORDERED, that the parties contact the Domestic Section of Court Services, 588 E. Santa Fe, Suite 4000, Olathe, Kansas 66061 (913) 715-7400 within 2 business days, and that the parties shall cooperate with Court Services which shall complete a child custody evaluation with report to the Court.

IT IS THEREFORE ORDERED that the parties the next session of Solid Ground at Domestic Section of Court Services at 588 E. Santa Fe, Suite 4000, Olathe, KS 66061. Additional information may be obtained at http://courts.jocogov.org/cs_dom.aspx or by calling (913)715-7400.

Keven M.P. O'Grady

Attorney for Petitioner

Petitioner's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

Attorney for Respondent

Respondent's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

COURT APPROVED FAMILY ASSESSMENT ORDER FORM

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

In the Matter of

_____ Case No. _____

Petitioner.

Division No. 1

and

Respondent.

ORDER FOR FAMILY ASSESSMENT

Now on this ____ day of _____, 20__ the Court finds that issues are pending concerning custody or residential placement of the parties' minor child(ren) and that it would be in the best interest of the minor child(ren) to have a (full) (limited) family assessment with report to the Court prior to a hearing. Reports to the court shall be subject to K.S.A. 23-3210. If a limited family assessment is ordered the issues to be assessed are as follows:

_____.

A family assessment fee shall be paid as follows: Petitioner shall pay \$_____ and Respondent shall pay \$_____ within ____ days of the date of this order. The Court reserves the right to reallocate payment of this fee in a different proportion. All fee payments shall be paid to the District Court Trustee in person at the Court Trustee's office or by mail at 588 E. Santa Fe, Suite 3000, Olathe, KS 66061 (913-715-3600). If payment is mailed, you must include your case number on the cashier's check or money order and designate that this payment is for family assessment fees. Upon payment, the Trustee shall issue a receipt to the payor and enter the payment into the JIMS court file. All fees must be paid prior to any further hearing relating to custody or finalization of this matter by order, decree or journal entry. Failure to pay this fee may also be considered Contempt of Court.

If you are in need of an interpreter, please call (913)715-7590. Si necesita un intérprete por favor llame al (913)715-7590. If you are in need of a sign language interpreter, please call (913)715-7400.

IT IS THEREFORE ORDERED, that Domestic Section of Court Services, 588 E. Santa Fe, Suite 4000, Olathe, Kansas 66061 (913) 715-7400 will complete a family assessment with report to the Court as authorized by and subject to K.S.A. 23-3210 and that the parties shall cooperate with Court Services. Failure to comply with this order may constitute Contempt of Court or could otherwise result in the Court assessing fines, attorney fees or other costs relating to this order.

Keven M.P. O'Grady

Attorney for Petitioner

Petitioner's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

Attorney for Respondent

Respondent's Address

Phone no. _____

Phone no. _____

Email: _____

Email: _____

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. Pro Se 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 pro se litigant, but no copy of the report shall be given to unrepresented parties. The review of the report by a pro se litigant shall be subject to such conditions as the court shall determine.

If a pro se 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 unrepresented party, but no copy of the report shall be given to unrepresented parties. The review of the report by an unrepresented party shall be subject to such further conditions as the court shall determine. If an unrepresented 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 unrepresented party may be punishable by sanctions for contempt as the Court may determine.

CIVIL RULE - NO. 24

Deleted

CIVIL RULE - NO. 25

Divorce and Paternity Cases: Temporary Restraining Orders; Ex Parte Temporary Orders of Custody and Support; Limited Ex Parte Orders in Paternity Cases; Temporary Orders upon Hearing; Immediate Exclusive Possession of the Marital Residence

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.

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.

Limited Ex Parte Orders in Paternity Cases

Ex parte temporary orders in paternity 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.

Temporary Orders upon Hearing

Other temporary orders after hearing in paternity 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.

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. 13CV _____

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. Husband and Wife 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. Neither Husband nor Wife 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. 21-3843, as amended.**

2. Husband and Wife 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 Husband and Wife.

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

4. Husband and Wife are both 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 Husband and Wife.

5. Other Orders:

- A.
- B.
- C.

