General Rules

Rule 100: Court Structure

The District Court of the Eighteenth Judicial District shall be divided into departments. The departments shall be designated as Civil, Criminal, Domestic, Probate and Juvenile.
The Civil, Criminal, Domestic and Juvenile Departments shall each have a Presiding Judge to generally supervise the business of such departments. Such Judges will be appointed by the Chief Judge. The Chief Judge may remove such Judge in his/her discretion.

Rule 101: Department Staffing

The Civil Department shall consist of 5 Trial Judges, including the Presiding Civil Judge.

The Criminal Department shall consist of 10 Trial Judges, including the Presiding Criminal Judge.

The Family Law Department shall consist of 5 Trial Judges, including the Presiding Family Law Judge.

The Juvenile Department shall consist of 4 Trial Judges, including the Presiding Juvenile Judge.

Probate Department shall consist of the Probate Judge.

Rule 102: Traffic / First Appearance Judge

In addition to the Judges assigned pursuant to Rule 101, a Judge shall be assigned by the Chief Judge as the Traffic / First Appearance Judge. The Judge so assigned shall have responsibility over all traffic cases filed in the Eighteenth Judicial District. In addition, the Judge so assigned will conduct all first appearance hearings required by K.S.A. 22-2901.

Rule 103: Drug Court / Chapter 61 Judge

In addition to the Judges assigned pursuant to Rule 101, a Judge shall be assigned by the Chief Judge as the Drug Court / Chapter 61 Judge. The Judge so assigned shall have responsibility over all cases that have been approved and accepted into Drug Court. In addition, all Chapter 61 cases that are designated as landlord – tenant or debt collection cases in which the defendant has appeared shall be assigned to the Drug Court / Chapter 61 Judge. All other Chapter 61 cases shall be assigned to the Judges in the Civil Department.

Rule 104: Chief Judge

The Chief Judge shall perform the duties as specified by the Rules of the Supreme Court and the Kansas Statutes Annotated as amended.

Rule 105: Absence of Chief Judge

In the absence of the Chief Judge, these duties shall be performed by any Judge the Chief Judge designates.

Rule 106: Administrative Orders

All District Court Administrative Orders will be filed with the Clerk of the District Court. Copies of such orders shall be furnished to the Sedgwick County Law Library.

Rule 107: Court Sessions

Unless otherwise ordered, court shall be in regular session from 9:00 A.M. to 12:00 Noon and 1:30 P.M. to 5:00 P.M., Monday through Friday.

Rule 108: Department Vacancies

Any vacancy created in any of the Departments shall be filled by seniority. Any vacancy created in the Traffic/First Appearance Court or the Drug Court/Chapter 61 Court shall be fulfilled by appointment by the Chief Judge.

Rule 109: Department Vacancies

Beginning in January 2021, and every third year thereafter, by seniority, and with the approval of the Chief Judge, the Judges may elect to rotate out of assigned department. At any time, with the approval of the Chief Judge, Judges by agreement may swap assignments. Any Judge who changes assignment may, with the approval of the Chief Judge, retain individual cases in which a change of the assigned judge would not be in the interests of justice.

Rule 111: Form of Filing Generally

a. **Applicability.** Except as provided in subsection (f), this rule sets out requirements that apply to every document prepared for and filed with the court.

b. **Typeface.** The document must be:
   1. in a dark ink on light colored paper;
   2. in a conventional style font not smaller than 12-point with no more than 12 characters per inch;
   3. legible upon scanning and copying; and
   4. on only one side of an 8½" x 11" sheet.

c. Margins. The margin on the top of a document must be at least 1½ inches. Margins on the bottom and sides of the document must be at least 1 inch.

d. Spacing. Text must be double-spaced, except that single spacing may be used for a subparagraph, legal description of real estate, itemization, quotation, headers and footers, and similar subsidiary portions of the document.

e. Required Information. The document must include the following:

1. the name of the court in the center of the top of the first page;
2. the case caption and, if the document is filed in an existing case, the case number on the top of the first page below the name of the court;
3. the name, signature, address, telephone number, fax number if any, and e-mail address if any, of the person filing the document; and
4. the attorney's Kansas registration number after the attorney's name if the document is filed by a Kansas attorney or the attorney's state and registration number if the document is filed by an attorney not licensed in Kansas.

f. Exceptions. The requirements in this rule specifying type size, margins, and spacing do not apply to:

1. a form approved by the Supreme Court or the Kansas Judicial Council;
2. a form required by a governmental agency, such as a form prepared by the Kansas Sentencing Commission;
3. a document prepared in accordance with the requirements in a statute or other Supreme Court rule, such as preparation of a transcript; or
4. a document submitted by a self-represented litigant.

[**History:** Am. effective September 8, 2006; Restyled rule and amended effective July 1, 2012; Am. effective November 18, 2016; Am. effective June 14, 2019; Am. effective October 11, 2019.]

Cameras in Court

Cameras in the Courtroom Procedures

The following guidelines are intended to clarify the process for obtaining permission for camera and/or audio coverage of court proceedings in Sedgwick County. Kansas Supreme Court Rule 1001 governs the use of cameras and recording devices in courtrooms in Kansas.

General Guidelines

- All requests for camera and/or audio coverage of court proceedings shall be directed to the media coordinator. Requests (with the exception of requests to cover 1st appearances) must be in writing. Requests must include the defendant's full name, and the case number if available. E-mail requests are preferred. The media coordinator will maintain a master list of all coverage requests submitted by the media.

- Media outlets are responsible for verifying permission for camera and/or audio coverage of a particular case at each stage of the proceeding.

- Media outlets are cautioned that approval of a request for cameras in a courtroom is discretionary and conditional, and may be withdrawn at any time.

- Photographers/Reporters must check in with the court to receive instructions on where to set up equipment and to receive any special instructions, prior to the beginning of court.

- Requests for photography of docket calls are case and defendant specific. Photography of defendants or participants in other cases is not permitted.

- Requests for coverage are confidential, and are not shared with other media outlets.

- In the event that multiple requests for camera and/or audio coverage of a trial are received, the first outlet requesting coverage will be designated as pool camera for the first day of the proceeding. Media outlets are responsible for making their own pool arrangements after the first day of the trial.

- Only one television camera is allowed in the courtroom. Duplication and distribution of video must be accomplished outside the courtroom.

- Media outlets have agreed that they are not entitled to pool images, audio or video unless they have staffed the proceeding for the day in question.

First Appearances

Requests for camera and/or audio coverage of first appearances should be directed to the media coordinator as early in the day as possible. Requests will be forwarded immediately to the court. Approval of requests may be assumed, unless otherwise notified by the court.

Preliminary Hearing Docket/Preliminary Hearings/ Pretrial Motions and Hearings

Pursuant to Rule 1001, written request for camera and/or audio coverage of criminal matters should be forwarded to the media coordinator as soon as possible following first appearances. The media coordinator will maintain a master list of all requests, and will forward copies of written requests for camera and/or audio coverage to the Criminal Court clerk for insertion into the case file, along with a copy to the Criminal Assignment court. Approval of requests to cover the preliminary hearing docket call may be assumed, unless otherwise notified by the court, so long as a proper written request is on file with the court.

The Criminal Assignment Court will notify the court to which a case is assigned for hearing of a properly filed media request for camera and/or audio coverage as soon as possible. It is the responsibility of the requesting media to ascertain to what court the case is assigned, and to follow up with that court regarding permission for cameras and/or audio coverage.

Jury Trials

Rule 1001 requires that a request for camera and/or audio coverage be filed no less than one week prior to the proceeding.. It is the responsibility of the requesting media to ascertain to what court the case is assigned, and to follow up with the Media Coordinator or directly with the court regarding permission for cameras and/or audio coverage.

In cases where permission to cover a trial is denied, the court will notify the media coordinator as soon as possible.

Media outlets are responsible for maintaining their own court calendar, and for confirming permission for camera and/or audio coverage with the trial judge in advance of the proceeding.

Sentencing and Post Trial Hearings or Motions

Assuming that permission for camera and/or audio coverage was properly requested and granted, and that the case is still assigned to the trial judge, media outlets wishing to cover post trial motions and sentencing should simply communicate their intention to the trial judge in advance.

If the case has been reassigned, the media outlet should verify that they still have permission for camera and/or audio coverage with the new judge as soon as the hearing is scheduled.

Civil Court Procedures

Request for camera and/or audio coverage of all civil court proceedings should be directed to the media coordinator as soon as possible. The media coordinator will forward requests to the Civil Assignment court for review. The court will notify the media coordinator of the disposition of cases scheduled for trial for which a camera/audio request has been received.

Media outlets are responsible for maintaining their own court calendar, and for confirming permission for camera and/or audio coverage with the Media Coordinator or the trial judge in advance of the proceeding.

Contact Information

Requests for camera and/or audio coverage should be directed to Ellen House:
E-mail: ehouse@dc18.org
Fax: (316)941-5361
Phone: (316)660-5810
Cell: (316)648-8852

Civil

Guidelines of Professionalism in Civil Litigation

The Guidelines that follow emphasize the role of professional standards in civil litigation. They were developed by the Civil Practice Committee of the Wichita Bar Association and endorsed by the Judges of the 18th Judicial District. The Guidelines suggest behaviors which lawyers should strive for, and are not intended as enforceable standards. Lawyers must consult Kansas Supreme Court Rules 161, 225 and 226 for statements of required professional conduct.

As a professional, a lawyer:

1. Recognizes the importance of timely and cost effective disposition of litigation.

2. Acknowledges that communication between lawyers is essential to timely and cost effective disposition of litigation.

3. Confers with other lawyers, prior to the initial discovery conference, to identify required discovery and develop a schedule for depositions and the exchange of expert reports.

4. Proceeds with paper discovery in a timely fashion, e.g., upon filing of a petition or answer.

5. Schedules depositions in a timely manner.

6. Obtains expert witness reports that include the basis for the expert's opinion.

7. Conducts all depositions in a manner that fosters the respect of parties and witnesses for the legal system and the lawyers.

8. Contacts the assigned judge in an effort to resolve disputes, before suspending a deposition pursuant to K.S.A. 1987 Supp. 60-230(d).

9. Evaluates each case and discusses settlement with the opposing lawyer so that meaningful discussions about settlement can occur between court and the lawyers at pre- trial.

10. Does not engage in ex-parte communications (oral or written) with the court concerning the merits of a case, except as provided by statute.

11. Recognizes the responsibility, as an officer of the court, to treat the court, other lawyers, jurors, parties and witnesses with respect.

12. Shows respect for the legal system through appearance, manner and conduct at all times.

13. Refrains from comments, which demean the judge, jurors, parties, witnesses, other lawyers, or the judicial system.

14. Expedites the resolution of litigation through research, articulation of claims, and clarification of issues.

15. Is always mindful of the responsibility to foster respect for the role of the lawyer.

Eighteenth Judicial District Deposition Guidelines

1. **Cooperation.**
   Counsel are expected to cooperate with, and be courteous to, each other and deponents.

2. **Agreements.**
   Unless contrary to or inconsistent with the Kansas statutes, the rules of this Court or an order of the Court, the parties (and, when appropriate, a non-party witness) may agree in writing to alter, amend, or modify any practice relating to the noticing or taking of a deposition. Any interparty agreement extending the discovery deadline shall not operate to delay trial or any hearing or pretrial conference.

3. **Scheduling.**
   Absent extraordinary circumstances, counsel shall consult in advance with opposing counsel and proposed deponents in an effort to schedule depositions at mutually convenient times and places. Unless leave of court or agreement of counsel is first obtained, at least five (5) calendar days' notice of any deposition shall be given.

4. **Conduct.**
   a. Objections. Objections shall be concise and shall not suggest answers to or otherwise coach the deponent. Argumentative interruptions will not be permitted. The only objections that should be asserted are those involving privilege or work product protection or some matter that may be remedied if presented at the time, such as an objection to the form of the question or the responsiveness of the answer. Other objections shall be avoided unless the deposition is being taken for the express purpose of preserving testimony.

   b. Directions not to answer. Counsel shall not direct or request that a deponent not answer a question, unless (1) counsel has objected to the question on the ground that the answer is protected by privilege, qualified privilege, work product immunity, or a limitation on evidence directed by the court; or (2) the direction not to answer is necessary to allow a party or deponent to present a K.S.A. 60-230(d) motion to the Court; or (3) counsel has a good faith belief the subject matter qualifies for a Protective Order and intends to promptly seek such an order. When a witness is instructed not to answer, the witness is nevertheless required to answer questions relevant to the existence, extent, or waiver of the privilege/immunity or other protection, such as the date of a communication, who made it, to whom it has been disclosed, and its general subject matter.

   c. Consultation with attorney. Conferences between deponents and their attorneys during the taking of the deposition are improper except for the purpose of determining whether a privilege or work product immunity should be asserted. Unless prohibited by the court for good cause shown, conferences may be held during recesses and adjournments. Normally, a recess is inappropriate while a question is pending.

