

Please read directions completely

Motion To Appeal Hearing Officer Decision

If you wish to appeal a Hearing Officer's decision, you must complete (typed or black ink) the following forms:

1. Fill out completely:
 - a. Motion
 - b. Certificate of Service
 - c. Entry of Appearance for Unrepresented Party
2. Upon completion of all forms, please contact the Johnson County Courthouse, 1st floor, "Self-Help Center." It will be your responsibility to email the attorneys and the court's Administrative Assistant letting them know that you have filed this motion.

Clerk of the District Court will file stamp all copies and keep the originals
Clerk of the District Court is open Monday-Friday, 8:00-5:00
Johnson County Courthouse, Attn: Self-Help Center
150 W Santa Fe Street, Olathe KS 66061
Phone:913-715-3385
Fax:913-715-3401
Email:DCC-Helpcenter@jocogov.org

3. Serve a copy of the Motion and Notice of Hearing on the opposing party and his/her Attorney of record by one of the following methods.

Service Methods:

1. Service by US Mail-Postage pre-paid, to opposing parties at last known address.
2. Hand Delivery - A) At the person's office with a clerk or other person in charge, or, if no one is in charge, in a conspicuous place in the office; or B) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there.
3. Fax - sending it by telefacsimile communication, in which event service is complete upon receipt of a confirmation generated by the transmitting machine.
4. Email - sending it by email to the email address the opposing party has provided to the Court.

Important Information:

1. If the hearing was recorded, another hearing will not be scheduled unless requested by the District Court Judge. No new evidence or exhibits should be given to the District Court Judge.
2. No later than thirty days after you file the request for an appeal, you must order and pay for a transcript of the hearing. You must forward a copy of the transcript and all the exhibits presented at the hearing to the District Court Judge no later than 14 days after you receive the transcript. If you cannot afford to pay for a transcript you may ask the judge to review the audio recording. A motion form is available. The motion must be filed no later than 14 days after you file the request for an appeal.
3. Filing an appeal does not make the Hearing Officer's order invalid. The Hearing Officer order will be enforced until the District Court Judge changes it. If you want the Hearing Officer's order to not take effect immediately, you may ask the District Court Judge for a stay order. You might be asked to post a bond.
4. The District Court Judge will review the transcript or audio recording and the exhibits presented using an abuse of discretion standard. Abuses of discretion occurs when a court bases its decision on a mistake of fact or mistake of law, or when no reasonable person would agree with the court's decision.

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

IN THE MATTER OF

Petitioner

and

Respondent

Case #

Division #

Chapter 60

MOTION TO APPEAL HEARING OFFICER DECISION

Pursuant to Supreme Court Rule 172(h), the undersigned (Petitioner/Respondent) appeals from the Hearing Officer decision rendered on , for the following specific reasons:

No hearing will be scheduled unless requested by the District Court Judge.

To complete your request for an appeal of the Hearing Officer's decision you must:

1. Request and pay for a transcript of the recorded hearing within 30 days or file a motion asking the District Court Judge to listen to the audio recording instead of reviewing the written transcript within 14 days.
2. Serve a copy of this motion on the other party.
3. Deliver to the District Court Judge all the exhibits presented to the Hearing Officer.
4. Notify the District Court Judge that the appeal has been filed and that the transcript has been requested and the estimated fees have been paid (or a motion for review of the audio record has been filed).

Print Name and Sign Here

Address:

e-mail address: Phone #:

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

Petitioner

Case No.

vs

Court No.

Respondent

CERTIFICATE OF SERVICE AND MAILING

On _____ a true copy of: MOTION TO APPEAL HEARING OFFICERS DECISION
was sent to the below listed parties by US prepaid postal mail and in addition to electronic
delivery of email to the following addresses:

Name: _____
Address: _____
City, State, Zip Code: _____
Email: _____

Name: _____
Address: _____
City, State, Zip Code: _____
Email: _____

Name: _____
Address: _____
City, State, Zip Code: _____
Email: _____

Filing Party's Signature or Digital Signature
Name: _____
Address: _____
City, State, Zip Code: _____
Email: _____