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:

_____ ,

and

_____ .

Case No. 13CV _____

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. Husband and Wife 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. Neither Husband nor Wife 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. 21-3843, as amended.**

2. Husband and Wife 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 Husband and Wife.

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

4. Husband and Wife are both 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 Husband and Wife.

5. 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).

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

“Joint legal custody” means Mother and Father 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 Mother nor Father 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.

7. 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.

Mother currently resides at:

Father 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**):

Mother’s Parenting Time. Mother shall have the following parenting times:

Father’s Parenting Time. Father shall have the following parenting times:

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

8. 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).

9. Child Support. _____ shall pay to _____ \$ _____ each month as temporary child support, payable as provided in paragraph (12).

10. Spousal Support. _____ shall pay to _____ \$ _____ each month as temporary spousal support, payable as provided in paragraph (12).

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

12. 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 Mother and Father 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.

13. Other Orders:

A.

B.

C.

IT IS SO ORDERED.

Judge of the District Court

COURT APPROVED DOMESTIC FORM 3

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

In the Matter of the Marriage of:

and

_____.

Case No. 13CV _____

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. 1. Husband and Wife 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. Neither Husband nor Wife 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. 21-3843, as amended.**

2. Husband and Wife 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 Husband and Wife.

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

4. Husband and Wife are both 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 Husband and Wife.

5. 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).

6. Children. The parties shall have **joint legal custody** of their minor child(ren) (names, ages). "Joint legal custody" means Mother and Father 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 Mother nor Father 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.

7. 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.

Mother currently resides at:

Father 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):**

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

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

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

8. 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).

9. Child Support. _____ shall pay to _____ \$ _____ each month as temporary child support, payable as provided in paragraph (12).

10. Spousal Support. _____ shall pay to _____ \$ _____ each month as temporary spousal support, payable as provided in paragraph (12).

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

12. 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 Mother and Father 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.

13. 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.

14. 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 99CV001234).

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 2.5% of the funds collected, not to exceed \$30.00 per calendar month per case, to defray the costs of enforcement, to be placed in a special depository account and to be disbursed as ordered by the court. 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 paternity 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 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. Each payment must include the Court Order Number (case number) preceded by the two digit alpha character 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, (b) the obligee spouse or ex-spouse is not living with a child of the obligor for whom an order of support is also being enforced, and (c) 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.

B. The hearing officer shall have the authority in summary administrative hearings:

(1) To take testimony and prepare recommended written findings of fact and conclusions of law which shall constitute the summary record;

(2) To evaluate evidence and decide the most expeditious manner either to establish or to enforce court orders;

(3) To accept voluntary acknowledgment of support liability and stipulated agreements setting the amount of support to be paid;

(4) To accept voluntary acknowledgment of parentage;

(5) To make recommended orders, including recommended default orders; and

(6) 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:

(1) To appoint legal counsel;

(2) To approve appointed counsel fees. (Exceptional fee applications that exceed the current maximum amount may be approved by the district court judge); and

(3) 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:

(1) the modification and enforcement of ex parte orders of support shall be heard by the assigned District Court Judge, and

(2) 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.

(3) The Hearing Officers, for good cause, may retain the child support portion of a case that would normally go to the District Court Judge.

If a verbatim 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 verbatim record shall be borne by the requesting party.

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.

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

A. Final Judgment. An order of the hearing officer which 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 pro se parties, and on the trustee.

B. Rehearing or Review Hearing. Motions for a review hearing or rehearing shall be served upon counsel for all parties, on all pro se 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. Within 30 days after filing the motion for a 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 insure 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

Medical Malpractice Screening Panel

1. Any party filing a request for 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. (That defendant was negligent or deviated from care generally is not sufficient. There must be some identification of the claimed injury 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 counsel for all named defendants. (The names of counsel need not be specified as they will be unknown at that time.)

(c) A list of all health care providers who have rendered treatment to the plaintiff 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.

2. Along with the notice convening the screening panel, the court shall provide to the parties 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.

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 F](#)

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);

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. See Local Civil Civil Rule No. 8, ¶ 5.

2. 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.

3. 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.

4. 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."