Rule 200: DUTIES OF PRESIDING JUDGE OF CIVIL DEPARTMENT

The Presiding Judge of the Civil Department shall generally supervise the Civil Department dockets.

Rule 201: Landlord-Tenant / Debt Collection Cases

All Chapter 61 cases that are designated as landlord – tenant or debt collection cases in which the defendant has appeared shall be assigned to the Drug Court / Chapter 61 Judge. All other Chapter 61 cases shall be assigned to the Judges in the Civil Department.

Rule 202: PRE-TRIAL MOTIONS

a. Pretrial Motions – Chapter 60 Cases: In all Chapter 60 cases, all motions shall be set before the Judge to whom the case is assigned, at such date and time as said Judge shall determine. All pre-trial motions shall contain a notice of the time and date of hearing, and a certificate of service upon the opposing party or counsel.

b. Pretrial Motions – Chapter 61 Cases:

1. Pretrial Motions in all cases assigned to the Drug Court / Chapter 61 Judge shall be set before the Judge at such date and time as said Judge shall determine.

2. Pretrial Motions in all other Chapter 61 cases shall be set before the Judge to whom the case is assigned at such date and time as said Judge shall determine.

Rule 203: JURY AND NON-JURY TRIAL CALENDARS AND ASSIGNMENTS

a. Judges assigned to the Civil Department shall maintain civil jury trial calendars and civil non-jury trial calendars which shall contain all civil cases that have been assigned to such Judge.

b. All civil non-jury cases (excepting domestic cases) will be tried in the order in which they have been filed, insofar as practicable. All civil jury cases will be tried in the order in which they have been pretried, insofar as practicable.

c. In scheduling jury trial cases, the following guidelines should generally be followed: Streamlined Case Path

1. Date of First Response ---------- 1. Within 30 days of filing

2. Deadline for filing of Production Requests and Requests for Admissions (no interrogatories in streamlined cases) --------- 2. Within 60 days of filing

3. Deadline for Initial Scheduling Conference and Setting of Depositions --------- 3. Within 70 days of filing

4. Deadline for Witness and Exhibit List ---------- 4. Within 100 days of filing

5. Deadline for Expert Disclosure ---------- 5. Within 100 days of filing

6. Deadline for Inspections/Examinations ---------- 6. Within 100 days of filing

7. Deadline for Discovery Completion (including depositions) ---------- 7. Within 120 days of filing

8. Deadline for ADR/Mediation ---------- 8. Within 125 days of filing

9. Pre-Trial Conference / Notice of Trial ---------- 9. Within 130 days of filing

10. Deadline for filing of Dispositive Motions -------- 10. Within 135 days of filing

11. Deadline for submitting proposed Jury Instructions ---------- 11. 14 days prior to trial start date

12. Trial ---------- 12. Must be started within 180 days of case filing

13. Journal Entry of Judgment ---------- 13. Must be filed within 30 days following completion of trial

Standard Case Path:

1. Date of First Response ---------- 1. Within 30 days of filing

2. Deadline for Propounding Interrogatories, Requests for Production, Requests for Admissions ---------- 2. Within 60 days of filing

3. Deadline for Initial Scheduling and Setting Depositions ---------- 3. Within 70 days of filing

4. Deadline for Witness and Exhibit List ---------- 4. Within 180 days of filing

5. Deadline for Expert Disclosure ---------- 5. Within 180 days of filing

6. Deadline for Inspections/Examinations ---------- 6. Within 180 days of filing

7. Deadline for Discovery Completion (including depositions) ---------- 7. Within 210 days of filing

8. Deadline for ADR/Mediation ---------- 8. Within 240 days of filing

9. Pre-Trial Conference / Notice of Trial ---------- 9. Within 250 days of filing

10. Deadline for Dispositive Motions ---------- 10. Within 280 days of filing

11. Deadline for Jury Instructions ---------- 11. 14 days prior to trial start date

12. Trial ---------- 12. Must be started within 360 days of case filing

13. Journal Entry of Judgment ---------- 13. Must be filed within 30 days following completion of trial

Complex Case Path:

1. Date of First Response ---------- 1. Within 30 days of filing

2. Initial Case Management Conference to set Deadlines for Submissions (if JCMP not filed) ---------- 2. Within 90 days of filing

3. Deadline for Propounding Interrogatories, Requests for Production, Requests for Admissions --------- 3. Within 150 days of filing

4. Deadline for Witness and Exhibit List ---------- 4. Within 210 days of filing

5. Deadline for Expert Disclosure ---------- 5. Within 240 days of filing

6. Deadline for Discovery Completion (including depositions) ---------- 6. Within 360 days of filing

7. Deadline for ADR/Mediation ---------- 7. Within 480 days of filing

8. Pre-Trial Conference / Notice of Trial ---------- 8. Within 510 days of filing

9. Deadline for filing Dispositive Motions ---------- 9. Within 540 days of filing

10. Deadline for Jury Instructions ---------- 10. 14 days prior to trial start date

11. Trial ---------- 11. Must be started within 630 days of case filing

12. Journal Entry of Judgment ---------- 12. Must to filed within 30 days following completion of trial

Rule 204: ASSIGNMENT OF NON-JURY CHAPTER 60 CASES

a. Non-jury Chapter 60 cases shall be set for trial at the final discovery conference by the judge to whom the case is assigned.

b. However, complex non-jury Chapter 60 cases may be set for pre-trial conference by the judge to whom the case is assigned even though not requested by either party.

c. The Chief Judge of the District Court or the Presiding Judge of the Civil Department may direct the Clerk to place a case on the non-jury trial calendar.

Rule 205: CASES ANNOUNCED FOR SETTLEMENT OR SUBJECT TO DEFAULT

a. In all cases the parties have announced for settlement, a Journal Entry of Judgment shall be submitted within 21 days of the announced settlement. Any such case not journalized within 21 days shall be administratively dismissed without prejudice.

b. In cases where a default has occurred, a Journal Entry of Judgment shall be submitted within 21 days of the default. Any such case not journalized within 21 days shall be administratively dismissed without prejudice.

Rule 206: ADMINISTRATIVE DISMISSAL FOR LACK OF SERVICE

Cases will be administratively dismissed without prejudice if service of process is not accomplished within 120 days after the case has been filed or resinstated. For good cause shown, such case may be reinstated within 2 years following the dismissal.

Rule 207: PRETRIAL STATEMENT IN BENCH CASES - CHAPTER 61

On the day of trial of any Chapter 61 case or any Chapter 60 case which has not been pre-tried, the attorneys or any party not represented by an attorney shall prepare, sign, and file a "Pretrial Statement" with the Judge to whom the case has been assigned. The "Pretrial Statement" shall be submitted on a form approved by the said Judge.

Rule 208: DISCOVERY

a. Discovery Conferences: To expedite disposition of litigation, minimize expense and conserve time, the Court in each action shall conduct one or more discovery conferences with counsel. At the first discovery conference, the Court shall require the parties to identify, so far as possible, the issues and names of witnesses. The Court shall then set separate deadlines for listing of any additional witnesses (including expert witnesses), taking of depositions and completion of other discovery and may enter such other orders as are appropriate including the setting of pre-trial and trial dates.

b. Time for Giving Notice of Deposition: "Reasonable time" within which notice must be given before taking of a deposition under K.S.A. 60-230(a) shall be five days, subject, however, to an order of the Court for cause shown, enlarging or shortening the time. Computation of time shall be as provided in K.S.A. 60-206(a). Attorneys are encouraged to contact opposing counsel for a mutually convenient time for the taking of depositions, before unilaterally setting same.

c. Local Counsel: Local counsel shall be required to appear at the taking of depositions, unless excused by prior order of the Court, where it appears that counsel's presence will not be necessary

d. Requirement of a Writing: All objections to interrogatories, depositions, requests or applications under K.S.A. 60-226 through 60-237, as well as all motions thereto concerning discovery matters, shall be in writing and forwarded to the requesting party. If time does not permit the filing of a written motion, the Court may, in its discretion, waive this requirement; (e.g., disputes arising during the taking of depositions), in which event attorneys are encouraged to call the assigned judge for a ruling thereon.

e. Motions for Orders Compelling Discovery: Unless otherwise ordered, the Court will not entertain any such motion unless counsel for the moving party has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Counsel for the moving party shall file a certificate of compliance with this rule with any motion filed under K.S.A. 60-237.

f. Motions for Protective Orders: The filing of a motion for a protective order pursuant to K.S.A. 60-226 or K.S.A.60-230 shall stay the discovery at which the motion is directed pending order of the court. The filing of a motion to quash or modify a deposition subpoena shall stay the deposition at which the motion is directed. No properly noticed deposition shall be automatically stayed under this rule unless the motion directed at it

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

Rule 209: PRE-TRIAL CONFERENCE

a. Pre-Trial Conference: A date for a pre-trial conference shall be set at a discovery conference in cases designated for jury trial. A date for a pre-trial conference may be set at request of counsel or upon the Court's own motion at a discovery conference in cases designated for bench trials.

b. Pre-Trial Questionnaire: At least one (1) week before the pre-trial conference, counsel for each party shall complete a pre-trial questionnaire and mail a copy thereof to the Judge to whom the case is assigned and to all other counsel and pro se litigants. The originals of the pre-trial questionnaire shall be filed with the Clerk of the District Court only if the parties fail to file an agreed Pre-Trial Order before the holding of a formal conference. A suggested form for the pre-trial questionnaire is attached to this rule. Its use is recommended to the bar.

c. Preparation of Pre-Trial Conference Order: All pre-trial orders shall be prepared by the attorney designated by the judge presiding at the pre-trial conference and shall be filed within the time specified by the Court. A suggested form for the pre-trial order is attached to this rule. Its use is recommended to the bar.

d. Full Use of Discovery Encouraged: Attorneys and pro se litigants are encouraged to make full use of all appropriate discovery procedures as provided in K.S.A. 60-226 through 60-237.

e. Presence of Trial Counsel Required: The attorney who will actually conduct the trial shall appear at and conduct the pre-trial conference. If good cause is shown why the actual trial attorney cannot appear, the Court may proceed if the appearing attorneys are familiar with the matter so that a meaningful pre-trial may be conducted. Local counsel shall also be present.

f. Procedure: In conducting the pre-trial conference, the Court will follow Kansas Supreme Court Rule No. 140.

g. Agreed-To Pre-Trial Order Docket: Any case in which it is likely the attorneys can agree upon a pre-trial order, the case shall be set on the court's agreed-to pre-trial docket before the Judge to whom the case is assigned at such date and time as said Judge shall

determine at which time the attorneys for each side shall appear to obtain the Court's review and approval of said order and a trial setting.

h. Failure to Present Agreed-To Pre-Trial Order: In the event counsel fails to present an agreed-to pre-trial order at the designated time, counsel shall be prepared to conduct a formal pre-trial conference forthwith, or as soon thereafter as the Court shall determine.

i. Medical Malpractice Settlement Conference: In medical malpractice cases, as part of the pre-trial conference or as part of the agreed-to pre-trial order, the court shall designate the person before whom said conference will be conducted and shall provide for the scheduling of said conference not less than forty-five (45) days before trial.

Rule 210: INTERVIEWING EXPERTS

a. Physician: Lawyers have a right to interview a treating physician once the physician-patient privilege is waived by the filing of a lawsuit, provided the physician is supplied with a written consent waiving the privilege by the person holding the privilege or by order of the Court. A treating physician may be interviewed outside the presence of parties or other counsel provided the treating physician consents to the interview.

b. Experts other than treating physicians: Lawyers may not interview any opposing expert witness who has been retained or specially employed by another party in anticipation of litigation or preparation for trial, without either consent of counsel or order of the Court.

Rule 211: MEDICAL MALPRACTICE SCREENING PANEL

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 (5) 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.

e. 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.

f. 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.

g. Except by agreement of all parties, no affidavits from the parties, nor any "expert opinions," nor depositions taken in the case shall be submitted.

h. The Chairperson shall provide a file stamped copy of the opinion of the panel to counsel for all parties and the Commissioner of Insurance as administrator of the Health Care Stabilization Fund.

Rule 212: CIVIL POST-TRIAL MOTIONS

All post-trial motions in civil cases will be heard at a time and date set by the Judge who tried the case.

Rule 213: VOLUNTARY SETTLEMENT CONFERENCES EXCEPT MEDICAL MALPRACTICE

At any time upon request by a litigant in any civil case, the Chief Judge may assign such civil case to an attorney or panel of attorneys, for the purpose of undertaking a settlement conference with the litigants and counsel. The time and place for such a settlement conference shall be scheduled by the Judge, at the convenience of the parties and the person or persons conducting the settlement conference. Participation in a settlement conference is voluntary.

