

DIVISION TWELVE POLICY FOR SUBMISSION OF EX PARTE TEMPORARY ORDERS & EMERGENCY ORDERS

Before requesting ex parte temporary orders in a divorce or parentage case please consider the following:

1. All proposed orders must be submitted in Microsoft Word or similar, modifiable, format to allow for modification. Failure to submit in a modifiable format will lead to automatic rejection of the proposed order. If your order is modified, additions will be noted in **bold underlined italics**. Deletions will be noted by ~~strikeout~~.
2. All proposed temporary orders must comply with Local Rule 25. Please use the Court-approved forms. Failure to use the approved form risks immediate rejection.
3. 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. See Local Rule 25.
4. 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 and Local Rule 25. Child support cannot be granted in an ex parte order in a parentage case. K.S.A. 23-2224(a)(5).
5. Income withholding is not allowed in ex parte orders. K.S.A. 23-3103(k).
6. When submitting proposed ex parte orders that include substantial modifications to the Court-approved forms, counsel must explain the proposed changes stating good cause for each change. See Local Rule 25
7. Requests for ex parte orders of support must be accompanied by a Domestic Relations Affidavit and a Child Support Worksheet. The DRA must be completed as fully as possible. A DRA that is not substantially complete will not be acceptable. An unsigned DRA is not acceptable.
8. Ex parte orders in a divorce case that require the removal of a party from the marital residence, sole legal custody, supervised parenting time, or supervised exchanges will normally be scheduled for a review hearing within ten days and usually sooner. The review hearing will generally not be continued or removed from the docket absent the agreement of all parties. Failure to obtain service will not normally be considered good cause to continue the review. Counsel should expect that the ex parte order will be modified to require service of process on the other party within a matter of days.
9. Requests for “emergency orders” modifying a final child custody or the parenting arrangements must comply with K.S.A. 23-3219(b). Counsel should have contact information for opposing counsel **and** the opposing party, if reasonably ascertainable, available before submitting the proposed order.
10. Failure to complete the civil cover sheet may cause proposed ex parte orders to be automatically rejected.