5. Redemption.

(a) If a decree of foreclosure or other order determines the owner's period of redemption to be less than twelve (12) months, 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 notice to all parties 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 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 assignor, 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.

6. 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).

7. 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 personam judgment will be entered against the party over whom the Court does not have *in personam* jurisdiction.

8. 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:

3. 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:

4. 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:

5. 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:

6. 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:

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 photographs;
- e) The name and address of the present custodian of the photographs.

ANSWER:

11. 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:

12. 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:

13. 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:

14. 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:

15. 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:

16. 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:

17. 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:

18. 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:

19. 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:

20. 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:

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 Plaintiff

Certificate of Mailing

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

Attorney for Plaintiff

STATE OF KANSAS)
) S.S. ·
COUNTY OF JOHNSON)

_____ of lawful age, being first duly sworn on his (her) oath, deposes and says:

That he (she) is the defendant above-named, that he (she) has read the above and foregoing Interrogatories, and that the answers thereto are true and correct according to his (her) best information and belief.

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

Notary Public

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:

11. 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:

12. 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:

13. 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:

14. 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:

15. 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:

16. 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:

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

ANSWER:

18. 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:

19. 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:

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

ANSWER:

21. 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:

22. 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.

23. 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:

24. 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 according to his (her) best information and belief.

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 by the court reporter or by counsel 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.

e. Compliance with the provisions of this section of the Pretrial Order shall be required in all cases except by agreement of counsel or 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.

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 Word or WordPerfect.

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

Domestic Relations Pretrial Questionnaire (Divorce, Separate Maintenance, Annulment)

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

In the Matter of the Marriage of:)
)
)
)
)
_____)
Case No. _____
Div. No. _____
Chap. 60

DOMESTIC RELATIONS
PRETRIAL QUESTIONNAIRE
(DIVORCE, SEPARATE MAINTENANCE, ANNULMENT)

Instructions:

This questionnaire must be completed by each attorney of record or pro se party. You need only complete those portions that are relevant to issues in controversy. All answers must be typed. If the space provided is not sufficient for your answers, you may type your own questionnaire and answers in accordance with this format.

Note: Unless otherwise ordered by the judge, you are required to file proposed Findings of Fact and Conclusions of Law by the start of trial.

- 1. Present date:
2. Attorney's name and party represented:
3. Is child custody or residential placement a contested issue?
a. If so, specify your proposed custodial/residential arrangements:
b. Set forth a concise statement of the facts and/or law on which you intend to rely to support the proposed arrangement set forth above as being in the child(ren)'s best interests.
c. Describe your proposed parental access schedule or arrangements:
d. Set forth a concise description of any issues regarding restriction of parental access:
e. Have the parties attempted mediation?
f. Has your client attended the GRASP class? (See Johnson County District Court Local Rule 24.)
4. Is there an issue concerning the payment of child support?
a. If so, attach an updated copy of your child support worksheet.
b. Specify below with particularity any child support adjustments on your worksheet that you want the Court to consider.
5. Is there an issue as to property that should not be subject to division? If so, identify it and provide a concise justification for its exclusion from the divisible marital estate:

6. Is there a controversy regarding division of marital assets and/or debts? If so, complete the following:

a. Age of parties: Husband _____ Wife _____

b. Length of marriage: _____ years prior to filing of this action. Comment below if there were substantial periods of separation or other factors that should be considered regarding the length of marriage:

c. Provide a brief description of your allegations regarding the present and future earning capacities of each party:

d. Provide a summary of any significant facts you will be asking the Court to consider concerning time, source and manner of acquisition of property; dissipation of assets; family ties and obligations; the allowance of maintenance or lack thereof; or other relevant factors in making a just and reasonable division of property (see K.S.A. 60-1610(b)(1)):

e. If there are issues regarding the value of marital assets, identify any appraisers who will be testifying:

7. Is there an issue regarding spousal maintenance?

a. If so, describe the amount, period and manner of payment suggested (including any relevant calculations):

b. Provide a concise statement supporting (or opposing) the amount and manner of any maintenance payment requested:

c. Describe any provisions you intend to propose regarding termination or modification of maintenance:

8. List all witnesses you intend to call at trial. (NOTE: You must list all witnesses known to you at the time of the Pretrial Conference.)