The purpose of the settlement conference is to permit an informal discussion among the attorneys, the parties and the person or persons conducting the conference, of every aspect of the lawsuit bearing on its settlement value, thus permitting the person or persons conducting the settlement conference to privately express his view concerning the actual dollar settlement value or other reasonable disposition of the case.

In advance of the hearing, the parties are encouraged to submit to the person or persons conducting the settlement conference a settlement conference statement, which details the factual and legal issues and the relief requested. The statement may include such documentation as expert witness reports. The statement shall be shared with opposing counsel, but is not to be filed as a part of the record in the case. Use of exhibits and demonstrative evidence at the conference is also authorized.

Neither the settlement conference statements nor communications during the settlement conference, with the person or persons conducting the settlement conference, can be used by any party, in the trial of the case. The person conducting the settlement conference will not communicate to the trial judge the confidences of the conference, except to advise as to whether or not the case has been settled.

The costs of a settlement conference, including reasonable fees, shall be assessed to the litigants, as determined by the Chief Judge.

The settlement conference shall be attended by the attorney in charge of the case and by the parties or by persons who are authorized to make settlement of a case.

Rule 214: 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 thirty (30) day period. For the purpose of this rule, each named garnishee shall be considered a separate garnishment.

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 certify in writing; (a) that the garnishment is not for the purpose of harassment of the debtor, and (b) state facts demonstrating to the satisfaction of the judge that there is reason to believe that the garnishee has property or credits of the debtor which are not exempt from execution.

Rule 215: EMINENT DOMAIN

In all eminent domain proceedings, the attorney for the condemnor shall, within ten days following payment of the appraisers' award, file a Motion for Distribution of the Appraisers' Award. Prior to filing such motion, condemnor's attorney shall examine the title evidence based upon which the parties were named. Relying thereon, and on information made known to condemnor during the proceedings, said attorney shall propose a plan of disbursement establishing the priorities, if any, of the parties entitled to receive the compensation. Said attorney shall exercise reasonable diligence to ascertain the addresses of parties at interest and shall give notice of said motion to all parties or their respective counsel not less than five days prior to the hearing of said motion.

In every case in which the fee title to an entire parcel is acquired or in which a permanent easement to an entire parcel is acquired, the said attorney shall serve a copy of such motion onthe County Counselor so that such counselor may appear on behalf of the County Treasurer to protect the interest of the county as provided by K.S.A. 79-1804.
With respect to any tract or parcel in which a landowner's attorney has substantially complied herewith, the condemnor's attorney need not do so.
Under no circumstances will the clerk disburse funds in any eminent domain proceeding absent the order of the Court.

Criminal

Rule 300: DUTIES OF PRESIDING JUDGE OF CRIMINAL DEPARTMENT

The Presiding Judge of the Criminal Department shall have general supervision of all matters arising under the Criminal Code and traffic statutes of the State of Kansas, including appeals from municipal courts. He shall maintain and conduct such dockets and calendars as are required or necessary to implement the laws of the State of Kansas or Rules of the Supreme Court. He shall assign the work of the Department to the Judges within the Department.

Rule 301 (Amended): PRETRIAL MOTIONS

The Presiding Judge of the Criminal Department will hear or assign Pretrial motions, other than for bond reduction/modification, at the 9:00 a.m. Motion Docket on the Friday following the week in which a party files the motion, or at such other time as the Presiding Judge may order.

Pretrial motions that require presentation of evidence or significant legal argument that could delay the start of jury selection must be resolved prior to the trial date. Counsel have the burden to schedule such motions with the assigned trial judge. If they do not the Court may continue the trial, at its discretion, and charge the continuance to the party responsible for the delay.

Counsel must submit all motions requesting bond reduction/modification to the assigned sentencing judge. Such motions must be in writing and include a notice of the hearing date and certificate of service. The moving party must file and serve the motion on the opposing party at least two business days in advance of the hearing date. If the assigned sentencing judge is unable to schedule the hearing within five business days from the date requested, the Presiding Judge of the Criminal Department will schedule the hearing on the next criminal motion docket.

Sentencing motions requesting a dispositional departure must be filed two business days in advance of the scheduled sentencing date unless both parties agree to the departure.

Rule 302: POST TRIAL MOTIONS INCLUDING PETITIONS FILED UNDER K.S.A. 60-1507

All post-trial motions in criminal cases and petitions pursuant to K.S.A. 60-1507 will be heard at the time and date set by the Judge who tried the case.

Rule 303: COMMERCIAL SURETY RULES AND PROCEDURES - As Amended 10/29/2019

A. Authorization to Issue Appearance Bonds. Except as otherwise provided by law, no compensated surety shall be authorized to act as a surety in this Court until having fully complied with Kansas law, including K.S.A. 22-2806 through 22-2809a, and the rules of this Court, including this Local Rule relating to the justification and approval of sureties, and the issuance of appearance bonds. Persons who are not a compensated surety may act as sureties in this Court on a case by case basis without complying with section C if a judge of this Court approves.

B. Definitions. As used in this Rule, the terms shall have the following meanings:

"Applicant" means any person applying for approval or having been approved to issue appearance bonds under this rule, or any previous version of this rule, as a compensated surety.

"Appearance bond" means a bond certificate issued by a surety which guarantees the appearance of a defendant in the Eighteenth Judicial District at the time specified on the bond and at all subsequent court appearances. In the event of failure to appear at any time specified by the Court, the surety guarantees payment of the amount on the bond.

"Chief Judge" means the Chief Judge of the Eighteenth Judicial District or other Judge of the District Court designated by the Chief Judge of the Eighteenth Judicial District to act on his or her behalf. The Chief Judge may also designate the Clerk of the District Court or the District Court Administrator to perform clerical or administrative duties outlined in this Rule.

"Commercial Surety" means any person or entity who, as surety, issues appearance bonds for compensation, is responsible for any forfeiture, and is liable for appearance bonds written by their authorized agents.

"Bail Enforcement Agent" means a person not performing the duties of a law enforcement officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement, commonly referred to as a bounty hunter.

"Compensated Surety" means any person who or entity that is organized under the laws of the state of Kansas that, as surety, issues appearance bonds for compensation, is responsible for

any forfeiture and is liable for appearance bonds written by such person's or entity's authorized agents. A compensated surety is either an insurance agent surety or a property surety.

"Insurance Department" means the Kansas Insurance Department.

"Insurance Agent Surety" means a compensated surety licensed by the insurance commissioner to issue surety bonds or appearance bonds in this state and who represents an authorized insurance company. An insurance agent surety may have other insurance agent sureties working with or for such surety.

"Property Surety" means a compensated surety who secures appearance bonds by property pledged as security. A property surety may be a person or entity, other than a corporation, and may authorize bail agents to act on behalf of the property surety in writing appearance bonds. In the 18th Judicial District the only property that can be pledged to secure appearance bonds is a valid, current and enforceable irrevocable two year Letter of Credit starting July 1st in the year of the application in an amount not less than one hundred thousand dollars ($100,000) issued to the District Court, Eighteenth Judicial District, by a state or national banking institution authorized to and doing business in the State of Kansas, guaranteeing payment of any forfeited appearance bonds posted by the Property Surety or his/her Bail Agent(s) on which judgment has been granted. Any supplemental Letter of Credit shall meet all requirements of this Rule and shall not expire until the next June 30th. All such letters of credit must be reviewed by the District Attorney and approved by the Chief Judge. Letters of Credit shall be retained by the Clerk of the District Court, following approval of the application. No other property is acceptable to be pledged from a property surety.

"Bail Agent" means a person authorized by a compensated surety to execute surety bail bonds on such surety's behalf. In the 18th judicial district Bail Agents shall have the same continuing education requirements as Compensated Sureties.

"Insurance Company" means any company authorized by the Kansas State Insurance Commissioner to write surety bonds or Appearance Bonds.

"Surety" means a person or compensated surety, other than a defendant in a criminal proceeding, that guarantees the appearance of a defendant in a criminal proceeding, by executing an appearance bond.

"Unsatisfied Appearance Bond Forfeitures" shall mean appearance bonds, which after thirty (30) days from the granting of judgment on the motion for the same have not been paid into the court or the defendant has not been recommitted into custody by the surety or his or her bail agent.

C. Criteria for Authorization to Act as Commercial Surety in the Eighteenth Judicial District. Every compensated surety shall submit an application to the chief judge of the judicial district, or the chief judge's designee, in each judicial district where such surety seeks to act as a surety.

A compensated surety shall not act as a surety in such judicial district prior to approval of such application. The application must be filed with the Clerk of the District Court of the 18th Judicial District.

Requirements for Insurance Agents

1. The application shall include the following information for each insurance agent surety, property surety or bail agent:

A. A copy of the applicant's Kansas driver's license or nondriver's identification card;

B. A statement, made under penalty of perjury, that the applicant is a resident of this state and is not prohibited by K.S.A. 22-2809a(c), and amendments thereto, from acting as a surety;

C. A certificate of continuing education compliance in accordance with Kansas law.

2. The application for each insurance agent surety also shall include:

A. A copy of the qualifying power of attorney certificates issued to such surety by any insurance company;

B. a current and valid certificate of license from the insurance department; and

C. a current and valid certificate of authority from the insurance department.

D. A statement that the applicant has not been convicted of a felony in Kansas or any other jurisdiction, has not in the preceding ten (10) years been convicted of any misdemeanor involving violence, dishonesty, deceit or moral turpitude, is qualified to act as a surety under Kansas law, has read this Rule and the Kansas statutes dealing with appearance bonds in their entirety and agrees to comply with all provisions.

E. A completed application including the Authorization for Release of Records, a copy of a valid driver's license or photo ID and a statement of the maximum monetary limit authorized on any individual bond.

F. A signed release from the applicant allowing the Court or its designee, to conduct a criminal history records investigation on said individual.

3. The application for each property surety also shall include:

A. A list of all bail agents authorized by such property surety to write appearance bonds on such property surety's behalf and all documentation from such bail agents demonstrating compliance with subsection this rule.

B. an affidavit describing the property by which such property surety proposes to justify its obligations and the encumbrances thereon, and all such surety's other liabilities. The description shall include a valuation of the property described therein. If the valuation is not readily evident, an appraisal of the property may be required and, if required, shall be incorporated into the affidavit.

C. A property surety authorized to act as a surety in the 18th judicial district shall be allowed outstanding appearance bonds not to exceed an aggregate amount which is 15 times the valuation of the property pledged by the property surety. Such property surety shall not write any single appearance bond that exceeds 35% of the total valuation of the property pledged by the property surety.

D. A completed application including the Authorization for Release of Records and a statement of the maximum monetary limit authorized on any individual bond.

E. A signed release from the applicant and any persons authorized by the applicant to issue appearance bonds, allowing the Court or its designee to conduct a criminal history records investigation on said individual(s).

F. A statement that the applicant has not been convicted of a felony in Kansas or any other jurisdiction, has not in the preceding ten (10) years been convicted in Kansas or any other jurisdiction of any misdemeanor involving violence, dishonesty, deceit or moral turpitude, is qualified to act as a surety under Kansas law, has read this Rule and the Kansas statutes dealing with appearance bonds in their entirety and agrees to comply with all provisions.

G. Any other information as may be requested by the Chief Judge regarding the applicant concerning his/her ability or qualifications to issue appearance bonds.

D. Disqualification/Suspension. Applicants shall not be approved to issue appearance bonds; or bonding privileges may be suspended or revoked if:

1. The applicant or any authorized agent has been convicted of any felony or within the preceding 10 years has been convicted of any misdemeanor involving violence, dishonesty, deceit or moral turpitude.

2. The applicant is not a citizen of the United States.

3. The applicant or any authorized agent does not have current, federal or state photo identification.

4. The applicant or any authorized agent has failed to meet financial responsibilities to this or any other Court; or has any pending matters before the Court in which the applicant or any authorized agent has failed to appear as directed. This may be evidenced by a failure to pay a

judgment on a bond forfeiture or by any other legal action to collect past due amounts or other commonly accepted indications.

5. The appearance bonds outstanding by a Property Surety and/or his or her Bail Agents exceed an aggregate amount which is fifteen (15) times the amount of the letter(s) of credit issued to the Court.

6. The applicant or authorized agent has provided a false statement in any information submitted to the Court for approval of his/her application or regarding a warrant/appearance bond recall.

7. The applicant or any authorized agent has outstanding warrant(s) issued for his or her arrest for any crime.

8. The applicant or any authorized agent allows an unauthorized person to write an appearance bond(s).

9. An Insurance Agent allows an appearance bond to be submitted to the Court which does not contain an individual, numbered, power of attorney properly executed.

10. The applicant or any authorized agent employs an Bail Enforcement Agent who is not qualified to act as such under the provisions of K.S.A. 22-2809a.

