

# Please read directions completely

## Motion For Review of Audio Recording

If you wish to ask the District Court Judge to listen to the audio recording of a Hearing Officer's decision instead of a written transcript, 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 to let 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 FOR REVIEW OF AUDIO RECORDING**

Pursuant to Local Rule 26, the undersigned states:

1. I have filed an Appeal of the Hearing Officer's decision dated \_\_\_\_\_.
2. I ask the District Court Judge to review the audio recording of the hearing instead of requiring me to obtain a transcript. The reasons for the request are set out below.

To complete your request, you must:

1. Notify the District Court Judge that you filed this request.
2. If your request is based upon financial factors, you must complete and file a Poverty Affidavit or an updated long form Domestic Relations Affidavit.
3. Serve a copy of what you filed on the other party.
4. This motion and the accompanying documents must be filed no later than 14 days after the Hearing Officer's decision.

\_\_\_\_\_  
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 FOR REVIEW OF AUDIO  
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: \_\_\_\_\_