9. List all exhibits you intend to offer at trial. (NOTE: You must list all exhibits known to you at the time of the Pretrial Conference.)

10. List discovery you have completed:

11. Specify further discovery contemplated (if complete, state, "None."):

12. Have you provided the opposing party a Domestic Relations Affidavit as required by Supreme Court Rule 164? If not, state the date by which you will provide it to the opposing party:

13. Identify any procedural or other problems that should be addressed at the Pretrial Conference:

Signature

Certificate of Service

I hereby certify that a copy of the foregoing Pretrial Questionnaire was served upon opposing counsel by depositing a copy in the United States mail addressed to counsel, postage prepaid, on the ____ day of ____, _____.

Signature

Domestic Relations Pretrial Questionnaire (Paternity)

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

[Case caption])	Case No. _____
)	Div. No. _____
)	Chap. 60 _____
)	
_____)	

DOMESTIC RELATIONS
PRETRIAL QUESTIONNAIRE
(PATERNITY)

Instructions:

This questionnaire must be completed by each attorney of record or pro se party. You need only complete those portions that are relevant to issues in controversy. All answers must be typed. If the space provided is not sufficient for your answers, you may type your own questionnaire and answers in accordance with this format.

Note: Unless otherwise ordered by the judge, you are required to file proposed Findings of Fact and Conclusions of Law by the start of trial.

1. Present date:
2. Attorney's name and party represented:
3. Have all presumed or putative fathers been named as parties and served? (See K.S.A. 38-1114.) If not, please state whether any further parties should be joined.
4. Is paternity a contested issue? If so,
 - a. Please state whether genetic paternity testing is being requested.
 - b. If genetic paternity testing is requested, state whether a hearing as contemplated by *In re Marriage of Ross*, 245 Kan. 591 (1989), is requested or required? (See also *Ferguson v. Winston*, 27 Kan. App. 2d 34 (2000).)
 - c. Has a guardian ad litem been appointed to represent the child? If not, should one be appointed? See K.S.A. 38-1125(b) ("The court shall appoint a guardian ad litem to represent the minor child if the court finds that the interests of the child and the interests of the petitioner differ."); *Ferguson v. Winston*, 27 Kan. App. 2d 34 (2000).
5. Is child custody or residential placement a contested issue?
 - a. If so, specify your proposed custodial/residential arrangements:
 - b. Set forth a concise statement of the facts and/or law on which you intend to rely to support the proposed arrangement set forth above as being in the child(ren)'s best interests.
 - c. Describe your proposed parental access schedule or arrangements:

- d. Set forth a concise description of any issues regarding restriction of parental access:
- e. Have the parties attempted mediation?
- f. Has your client attended the GRASP class? (See Johnson County District Court Local Rule 24.)
- 6. Is there an issue concerning the payment of child support?
 - a. If so, attach an updated copy of your child support worksheet.
 - b. Specify below with particularity any child support adjustments on your worksheet that you want the Court to consider.
- 7. Are any sums being requested to reimburse a party for past expenses of support and education of the child? If so, please state what amounts are being requested? (See K.S.A. 38-1121(e).) [If you are the party against whom such a request is being made, please state your position regarding that request.]
- 8. List all witnesses you intend to call at trial. (NOTE: You must list all witnesses known to you at the time of the Pretrial Conference.)
- 9. List all exhibits you intend to offer at trial. (NOTE: You must list all exhibits known to you at the time of the Pretrial Conference.)
- 10. List discovery you have completed:
- 11. Specify further discovery contemplated (if complete, state, "None."):
- 12. If child support is in issue, have you provided the opposing party a Domestic Relations? If not, state the date by which you will provide it to the opposing party:
- 13. Identify any procedural or other problems that should be addressed at the Pretrial Conference:

Signature

Certificate of Service

I hereby certify that a copy of the foregoing Pretrial Questionnaire was served upon opposing counsel by depositing a copy in the United States mail addressed to counsel, postage prepaid, on this day of _____, 20__.

Signature

CIVIL RULE - APPENDIX F

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.)