11. The applicant or any authorized agent failed to timely file a renewal application by June 1.

12. Good cause exists for the Chief Judge to determine that it is not in the best interest of the Court and/or the community to permit the applicant or Surety to write appearance bonds in the Eighteenth Judicial District.

13. Written notice of suspension or revocation of bonding privileges, except for a suspension due to a conviction for a disqualifying crime, exceeding the aggregate amount of bonds approved to be written under the letter(s) of credit or due to failure to pay a judgment within 30 days of it being granted, shall be given to the surety. Such notice of suspension or revocation shall state the reason for the suspension or revocation and be mailed by regular mail to the address on file with the Court as provided in the most current application. Any suspension or revocation under this Rule shall be effective upon signature of the written notice by the Chief Judge.

14. If the suspension or revocation is for failure to pay a judgment within 30 days of it being granted, the suspension shall be effective on the 31st day following judgment without any further action or notice by the Court. The surety may request a hearing before the Chief Judge within 14 days of the date of suspension, revocation or the notice of suspension or revocation. If such request is made, the suspension or revocation of bonding privileges may be stayed by

the Chief Judge pending such hearing which shall be held within 14 days of the request for hearing.

E. Persons Authorized to Write Appearance Bonds. As part of the approval process, the applicant shall submit the name(s) and requested information for all proposed Bail Agents of the applicant. Only those persons so approved are authorized to act as a Property Surety or Bail Agents to write appearance bonds. If, following approval, the applicant wants to add additional Bail Agents, the applicant must complete and submit a supplemental application that meets the requirements of this Rule to the Chief Judge and file it with the Clerk of the District Court. The bail agent will not be allowed to write appearance bonds unless and until approved to do so by the Chief Judge or designee. In addition, when Bail Agents are no longer authorized to write bonds or are no longer employed by the Property Surety, the property surety shall notify the Chief Judge, in writing, within three (3) business days, that said person is no longer authorized by the applicant to write appearance bonds, or serve as their bail agent and the notice shall be filed with the Clerk of The District Court. The Property Surety will remain responsible for any appearance bonds written by the Bail Agent until the notice required is received by the Chief Judge.

The Sheriff shall provide all approved Compensated Sureties equality in exposure. The Chief Judge shall periodically furnish the Clerk of the District Court and the Sheriff a list of approved Compensated Sureties.

Nothing in this Rule shall negate K.S.A. 22-2806 which provides that an appearance bond may be approved and accepted by the Sheriff of Sedgwick County, according to law.

F. Failure to Appear.

1. An appearance bond issued by a Compensated Surety authorized to transact business in the State of Kansas and in the Eighteenth Judicial District guarantees the appearance of such person in Court at the time specified on the appearance bond and at all subsequent court appearances unless and until the Compensated Surety is released on the appearance bond.

2. If an appearance bond is posted on a charge for which a disposition has not yet been entered, the appearance bond remains in effect until such time as the defendant answers the complaint and sentence or disposition is entered thereon. This would not include future court appearances for review of compliance with court orders. However, if the appearance bond is posted for a nonappearance on a post-conviction or post-diversion matter, the appearance bond remains in effect until final disposition of the matter for which the appearance bond was posted. Upon failure of the defendant to appear as ordered, the judge shall declare the appearance bond forfeited. The court may set aside the forfeiture upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture. If the forfeiture is not set aside, the Court shall request the District Attorney to prepare a Journal Entry of Bond Forfeiture of the appearance bond and file a Motion for Judgment on said bond forfeiture to be set for hearing not less than 60 days following the filing of the Motion for

Judgment. It is the responsibility of the Surety to be aware of the defendant's required court appearances on the Court's calendar, and to see to it that the defendant appears as ordered. The Surety's liability on the appearance bond is not conditioned upon any notice by the Court, District Attorney or any other person or entity of the defendant's failure to appear.

G. Failure to Produce the Defendant or the Forfeited Funds. If the defendant is not surrendered or the appearance bond forfeiture paid by the end of the Court's business day on the 30th day following judgment, the Surety's bonding privileges will be suspended at that time. If the Surety is a Property Surety and he/she or one or more of his/her Bail Agents is suspended for non-payment of a judgment, the Property Surety and all of his/her Bail Agents will be suspended. Notification of the suspension of bonding privileges shall be made in writing to the Property Surety and his/her Bail Agents. The letter will be sent by regular mail to the address on file with the Court. Failure to send or receive the letter does not negate the suspension of bonding privileges under this paragraph.

H. Reinstatement of Bonding Privileges.

1. Nonpayment of a judgment. If suspended for nonpayment of a judgment, the Surety must pay all judgments for unsatisfied appearance bond forfeitures before consideration will be given for reinstatement of bonding privileges. Once payment in full is made, the following schedule will be followed:

For the first suspension within a one (1) year period, the Surety's privileges will be suspended for a period not to exceed thirty (30) days after payment. For a second or subsequent suspension within a one (1) year period, the Surety's privileges will be suspended for ninety (90) days after payment.

2. Exceeding Total Amount of Bonding Privileges. If the total aggregate amount of outstanding bonds of a bondsman and his or her agents ever exceeds the total amount permitted under this rule the Chief Judge or designee without notice may immediately suspend the bonding privileges of that surety and agents. The property surety and bail agents shall not qualify for reinstatement of bonding privileges and reinstatement shall not be considered until the total aggregate amount of outstanding bonds of that property surety and bail agents do not exceed 75% of the total bonding authority allowed under this rule. Upon a second violation of Section H.2 within a 12 month period, the bonding privileges shall not be reinstated until at least three (3) months have passed since the property surety qualifies for reinstatement. Upon a third or more violation of Section H. 2 within a 12 month period, the bonding privileges shall not be reinstated until at least 12 months have passed since the property surety qualifies for reinstatement.

3. In order to qualify for reinstatement the property surety and bail agents(s) while suspended shall continue to meet all obligations under this Rule.

4. Nothing in this Rule or section obligates the Chief Judge to reinstate a suspended or revoked bail agent as soon as he or she may be eligible for reinstatement, nor does it prevent or prohibit the Chief Judge from imposing any other requirements upon a property surety before privileges are reinstated. Nothing in this rule prevents or prohibits the Chief Judge from permanently revoking a property surety's or bail agent's bonding privileges.

I. Refunds. If the judgment on the appearance bond forfeiture is paid on time, and the defendant is later surrendered by the Surety, upon request, a partial refund may be allowed as indicated below:

- 1--30 days after payment 75% refund

- 31--60 days after payment 50% refund

- 61--90 days after payment 25% refund

Said request for refunds must be made in writing and filed with the Clerk of the District Court with a copy served upon the District Attorney's Office.

No refunds will be given for surrenders that occur in excess of 90 days after payment unless specifically ordered by the Chief Judge after the filing of a proper motion. No refunds will be given unless the defendant is surrendered by the Surety or Agent of the Surety to the Sedgwick County Adult Detention Facility. If the defendant is arrested by law enforcement personnel within ninety (90) days of forfeiture, without the assistance of the Surety or Agent of the Surety, no refunds will be provided.

J. Surrender. For purposes of consideration of a refund, a defendant is considered surrendered to the Court when he or she is surrendered to the Sedgwick County Adult Detention Facility. A defendant is not considered surrendered to the Court if the defendant is incarcerated in another county or another State. Upon timely surrender, the Surety will be released from all further liability on the appearance bond.

The Surety, pursuant to K.S.A. 22-2807(3), may provide to the court, prior to judgment on the appearance bond forfeiture, a written statement, signed under penalty of perjury, setting forth the details of the incarceration of the defendant in some location within the United States. Upon receipt of such statement, the Court shall set aside the forfeiture and upon the defendant's return to the Court's jurisdiction, the Surety may be ordered to pay the costs of the return.

A Property Surety shall file the letter(s) of credit used as security for appearance bonds with the Clerk and immediately report any expiration, renewal, cancellation, suspension or revocation of said letter(s) of credit to the Clerk.

The report shall also include a list of appearance bond forfeitures that have been declared on cases in this Judicial District where there are appearance bonds written by the Surety, any judgments granted in those cases and the payment due date of said judgments.

The reports required by this Rule shall be submitted to the Clerk of the District Court in the form directed by the Court.

Failure to submit said report as designated is cause for a suspension or revocation of bonding privileges.

K. Application of Rule to Compensated Sureties Already Approved to Write Appearance Bonds in the Eighteenth Judicial District; Continuation of Bonding Privileges; Time Period for Bonding Privileges. Any Compensated Surety currently approved to write appearance bonds in the Eighteenth Judicial District shall be required to comply with this rule as of July 1, 2013. The annual bonding privileges period shall be from July 1 through June 30 of the following year. In order to retain bonding privileges, a Compensated Surety must submit an application, pursuant to this order, no later than June 1 of each year to remain in good standing for the next twelve (12) month bonding period [July 1 to June 30]. Upon approval of an application the bonding privileges will be granted and will remain valid for the approved bonding period, at which time it will expire unless renewed.

A compensated surety may not submit a new application under this Rule while the compensated surety's bonding privileges are suspended or revoked.

A compensated surety may withdraw from writing bonds prior to expiration of the bonding authority granted under this rule. Any withdrawal from writing bonds prior to the expiration of the bonding authority granted under this rule is not effective until made in writing to the Chief Judge and filed with the Clerk of the District Court, and it shall not result in the early termination or withdrawal of any letter(s) of credit submitted in support of the application(s) submitted under this rule.

A compensated surety's obligations under this Rule shall continue even though the compensated surety's privileges have been suspended, revoked or withdrawn.

L. Ability to Sue. Nothing contained herein shall in any way limit the Court's ability to proceed with any and all proper civil remedies against any Surety, insurance company or banking institution to collect on an appearance bond if payment is not forthcoming upon demand and for the Court to authorize all needed actions to engage in collection efforts, including the engagement of counsel and others to enforce and collect bond judgments.

Credits

Adopted effective February 14, 2013; Amended effective January 16, 2015; July 16, 2016, March 29, 2019.

Eighteenth Judicial District Court Rules, Rule 303, KS R 18 Dist Rule 303

Current with amendments received through March 29, 2019

Rule 304: ACKNOWLEDGMENT OF RIGHTS AND ENTRY OF PLEA

All pleas of guilty or nolo contendere shall be accompanied by a fully executed "Defendant's Acknowledgment of Rights and Entry of Plea" form. The judges of the 18th Judicial District approve the use of the attached form (Rev. 10/06), which is intended to supplement not replace or be a substitute for any of the requirements of K.S.A. 22-3210. Use of any other form must be approved in advance by the judge taking the plea. (Click here for the form, Adobe Reader required.)

At the discretion of the judge taking the plea, a defendant may be required to take an oath as part of the plea process. (Click here for the oath, Adobe Reader required.)

Rule 305: JURY TRIAL SCHEDULING

The Presiding Judge of the Criminal Department, or another designated judge, will conduct a jury trial scheduling meeting at 2:00 p.m. each Thursday for cases announced for trial the following week, or such other time as the Presiding Judge designates. A party wishing to announce a case for trial must advise opposing counsel of this announcement at least 24 hours in advance of this meeting and notify the Court of the announcement no later than noon on the day of the meeting. If a party announces a case for trial after the deadlines set forth in this Rule the Court may, absent good cause shown, continue the case and charge the continuance to the party making the late announcement.

Rule 306: CONTINUANCES

A party requesting a continuance of any case scheduled on the docket (whether for jury trial, preliminary hearing, bench trial, or motion), must first notify opposing counsel of the request. If opposing counsel does not object to the request, the party seeking the continuance must then send an email message to “criminal_assignment@dc18.org” that contains all of the following information:

The name and email address of the attorney making the request;
The name and email address of the opposing attorney who agrees to the continuance;
The defendant’s name and case number; and
The continuance date requested

Defense counsel shall insure that the necessary consultation has occurred and is ongoing with the defendant.

NOTE:
The Court will reject any request that does not include all information listed above, and will require counsel to appear at the docket call.
For any fifth (5th) or subsequent continuance request(s) (whether State or defense requests), counsel must appear in person at the docket-call and make the request on the record.
The Court will accept continuance requests only from the party making the request.

The Court must receive requests for jury trial continuance by 2:00 p.m. on the last business day before the jury trial docket, and by 4:00 p.m. the day prior to the docket-call for cases scheduled on the preliminary hearing, bench trial, or pre-trial motion(s) docket. Counsel seeking continuance must do so either by email or in open court. The Court will not entertain requests over the telephone or during chamber visits. The court will email counsel for both parties if it grants the continuance request. If counsel does not receive a reply email, counsel must appear in person at the docket-call to request the continuance.

Rule 307: DOCUMENTS FILED UNDER SEAL

A party seeking permission to file a document “under seal” must prepare a written motion setting out the request and a proposed order, and submit the motion, proposed order, and any associated papers either to the Presiding Judge of the Criminal Department or the assigned criminal department/sentencing judge for review. The motion must state the reasons why counsel seeks to file “under seal” and set forth any other provisions relating to confidentiality of the documents counsel seeks to seal.
The Clerk of the District Court will file documents “under seal” only upon receipt of a judicially approved, signed written order.

Family Law Local Court Rules
18th Judicial District
Effective January, 2019

400 Definitions
401 Scope of Family Law Department & Authority of Presiding Judge 402 Temporary Orders Filed With Petition and Standard Temporary Order
403 Support Orders: Affidavits & Worksheets
404 Support Orders: Kansas Payment Center
405 Issuance of Summons
406 Motions Generally
407 Motions to Change Custody / Residency
408 Protection from Abuse / Stalking Orders
409 Discovery Conferences
410 Child Custody Investigation Reports
411 Pre-Trial (Pre-Hearing) Conferences
412 Settlement Conferences
413 Scheduling of Trials
414 Trials
415 (reserved)
416 Continuances
417 (reserved)
418 Reconciliation of Parties
419 (reserved)
420 Administrative Dismissal of Cases
421 Hearing Officer & Appeal of Hearing Officer Decisions
422 Court Trustee
423 Alternative Dispute Resolution
424 Use of Personal Identifiers in Documents Filed with the Court
425 Child in need of care orders take precedence

RULE 400
DEFINITIONS

As used in these rules, the following definitions will apply:

a. "Assigned Family Law Judge" is the judge from the family law department in charge of hearing all matters and scheduling in a particular case.
b. "Family Law Judge" refers to all judges in the Family Law Department.
c. "Presiding Family Law Judge" is the judge in the Family Law Department who is assigned the administrative duties of the department and who will make the final decision in any controversy regarding which judge is assigned to a case or hearing.
d. "Standard Temporary Order" is the Order set out in Rule 402 that may be applied for and issued *ex parte* at the start of any divorce or separate maintenance case.
e. "TRIAL" refers to the formal due process presentation of evidence in a court hearing. "TRIAL" and what was formerly known as "EVIDENTIARY HEARING" are synonymous.
f. "Family Law Conference Email" refers to the individual email address assigned to each Family Law Judge that is in the format "familylaw(judge's name)@dc18.org."

RULE 401
SCOPE OF FAMILY LAW DEPARTMENT & AUTHORITY OF PRESIDING JUDGE

a. Family Law cases shall be assigned to the Family Law Department. These shall include everything filed in K.S.A. chapter 23.

b. Each Family Law case shall be individually assigned to an Assigned Family Law judge.
   1. For every new case that is filed, the Clerk of the Court will use a random process to assign that case to the Assigned Family Law judge.
   2. For every existing case,
      A. If a Family Law judge leaves the department, the replacement Family Law judge will take over all of the former Family Law judge's cases.
      B. If multiple Family Law judges simultaneously leave the department, each replacement Family Law judge will each take over all of the cases formerly assigned to one particular division. The replacement judges will decide which division to take over by seniority.
      C. If the number of Family Law judges changes, the Presiding Family Law judge will direct the Clerk to administratively reassign existing cases so that the total workload is distributed appropriately between the Family Law judges.
      D. The Presiding Family Law Judge or any Assigned Family Law Judge may assign a particular matter of a particular case to a substitute District Judge, from any department, due to temporary workload issues or for any other reason. Once the matter heard by the substitute District Judge has concluded, the remainder of the case will be returned to the Family Law department.

c. If a judge leaves the Family Law department, that judge may, consistent with Local Rule 109, continue to preside over any matters, already pending, in which the judge has previously presided over substantive hearings. Once those specific matters are concluded, the remainder

of the case will be returned to the Family Law Department and assigned to the replacement judge that took over the departing judge's docket.

d. All procedural requests such as requests to short file or to continue motions or trials shall be heard only by the assigned Family Law judge, unless that judge is unavailable. If the assigned case judge is unavailable for these inquiries, any Family Law judge may consider the request.

e. The Presiding Family Law judge shall administrate the distribution of cases. At any time, on their own motion or upon request of a party, any Family Law judges may reassign cases among themselves. In the event of a dispute, the Presiding Family Law judge will have the final decision regarding which Family Law judge will be assigned to a particular case.

RULE 402
TEMPORARY ORDERS FILED WITH PETITION AND STANDARD TEMPORARY ORDER

a. In all divorce, annulment and separate maintenance cases, a Standard Temporary Order may be issued pursuant to this section and K.S.A. 23-2707. If a party requests a temporary order, the order shall be presented to a judge in the Family Law Department...Judges will be available to sign such orders each day that the Court is in session.
   1. If the party seeking the temporary order seeks an in-person signature, such order must be presented before the action is filed. Runners may obtain a judge's signature on standard temporary orders
   2. If the action is e-filed, the temporary order may be e-filed simultaneously with the rest of the action.
      A. For purposes of determining which party is first in time to file, a case is deemed to be filed on the date and time that the clerk accepts the action for filing and assigns a case number, regardless of when a judge approves the temporary order.
      B. If a temporary order is rejected by a judge, the filing party will have 5 (five) business days to correct the temporary order and submit for refiling without losing that party's date and time of filing.
      C. Any disputes regarding time of filing will be resolved by the Presiding Family Law judge.

b. For all Temporary Orders that order support payments,
   1. Temporary Support payments must be stated in monthly amounts, although the order may also provide that the monthly payments may be paid in more frequent installments.
   2. All *ex parte* temporary child support orders must be based on the Basic Parental Child Support obligations pursuant to the Kansas Child Support Guidelines, without any Section E adjustments. No temporary child support orders that are issued *ex parte* may use the Shared Expense Plan, as that plan requires agreement between the parties. The EPT formula may be used in shared residency arrangements.

c. If there are deviations in temporary orders from the Standard Temporary Order, such deviations must be brought to the attention of the Court for the Court to specifically approve.
    1. For temporary orders that that deviate from the standard and that seek an in-person signature, the deviation must be specifically approved prior to filing.
    2. For e-filed temporary orders that deviate from the standard, the filing party is responsible for noting the deviations in the document AND communicating the deviation to the judge.
        A. Any non-standard provisions shall be conspicuously marked in the document by highlights, arrows, initial line, or other marking.
        B. The filing party shall communicate by making a note in the "Note from Filer" section on the e-file screen, AND by contemporaneously sending an email to the assigned judge notifying the judge of the non-standard provision.
        C. The judge can approve the non-standard provisions by using a Signature Page Note, or by responding to the attorney's email that the non-standard provisions are approved.

ci. Any temporary order sought under this rule which requires either party to leave the marital residence must be accompanied by a Rule 402 Affidavit stating the following:
    1. whether either party has left the marital residence;
    2. whether alternative housing is available for both parties;
    3. the financial ability of the parties to obtain alternative housing;
    4. the health conditions of both parties and how it affects their future housing needs.
    5. All temporary orders requiring one party to move out of a shared residence shall provide that the move occur forty-eight (48) after service upon the Respondent, unless exceptional circumstances are outlined in a sworn affidavit by the Petitioner and an exception is granted at filing by a judge.

cii. Any temporary order sought under this rule which provides for the temporary legal custody of any minor child must be accompanied by an affidavit stating the following:
    1. any special circumstance, stated with specificity, which would make temporary sole legal custody rather than temporary joint legal custody appropriate;
    2. which parent presently has physical custody of the child;
    3. The *de facto* parenting plan that is in effect currently, and for how long;
    4. whether either party has left the martial residence, and if so, with or without the child;
    5. description of each parent's employment (full-time, part-time, or stay at home, and hours);
    6. whether the child has special needs for which one parent has been providing.
    7. In a divorce case, a temporary parenting plan cannot change the de facto residency of the child(ren) without sworn testimony to support a showing of extraordinary circumstances.
    8. In a paternity case, The Parentage Act under K.S.A. 23-2201 et. seq., does not authorize ex parte temporary orders regarding child support, custody or restraint. Any request for same shall be made by separate motion.

ciii. Temporary orders shall be in the following form as modified to fit the facts of each particular case. Sections clearly inapplicable should be omitted. Standard temporary orders shall follow the form set forth below:

(SAMPLE)

IN THE 18TH JUDICIAL DISTRICT,
DISTRICT COURT SEDGWICK COUNTY, KANSAS
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF	
_____	**Case No.** _____
and	
_____	

Pursuant to K.S.A. Chapter 23

TEMPORARY ORDER
(With(out) minor child(ren) of this marriage)

NOW on this_____day of_____, 20_____, comes the Petitioner,

_____, (who is hereinafter designated as "**___Husband ___Wife**" or "Petitioner") and hereby requests that the Court issue proper temporary orders so that Petitioner and Respondent,_____, (who is hereinafter designated as "**_____Husband _____Wife**" or "Respondent"), may temporarily live separate and apart from each other and make orderly provisions for the period of time until dismissal of this action, further order of this Court, or trial of this case. After reviewing the Court file and hearing statements of counsel, the Court ORDERS, ADJUDGES and DECREES:

I. RESIDENCY

1. This Temporary Order applies to the following child(ren):

Full Name of Child	Sex	Birth Date and Age

A. LEGAL CUSTODY

The parties are granted joint legal custody of the minor child(ren) and shall consult with each other concerning decisions about the minor child(ren). OR

The (Mother) (Father) is granted sole legal custody of the minor child(ren) for the following reasons: _____

B. RESIDENCY

The (mother) (father) shall be designated the primary residential parent. The other parent will have parenting time as set forth in the Temporary Parenting Plan filed herewith which is incorporated into this order as thought set forth in full.

OR

The parties shall have shared residency, with each parent having equal or nearly equal blocks of parenting time as set forth in the Temporary Parenting Plan filed herewith which is incorporated into this order as though set forth in full.

C. Removal of the child(ren) from this State without permission of the Court is prohibited unless otherwise agreed in writing between the parties.

D. HOLIDAY SCHEDULE

The parties shall share the holidays as set forth in the Temporary Parenting Plan filed herewith which is incorporated into this order as though set forth in full.

E. CO-PARENTING ORDERS

Joint Legal Custody means that both parents have equal rights and responsibilities regarding their child(ren) and that neither parent's rights are superior to the other parent's. Each parent is required to communicate **before** making decisions affecting education, selection of schooling, religious training, health care, vaccinations, illnesses/operations, non-routine dental or orthodontic care, welfare, selection of regular caretakers, extra-curricular activities and teams, prolonged absence from the residence, first or non-routine haircuts/hair care, body piercings or tattoos and other important matters affecting the minor child(ren). **The discussion between the parents must take place before these matters are discussed with the child.**

If the decision is of an emergency nature, then the party having the actual physical custody may make the decision and inform the other parent of the situation and the decision as soon as is reasonably possible. **The permission of both parents shall not be necessary in the event of an emergency and this paragraph shall operate as consent by both parties to such procedures as are necessary.**

Parental Charge: At all times, the parents shall communicate respectfully with one another. NEITHER parent shall make any derogatory statements about the other parent or to the other parent in any manner where the child(ren) could observe. No parent shall attempt to influence the child(ren) against the other parent.

The parties shall avoid discussing all parts of this court case with the minor child(ren), including

child support, property division, and residency, and shall instruct the same of their family members and significant others.

Notice of Address and Phone Numbers. Both parties shall keep one another informed of the current address and phone number where the child will be residing while in their care, as well as the current address and telephone number of their child care providers.

Child's Records. Each parent shall be entitled to receive complete information related to the minor child(ren)'s school and medical records. This paragraph shall operate as consent by the parties and Order by the Court to the furnishing of such information, by all people in possession of these records, upon the oral or written request of either parent. Both parents should be added to the disclosure list for all future requests.

II. CHILD SUPPORT

(Husband)_(Wife) is ordered to pay $_____per month, commencing _____for support for the minor child(ren) of the parties, pursuant to the attached Child Support Worksheet. Said support shall be paid through the Kansas Payment Center at the address, which is set out below in Article IV.

(Husband)_(Wife) shall obtain and maintain suitable health insurance coverage for the minor children consistent with K.S.A. § 23-3114 and provide the other parent with suitable documentation (such as the insurance ID card) that allows the children to obtain medical services. In the event of IVD orders, the parent obtaining insurance will provide DCF suitable documentation, including the policy and identification numbers, to verify compliance with this order. The parties shall share all unreimbursed medical and dental expenses of the minor child(ren) based on the relative income percentage of the parties as stated on line D 2 of the Child Support Worksheet. A Medical Withholding Order or National Medical Support Notice shall be issued pursuant to K.S.A. 23-3115 and/or 42 U.S.C. 666(a)(19) if necessary

III. SPOUSAL MAINTENANCE

(Husband)_(Wife) is ordered to pay$_____per month for spousal maintenance of **(Husband)_(Wife)** beginning_____. Said obligation shall terminate upon the death of either Husband or Wife. Said support shall be paid through the Kansas Payment Center at the address listed in Article IV.

IV. ADDRESS FOR PAYMENTS AND ROLE OF COURT TRUSTEE (CHECK ALL THAT APPLY)

The address for support payments is as follows:
Kansas Payment Center
Box 758599
Topeka, KS 66675 8599

The case number shown on the first page of this order shall be placed on all checks or money orders and said checks or money orders shall be made payable to the Kansas Payment Center and include the county designation (SG).

The Kansas Payment Center shall forward said payments to receiving party at _____(city, state, zip) and it shall be the responsibility of the receiving party to inform the Clerk of any change in address. No Court Trustee commission shall be credited for payments of child support or spousal maintenance under the temporary order.

Collection of unpaid support: Income withholding orders may be issued under this order consistent with the provisions of K.S.A. § 23-3103.

The above orders for support may be enforced by garnishment unless the paying party requests a hearing to contest the issuance of an Order of Garnishment within seven (7) days after the service of the within order of support upon the paying party.

V. RESIDENCE

A. Not applicable because parties are already separated. **OR**

(Husband)_(Wife) shall have the temporary possession of the residence located at _____(city, state, zip) and the other parent shall have vacated the said residence within forty-eight (48) hours after the service of this Order.

B. The **(Husband)_(Wife)** (name of person leaving dwelling), is granted the right to remove from the dwelling personal effects necessary for personal hygiene and personal clothing for the leaving party and for any child(ren), as listed above in Article I, in the primaryresidence.

C. **(Husband)_(Wife)** is hereby given notice that their return to said residence without the permission or upon the invitation of the person temporarily awarded the residence could be considered a Criminal Trespass under K.S.A. 21 3721 and appropriate municipal ordinance, for which he or she could be prosecuted.

VI. PERSONAL PROPERTY

A. Husband shall remain in temporary possession of the following items of property:

All Personal Property now in his possession

Vehicle (describe):

The following items of personal property in the residence:

B. Wife shall remain in temporary possession of the following items of property:

All Personal Property now in her possession

Vehicle (describe):

The following items of personal property in the residence:

C. All duly authorized law enforcement officers of the State of Kansas are requested to use reasonable and necessary means to (1) evict the leaving party from this dwelling, and (2) prevent **_____Husband _____Wife** from interfering with the leaving party's removal of his/her personal clothing and such personal effects as set forth herein.

VII. DEBTS

A. _____ The parties have no joint debts.

B. Husband shall be temporarily responsible for the periodic payment of the following joint debts:

(Description of loan)	(Bank/Lender)	(Approx. Amount)
Vehicle loan:		

C. Wife shall be temporarily responsible for the periodic payment of the following joint debts:

(Description of loan)	(Bank/Lender)	(Approx. Amount)
Vehicle loan:		

D. Each party shall be responsible for their individual debts and obligations incurred after the date the Petition herein is filed.

VIII. RESTRAINT

The parties are jointly restrained and enjoined from molesting or interfering with the privacy or rights of each other in any manner. Furthermore, they are restrained from disposing, encumbering or changing the nature of any property of the parties or of each of them without prior Court approval other than for reasonable living expenses or attorney fees.

In addition, the parties are restrained and enjoined from canceling any utility services and/or deposits or canceling or modifying (including changing beneficiaries) of any existing pension benefits, medical, health, automobile, homeowner's or renter's, life, or disability insurance coverages involving any family members or their property.

IX. RECONCILIATION

In event of a reconciliation of the parties before trial, the filing party shall promptly notify his or her attorney, or if petitioner does not have an attorney, shall promptly prepare and present to this Court a Journal Entry of Dismissal.

X. ENFORCEMENT

Nothing in this Temporary Order shall be construed as a final decision concerning the property or rights of either party. The ultimate decision relating to all such matters will be made at the time of trial. This Temporary Order shall remain in effect until modified by the Court.

DISOBEDIENCE OF THIS ORDER OF THE COURT IS PUNISHABLE AS INDIRECT CONTEMPT OF COURT AND MAY BE PUNISHED BY CONFINEMENT IN JAIL.

Any duly authorized law enforcement officer of the State of Kansas is directed to use reasonable and necessary means to enforce the provisions of this Temporary Order.

XI. PARENT EDUCATION CLASS

Both parties shall attend and participate in a parent education class as designated by separate order pursuant to K.S.A. 23-3214(b). Each party shall pay their own fee for such class.

This registration shall occur within ten (10) days after either filing this action or receiving notice of this action, unless explicitly ordered otherwise by the Court. Information on such classes shall be provided to Petitioner by the Court, or if Petitioner is represented, by Petitioner’s counsel, and shall be attached to this temporary order for Respondent's benefit.

XII. HEARING

If the Respondent wishes to modify the provisions of this order, Respondent may appear before this Court at 9:30 am on Monday (if both parties are unrepresented). If one or

more parties are represented, the times are Monday at 1:30 p.m. or Tuesday at 9:30 a.m. or 1:30 p.m., on the 4th floor of the Sedgwick County Courthouse, 525 North Main, Wichita, Kansas.

If **Respondent** intends to appear, the other parties' attorney, or if not represented, the other party, must be notified by **Respondent** by completing and filing a **Notice of Intent to Appear** and a verified **Domestic Relations Affidavit** and **Child Support Worksheet** with the Clerk of the Court and by serving a copy of those forms to the other parties' attorney, or if not represented, to the other party, not later than seven (7) business days before the time specified for the court hearing.

_____

JUDGE OF THE DISTRICT COURT FAMILY LAW DEPARTMENT

IN THE 18TH JUDICIAL DISTRICT,
DISTRICT COURT SEDGWICK COUNTY, KANSAS
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF	
_____	**Case No.** _____
and	
_____	

Pursuant to K.S.A. Chapter 23

NOTICE OF INTENT TO APPEAR

This is to notify you that I intend to appear to seek modification of the Temporary Order on the____day of_____, 20____, at _____ o'clock on the fourth floor of the Sedgwick County Courthouse, 525 North Main, Wichita, Kansas, for the following reason(s): (Check all that apply, much check at least one)

___ PARENTING TIME ___CUSTODY ___RESIDENCY
___ CHILD SUPPORT ___SPOUSAL SUPPORT
___ PROPERTY DIVISION ___OTHER, PLEASE LIST _____

_____

Husband/Wife (Respondent)

_____

Address

_____

Telephone Number

FILE ORIGINAL AND PAY PARENTING WORKSHOP FEE WITH CLERK OF THE DISTRICT COURT, 7TH FLOOR, SEDGWICK COUNTY COURTHOUSE, AND MAIL A COPY TO:

_____

(NAME OF ATTORNEY FOR PETITIONER OR PETITIONER PRO SE)

_____

(ADDRESS)

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of_____, 20___, I mailed a copy of the above Notice of Intent to Appear to the Attorney or Petitioner Pro Se named above at the address given above by Certified Mail—Return Receipt Requested.

_____

Husband/Wife (Signature)

NOTE: If temporary support and/or custody, residency or parenting time have been ordered in the temporary order, the Clerk shall not accept a request for modification of same without the accompanying documents required by Rules 406 & 407.

RULE 403
SUPPORT ORDERS: AFFIDAVITS & WORKSHEETS

a. Any temporary support order or responsive pleading shall be accompanied by as all documents required by Kansas Supreme Court Rule 139. If there are minor children of the marriage, the order must also include the information required by UCCJEA 209, K.S.A. 23-37,209,or be accompanied by an affidavit containing that information ,as well as a completed child support worksheet, and a temporary parenting plan.

b. Pursuant to Kansas Supreme Court Rule 123, the DRA required by this rule should not include the parties' social security numbers, dates of birth or complete financial account numbers.

RULE 404
SUPPORT ORDERS: KANSAS PAYMENT CENTER

Any new or modified final order for support shall comply with K.S.A. 23-3103, and shall be accompanied by a child support worksheet, where applicable. The following language shall be placed in all such orders: *"All payments for support shall be delivered to: Kansas Payment Center, P.O. Box 758599, Topeka, KS, 66675 8599. It shall be the responsibility of the payor and payee to so inform the Kansas Payment Center of their current address at all times."*

RULE 405
ISSUANCE OF SUMMONS

A summons shall be issued in a divorce, annulment or separate maintenance case unless approval to the contrary has been obtained from a judge of the Family Law Department.

RULE 406
MOTIONS GENERALLY

a. **Court Trustee**: Motions to stay income withholding orders issued by the Court Trustee shall be heard by the Hearing Officer or District Judge on the docket attended by the Court Trustee assigned to the particular case.

b. **Self-Represented Litigants**: All motions filed in cases where both parties are self-represented shall be heard on Mondays at 9:30 a.m. by the assigned Family Law judge.

c. **Represented Litigants**: All other motions in Family Law cases shall be heard on Mondays at 1:30 p.m., or Tuesdays at 9:30 a.m. or 1:30 p.m., by the assigned Family Law judge

d. **Notice requirements**: All motions shall be noticed for hearing in the courtroom of the Assigned Family Law Judge, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas.

The moving party shall be responsible for providing notice of the time and date of the hearing to the non-moving party, and the motion shall include a certificate of service. The moving party may select any hearing date on the appropriate docket, without advance permission from the Assigned Family Law Judge. The Court Trustee or the Department of Children and Families (hereinafter referred to as "DCF") shall be given notice of all motions to modify child support in cases which they have entered appearances. All motions shall be served seven (7) days in advance of the hearing according to the time requirements of K.S.A. 60-206, unless the assigned Family Law judge, or another Family Law judge if the assigned judge is not available, approves an expedited ("Short Filed") hearing.

e. **Motions to modify temporary orders; documents required**: If a party files a Motion to Modify a Temporary Order, or a "Notice of Intent to Appear" to seek such a modification, or a Response to such a Motion or Notice
   1. The Motion, Notice, or Response must be accompanied all documents required by Supreme Court Rule 139 and K.S.A. § 23-2707 & 23-3212.
   2. A Motion to Modify Temporary Orders, or its functional equivalent, filed within 60 days of service, will be considered by the assigned Family Law judge *de novo*, on the merits, without any deference given to the contents of the Temporary Orders. If the support or maintenance amounts are modified at the hearing, the judge may make those amounts retroactive to the time of the filing of the Petition.
   3. If a motion seeking to modify a temporary custody or residency order is filed more than sixty (60) days after the temporary order was served, there shall be a presumption that the dispute pertaining to child custody, residency or parenting time, and any post-judgment disputes, shall be ordered into ADR unless leave of the Court has been obtained.

f. **Duty to confer and exchange documents.** Any party who files a motion has a duty to attempt to confer with the other party prior to any hearing by the Court. Any documents that are going to be presented as exhibits to the Court must be exchanged by 5:00 p.m. Thursday before a Monday hearing or Friday before a Tuesday hearing. If one of the exchange days falls on a court holiday, the exchange must occur the day prior. Documents not so exchanged may not be presented to the Court at the hearing, and their contents may not be recited to the court, if the other party objects to their use. Documents containing hearsay evidence may be considered by the court at a motion hearing, but the court may weigh the evidence in whatever manner the court sees fit. The pleadings in the Court file can be viewed by the Court at any time.

g. **Paystubs / Income Verification**: Documentation shall be produced to the other side upon request, at least two Court days before a hearing involving child support or spousal maintenance.

h. **LCM Reports and Recommendations**: These reports contain personal information and shall NOT be attached to any pleadings (including Motions), except, the recommendation portion only may be attached to an Order or Journal Entry adopting it. The factual findings may be adopted by the court with agreement of the parties or following trial.

i. **Motions to Withdraw**: An attorney wishing to withdraw from a family law case must inform the court, in the motion to withdraw, if the attorney has been assigned to complete a journal entry or other court document that is not yet complete.
   1. The judge may deny the motion to withdraw if there is a journal entry or other court document previously assigned to the attorney that is not yet complete.
   2. In the event that an attorney has withdrawn from the case but has not completed a journal entry or other court document that was previously assigned, the judge may reappoint that attorney to the case to complete the journal entry or court document.

RULE 407
MOTIONS TO CHANGE CUSTODY / RESIDENCY

a. **Sworn testimony and specificity required**. A motion to change custody, residency or parenting time, including any proposed change either to or from shared residency, must be accompanied by a proposed parenting plan, as required by K.S.A. 23-2707(d). In addition to complying with the provisions of K.S.A. 23-3219(a), any affidavit or verified motion must specifically state all of the reasons which support the requested change. Failure to provide sworn testimony when required, and with the requisite specificity, will result in the motion being denied.

b. **Allegations in motion will be taken as true**. The factual allegations contained in the affidavit or verified motion will be construed in a light most favorable to the moving party when the Court is considering whether to grant a trial. The Court will decide whether those allegations, if true, constitute a prima facie showing, thus entitling the movant to a trial. The Court shall base its decision solely on the information contained in the affidavit or verified motion. If a trial takes place, and the trial judge finds that the facts contained in the affidavit or verified motion were untrue or willfully misleading, the trial judge may impose such sanctions as justice and equity may require.

c. **Scope of the trial on custody / residency**. At the trial, parties are limited to presenting evidence on any allegations contained in the Pre-Trial Conference order. At the trial, the trial judge can be advised of all relevant facts, but the parties shall not be allowed to re-litigate facts that were or could have been formerly adjudicated at the prior hearing.

d. **Emergency (ex parte) motions to change custody / residency**. An emergency or ex parte motion to change custody must comply with the provisions of K.S.A. 23-2707, 23-3218, and 23-3219, including notice provisions. Any judge considering an *ex parte* emergency order may require sworn, live testimony. At the review hearing per K.S.A. § 23-3219(b)(2) the Court shall consider the matter de novo, and the movant shall have the burden of proof. If the Court finds that factual allegations that were presented to the Court, and which resulted in the ex parte order being entered, were untrue or willfully misleading, the Court may impose such sanctions as justice and equity may require.

RULE 408
PROTECTION FROM ABUSE / STALKING-SEXUAL ABUSE ORDERS

a. Parties filing a Protection from Abuse or a Protection from Stalking or Sexual Abuse petition are required to disclose the existence of any existing Family Law order, pertaining to the parties, which is already in effect. Parties filing a Family Law case are required to disclose any existing PFA or PFSSA order, pertaining to the parties, which is already in effect.

b. If a temporary order is granted/entered in a PFA or PFSSA case which changes an existing Family Law order, the assigned Family Law Judge may assign the matter to the Family Law Department, on the assigned Family Law Judge's own docket.

c. Family law cases shall not be consolidated with PFA or PFSSA cases. However, factual findings in a PFA or PFSSA case may be adopted by the Family Law Judge for use in a family law case.

RULE 409
DISCOVERY CONFERENCES

a. Discovery conferences are not required for each case, but can be set upon request of either party or the Court.

b. Notwithstanding the above, if the parties wish to hold a discovery conference, they may schedule it with the assigned Family Law Judge, or the judge's designee, at a date and time approved by the Assigned Family Law judge.

c. If the parties wish to set interim dates, such as discovery deadlines or expert disclosure deadlines, they may do so in an agreed order without the filing of a motion. If one or both of the parties wish to set interim dates, but the parties cannot agree on what those dates should be, either party may file a motion on the regular motion docket and ask the Court to set such dates.

d. Any order, agreed to or otherwise, which sets deadlines must be e-filed or hand-delivered to the judge's aide.

RULE 410
CHILD CUSTODY INVESTIGATION REPORTS

a. The CCI reports will be made available for viewing per K.S.A. § 23-3210(c).

b. The CCI reports will be kept and managed pursuant to policy set by the Presiding Family Law Judge.

c. Upon request, the Assigned Family Law Judge may permit more access than is contemplated by statute, including allowing the parties to photocopy the report or parts thereof, or to view the exhibits.

RULE 411
PRE-TRIAL CONFERENCES

a. After a case or post-judgment motion has been on file for eighty (80) days, if a Pre-Trial Conference has not been scheduled, a Pre-Trial Conference may be set within the next sixty (60) days by the Court.

b. No case shall proceed to trial without a Pre-Trial Conference being held, and a Pre-trial Conference Order being filed. These conferences shall be held Mondays at 8:45 a.m. with the Assigned Family Law judge.

c. Attorneys/parties will not be required to attend the conference if a Family Law Judge approves a Pre-Trial or Pre-Hearing Conference Order, and that Order is in the court file on or before the date of the conference, unless the Assigned Family Law judge notifies the parties in advance that their attendance is required.

d. Unless otherwise ordered by the Court, or agreed to by the parties, the Pre-Trial Conference Order shall be prepared by the Petitioner. In a post-divorce matter the Pre-Hearing Conference Order shall be prepared by the initial moving party. The party preparing said order shall send a proposed Pre-Trial or Pre-Hearing Conference Order to the responding party at least two weeks prior to the Pre-Trial or Pre-Hearing Conference. The responding party shall reply with a draft including the responding party's contentions in the Pre-Trial or Pre-Hearing Conference one week before the Pre-Trial Conference date.

e. Any Pre-Trial conference order must include a) all information required by law and local rules, b) the date of the settlement conference, and c) the date of the trial. An initial list of witnesses, exhibits, and issues/contentions must be included. Witnesses and exhibits may be amended up to 10 days before trial. In any case where property division is an issue, the parties must include an initial list of proposed division of debts and assets. The list of property to be divided may be updated at will up to 10 days prior to trial. The proposed values and division of property may be updated until the time of trial.

f. If no agreed conference order has been filed by the date of the conference, attendance at the Pretrial Conference Date is required, and the court may sanction any unexcused absence. If only one party appears on the date of the conference and that party has prepared its version of the Pre-Trial or Pre-Hearing Conference Order, that version shall become the order of the Court, until further order of the Court.

g. No Pre-Trial Conference shall be held sooner than 60 days after the filing of the petition in the case, except by agreement of the parties or for good cause shown.

RULE 412
SETTLEMENT CONFERENCES

a. No case can proceed to trial without a Mandatory Settlement Conference or a Judicial Settlement Conference being held, unless waived by the Court.

b. Mandatory Settlement Conferences must be held in the courthouse, preferably on the 4th floor, and must be attended by all attorneys and parties, unless leave of the court is obtained. Written notice to the court must be provided if a Mandatory Settlement Conference is conducted outside the courthouse or at a time other than that scheduled by the court, certifying that such settlement conference took place.

c. A Judicial Settlement Conference is a settlement conference that uses the assistance of a judge, other than the Assigned Family Law Judge, who can assist the parties by offering opinions as to the strength of the parties' claims, advisory opinions, or other guidance as may be helpful. The discussions in the Judicial Settlement Conference shall remain confidential. Upon request by the parties or upon the court's own motion, the case may be assigned to a Judicial Settlement Conference in lieu of or in addition to a Mandatory Settlement Conference. The Assigned Family Law Judge will select the Judicial Settlement Conference Judge with input from the parties, and may include as a possibility any District or Retired District Judge. The date and time of the Judicial Settlement Conference will be determined by the judge who presides over that conference, but the date must be after the Pretrial Conference, and there must be a Pretrial Conference Order on file.

d. Failing to attend or being late to a scheduled settlement conference, without good cause, may be sanctioned as justice and equity require, and the Court may schedule an additional settlement conference.

e. Parties who reside more than 100 miles away may appear via telephone to any settlement conference but must be available via telephone during the entire settlement conference.

f. Mandatory Settlement Conferences shall be held approximately three weeks before the trial, on Mondays at 8:45 a.m. The exact date and time of the trial settlement conference shall be set in the Pre-Trial Conference Order. There must be a Pre-Trial Conference Order, including a proposed division of assets and debts when property division is an issue, on file by the time the Mandatory Settlement Conference begins.

RULE 413
SCHEDULING OF TRIALS

a. Each Family Law Judge shall maintain a calendar for trials, which will be scheduled on a Wednesday, Thursday or Friday at 9:00 am.

b. Trials should be scheduled by contacting the Assigned Family Law Judge's aide by telephone or by the Assigned Judge's Family Law Conference Email. Counsel and/or the

parties should select a date for the trial from available dates. Approval of the Assigned Family Law Judge is needed in order to schedule a trial requiring more than one day.

c. A trial date shall be obtained on or before the filing of a Pre-Trial Conference Order. The Pre-Trial Conference Order shall set both the trial date and the date of the settlement conference.

RULE 414
TRIALS

a. Attorneys set for trial shall be present at 8:30 am to discuss proposed stipulated admissions of evidence and for their assignment.

b. Counsel shall exchange Exhibit Notebooks no later than noon Thursday the week prior to trial, in the same form that will be presented to the court, unless otherwise ordered by the Court.

c. All parties are limited by the issues, contentions, witnesses, and exhibits as listed in the final Pre-Trial Conference Order.

RULE 415 (not currently in use)

RULE 416
CONTINUANCES

a. **Trials**

1. Regardless of whether the parties agree, a scheduled conference or trial shall not be continued unless the Assigned Family Law Judge grants the continuance.
2. If the parties cannot agree on whether there should be a continuance, or cannot agree on a new date, the parties shall immediately confer together and with the Assigned Family Law Judge, who shall make a decision regarding those issues. If the parties ask for guidance by email, each party's attorney, or if unrepresented, the party him/herself shall be copied on the email. The judge's Family Law Conference email address shall be copied on any email discussing dates.
3. Once a continuance has been approved by a Family Law Judge, any new date shall be obtained from the Assigned Family Law Judge.

b. **Motions**

1. One continuance shall be granted to an attorney or party, out of professional courtesy, unless an emergency exists.

2. Announcements for continuances on Motions must be made to the Assigned Judge's Family Law Conference email address.
   A. Announcements on Motions that are made before 4:00 p.m. on the court day before the scheduled motion docket will be granted without an appearance, unless the Assigned Family Law Judge notifies that parties that an appearance will be necessary.
   B. Announcements made after the cutoff time may still be granted, but the parties are required to appear until they receive a reply that the continuance was granted.
   C. A judge's aide will be available 15 minutes prior to the start of the docket to take pre-docket announcements.

RULE 417 (not currently in use)

RULE 418
RECONCILIATION OF PARTIES

Reconciliation of the parties in a divorce, annulment or separate maintenance case shall cause that case, upon proper Order, to be dismissed. In the event of reconciliation, it shall be the duty of counsel for Petitioner, or the Petitioner's duty if he or she is not represented by counsel, to promptly submit a Journal Entry of Dismissal.

RULE 419 (Not currently in use)

RULE 420
ADMINISTRATIVE DISMISSAL OF CASES

a. All Family Law cases pending for 120 days or more where no trial or other setting has been obtained may be dismissed. The Clerk shall prepare a Notice of Intent to Dismiss (hereinafter referred to as "NID"), and a Journal Entry of Dismissal, and mail and/or email a copy thereof to all parties at least eighteen (18) days prior to the dismissal date shown thereon. Family Law cases dismissed under this rule will be reinstated at the discretion of the Presiding Family Law Judge.

b. Once an NID has been prepared and mailed, a request for an extension of time must be made through the Assigned Judge's Family Law Conference email address. A third request for additional time can only be granted by the Assigned Family Law Judge.

c. In addition to the notice of intent to dismiss, a status conference may be called by the Assigned Family Law Judge. Separate notices to that effect will be mailed by the Assigned Family Law Judge. At that status conference, the cases may be dismissed for lack of prosecution, or bifurcated.

RULE 421
HEARING OFFICER & APPEAL OF HEARING OFFICER DECISIONS

a. The Hearing Officer's jurisdiction is set forth in Kansas Supreme Court Rule 172. The Hearing Officer will hear all IVD matters related to the establishment, modification or enforcement of child support.

b. The Hearing Officer will maintain a separate calendar for all matters assigned for hearing.

c. Decisions of the Hearing Officer shall be subject to review per Supreme Court Rule 172(h).

RULE 422 COURT
TRUSTEE

a. The Office of the Court Trustee, as provided for in K.S.A. 20-377 and amendments thereto, is hereby established for the Eighteenth Judicial District effective July 1, 1985.

b. All new and modified child support orders in the Eighteenth Judicial District, except temporary orders, shall be assigned to the Office of the District Court Trustee for monitoring and enforcement unless, pursuant to K.S.A. 20-383, a “good cause exception” is granted by the chief judge relieving the Office of the Court Trustee of the duty of enforcement of the order.

c. If a new or modified final child support order is silent as to whether enforcement is assigned to the Court Trustee, the support order shall be assigned to the Office of the District Court Trustee for enforcement.

d. Requests pursuant to K.S.A. 20-383, for an exemption from the Office of the Court Trustee's responsibility for collection of support shall be granted only after a motion is filed and hearing is held before the Chief Judge. The Office of the Court Trustee shall be given notice of the hearing.

e. The Court Trustee shall have the additional powers and duties set out in K.S.A. 20-379 and K.S.A. § 75-5365.

f. When the Court directs that an initial or modified income withholding order shall immediately issue and the duty to enforce the support order is assigned to the District Court Trustee, the Trustee shall prepare the income withholding order for filing with the Court and issue said Income Withholding Order to the employer or income payer. Subsequent income withholding orders transferred to a new or different payor of income for the same amounts as the immediately preceding income withholding order, which are created through the automatic income withholding order process of the Department for Children and Families, are not required to be filed with the court.

g. For any orders that involve the custody or support of children of the parties, any initial, final or modified divorce decree, custody order, paternity order or support order shall order at least one of the parents/parties to obtain and maintain health insurance coverage for the minor children when such coverage is available to the party at an affordable cost pursuant to K.S.A.
23-3114 through 23-3117.

h. Except as otherwise provided in K.S.A. 23-3103, each final order in the Eighteenth Judicial District containing orders of support that are assigned to the Office of the Court Trustee for enforcement shall include the following provisions:

1. IT IS FURTHER ORDERED that an income withholding order shall be issued immediately as required by K.S.A. 23-4,105 *et seq*. The Office of the District Court Trustee shall immediately prepare the income withholding order, notice and answer forms for filing and service to the obligor's payer of income. Each party shall inform the Clerk of the District Court, in writing, of any change of name, residence and employer (with business address) within seven (7) days of a change.

2. IT IS FURTHER ORDERED that, until the commencement of withholding by a payer/employer, the obligor shall pay all child support payments required by the support order. Payments shall be remitted by the obligor to the Kansas Payment Center on or before the due date specified in the order.

3. IT IS FURTHER ORDERED that all support payments shall be paid to the Kansas Payment Center, P.O. Box 758599, Topeka, KS 66675 8599, and a fee shall be deducted there from by the Kansas Payment Center to defray the expense of the operation of the Office of the District Court Trustee. All support payments shall be payable to the order of the Kansas Payment Center.

4. The following provision and subparagraph (c.) above shall be included in all final orders where only spousal support is ordered:
IT IS FURTHER ORDERED that, unless the parties have agreed in writing to the earlier issuance of an income withholding order, all maintenance payments shall be subject to income withholding, but only if (a) there is an arrearage in 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.
23-4, 107(h) and amendments thereto.

i. Any final support order providing for the support of a child, issued in a Court of the Eighteenth Judicial District, shall require immediate issuance of an income withholding order unless there is a written agreement among all interested parties providing for an alternative payment arrangement.

j. Pursuant to K.S.A. 39-7,135 and Administrative Order No. 154 of the Kansas Supreme Court, the Kansas Payment Center shall receive and disburse payments for support and

maintenance. The official payment history for support payments is that maintained by the Kansas Payment Center.

k. If a party requests a good cause exception pursuant to K.S.A. 23-3004, after the party shall file a motion and set a hearing before the Assigned Family Law Judge. If the case has been assigned to the Court Trustee, the Office of the Court Trustee shall be given notice of the hearing.

l. The Clerk of the District Court, Family Law Department, shall cooperate and coordinate his/her functions with the Office of the District Court Trustee to improve the enforcement of duties of support, and to promote judicial efficiency and the effective administration of justice.

m. A party or attorney filing a "final" child support order with the Clerk shall also file a support information worksheet which will provide the Office of the Court Trustee with the current information necessary to perform its duties pursuant to this rule.

n. All amounts charged and collected to defray the expenses of the Office of the District Court Trustee shall be withheld from support payments made to the Kansas Payment Center and shall be paid to the Court Trustee Operations Fund of the Eighteenth Judicial District of Kansas.

o. Any action taken by the District Court Trustee to establish, enforce or modify a support order is undertaken on behalf of the Court. There is no attorney client relationship created between an obligee or obligor and the Office of the District Court Trustee or its staff.

p. All parties maintain the right to employ private counsel, at their own expense, to enforce or modify orders of support.

q. In every case which is monitored and enforced by the Office of the District Court Trustee, all notice, motions, and pleadings regarding all proceedings affecting support shall be furnished to the Office of the District Court Trustee.

r. All pleadings filed by the Court Trustee shall be sent to all attorneys of record in that case.

RULE 423
ALTERNATIVE DISPUTE RESOLUTION

a. **Overview**: Alternative dispute resolution (ADR) is available to all parties. ADR includes mediation, case management, limited case management, arbitration and collaborative family law.
   1. Mediation, case management, or limited case management can be ordered upon motion of a party, or upon the Court's own motion, contingent on the Court finding that the parties can afford to participate. In determining whether a party can afford to participate, the

court may consider the litigious history of the case, the DRA or child support worksheet, and/or the comparative cost of litigation versus ADR.

2. Arbitration or collaborative family law can be entered into only with the approval of all parties.
3. The Hearing Officer may enter an order for ADR in any contested issue over which the Hearing Officer has jurisdiction.
4. The ADR program will be administered through the Dispute Resolution Coordinator. No case can be placed in any type of ADR without the Dispute Resolution Coordinator being notified.

b. The following provisions shall all apply to mediation, case management, or limited case management.
   1. The mediator, case manager or limited case manager shall be selected by agreement of both parties, or their attorneys, unless otherwise ordered by the Court. If the parties and/or their attorneys are unable to agree upon a mediator, case manager or limited case manager, the moving party shall submit three proposed names to the non-moving party within 3 business days, who shall select one from the list of three within 3 business days. If the non-moving party does not want to select any of the three, the non-moving party shall select a different 3 names and submit them to the moving party, who shall select one name from the three within 3 business days. If none of the six total names are acceptable to both parties, the Dispute Resolution Coordinator or Assigned Family Law Judge will select one name that is not contained on either list.
   2. All people who wish to be considered as a case manager, limited case manager, or mediator must provide to the ADR coordinator the total initial retainer fee, the number of hours or scope of work the initial fee will cover, and the subsequent hourly rate to be charged.
   3. A case manager, limited case manager or mediator can require payment of the initial retainer fee in advance of services rendered. The case manager, limited case manager, or mediator is not required to begin work until the initial retainer fee is paid. If the fee is not paid within 2 weeks of the initial request, and no payment plan has been agreed upon, the case manager, limited case manager, or mediator shall notify the court. Written decisions or recommendations cannot be withheld for failure of one of the parties to pay fees.
   4. In the event that the Court finds that a party has willfully failed to pay a case manager, limited case manager or mediator, the Court may impose any sanction on that party as justice and equity requires, including a prohibition on filing any motion until the outstanding balance has been paid.

c. **Mediation**: The Court may order mediation subject to and governed by the provisions in K.S.A. § 23-3501 through 23-3506.

d. **Case Management:** The Court can order the parties into case management following a motion of a party, or on the Court's own motion, subject to the issues, circumstances, and procedures as outlined in K.S.A. § 23-3507-3509, as well as any other issues the parties agree to submit to the case manager.
   1. All Case Managers shall have the qualifications required by K.S.A. § 23-3508 (d). The Presiding Family Law Judge is responsible for approving people who wish to serve as a

Case Manager. The ADR coordinator will keep a current list of all qualified Case Managers.

2. During the case management process, communications between parties, or between a party and the case manager, are not privileged. The case manager may be required by report or testimony to disclose any or all matters from case management.
3. Once assigned, and until further order of the Court, all issues related to custody, residency or parenting time, as well as any other issues the parties agree to submit, shall be presented to the case manager in writing for recommendation before any motion on those issues may be filed. Case Management recommendations become the order of the Court subject to the provisions of K.S.A. § 23-3509.
4. Case management ends for a particular case when the case manager has terminated the assignment or when, upon motion of a party, or on the Court's own motion, the Court terminates the assignment.

e. **Limited Case Management**: Limited case management (LCM) is a Sedgwick County form of ADR that is drawn from the Court's statutory authority to order mediation (K.S.A. 23-3502) and investigation, (K.S.A. 23-3210).
   1. The Court will designate specific issues to the limited case manager. The limited case manager shall only address issues contained within the corresponding order. The costs of LCM may be assigned to either party by the Court, in any manner that the Court decides. If the Court does not make a cost division designation, the costs will be split 50/50.
   2. All Limited Case Managers shall have the same qualifications required by Case Management as stated in K.S.A. § 23-3508 (d). The Presiding Family Law Judge is responsible for approving people who wish to serve as a Limited Case Manager. The ADR coordinator will keep a current list of all qualified Limited Case Managers.
   3. The Limited Case Management process begins when Order for Limited Case Management is executed by the ADR Coordinator. At the time Limited Case Management is ordered, an approximately 60 day review hearing shall be set with the Assigned Family Law judge.
   4. At the 60 day review hearing, the judge will address:
      A. If there is an agreement, whether the agreement should be adopted and whether that addresses all outstanding issues in front of the court.
      B. If there is not an agreement,
         i. Whether to adopt any temporary orders per K.S.A. § 23-3212(a), and
         ii. When to set the matter for Pre-Trial Conference on the issues raised in the original motion that led to the LCM referral.
   5. The assignment to limited case management ends when:
      A. a written agreement has been approved by the parties and the court, or
      B. when the case manager files recommendations as to the issues specified in the Order for Limited Case Management, or
      C. The Court may at any time, upon motion of a party, or on the Court's own motion, terminate all or part of the assignment.
   6. The LCM shall avoid *ex parte* communications with attorneys in the case.
      A. Either party's counsel or pro se litigant may contact the limited case manager while the LCM process is pending, but they must copy the other attorney (or pro se litigant if unrepresented) or include them in the communication on any substantive issue.

B. A limited case manager shall not communicate with one attorney or pro se litigant without including the other attorney (or pro se litigant if unrepresented) in the communication on any substantive issue.
C. If either party submits documents to the limited case manager, they must also provide them to the other party. If documents are provided by one party's attorney, they shall also be provided to the other party, or if represented, to their counsel.

7. The first step in the LCM process is mediation.
   A. The initial retainer fee must cover the cost of a minimum eight (8) total hours of LCM.
   B. Any mediation agreement reached between the parties shall be reduced to writing and delivered to the ADR coordinator, who shall deliver it to the Court for approval. Agreements reached in LCM should comply with the provisions of K.S.A. §23-3503(c).
   C. In the event the LCM process moves to the investigation step, the court will order that information revealed during the mediation step is to be used in the investigation, and such information will not protected by confidentiality, per K.S.A. § 23-3505(b)(4).
   D. The mediation step of LCM ends when all issues are either agreed or at impasse.
8. In the event of impasse, the case shall proceed to the second step of LCM, which is investigation.
   A. The Limited Case Manager shall assume the role of independent investigator as contemplated by K.S.A. § 23-3210(a).
   B. The Limited Case Manager shall provide an opportunity for each side to submit names of witnesses and exhibits for the Limited Case Manager to investigate. Upon request, the Limited Case Manager may advise the parties as to the expected cost of reviewing the submitted information and interviewing witnesses.
   C. After the investigation is complete, the Limited Case Manager shall write a Report and Recommendation, and shall submit the same to the ADR coordinator. Thereafter, the Report and Recommendation may be distributed as contemplated by K.S.A. § 23-3210(c).
   D. An LCM Report and Recommendation shall not be made part of the Court file and shall not be attached to any Motions. Court orders adopting an LCM Recommendation may contain the recommendations but not the full report.
   E. If legal custody, residency, or parenting time are at issue, the LCM Report and Recommendation shall specifically address all statutory factors in K.S.A. § 23-3203. The Dispute Resolution Coordinator will keep an electronic list of the updated factors that the Limited Case Mangers may request and use to copy and paste in their reports.
   F. If the matter proceeds to trial, the LCM Report and Recommendation is admissible without further foundation, per K.S.A. § 23-3210. The Report and Recommendation is given no presumptive weight, and the facts and conclusions therein will be evaluated by the fact-finder in the same manner as all other evidence.
   G. Neither party is required to call the Limited Case Manager to testify, however either party is permitted to call the Limited Case Manager. In the event that the Limited Case Manager is called to testify, the party requesting such testimony shall pay the previous LCM hourly rate, or any other agreed upon rate, for reasonable preparation and testimony time. The Court will make judicious use of the Limited Case

Manager's time, including taking the Limited Case Manager out-of-order, unless good cause justifies not doing so.

H. At trial, the burden of proof remains the same as before the case was assigned to LCM, regardless of the recommendation, and no recommendation will have the effect of shifting the burden of proof.

I. A party who is challenging the LCM recommendation may use leading questions during the examination of the limited case manager on direct examination.

f. **Arbitration**: The parties may agree to arbitrate any contested issues. Arbitration should be conducted as agreed to by the parties in a written agreement, and consistent with the provisions of K.S.A. 5-201, *et seq*.

1. No motion for arbitration need be filed with the Court. However, an agreement to arbitrate does not stay any other deadlines, and any continuance of a Court ordered appearance or deadline must be approved by the Court.
2. Upon completion of arbitration, the parties shall journalize and file with the Court any orders necessary to implement the arbitrator's decision within 14 days.
3. The arbitrator's decision takes effect as soon as it is disclosed to the parties.
4. Arbitration ends when an arbitrator's decision has been journalized. Arbitration can be stayed, or an arbitrator's decision vacated or modified, only in a manner consistent with K.S.A. 5-201, et seq.

g. **Collaborative Family Law**: Parties may agree to handle their case in a Collaborative Family Law (hereinafter referred to as "CFL") format. CFL is a process by which parties negotiate a settlement of all issues in their case outside the court system. Consistent with the provisions of K.S.A. 23-606, including the exceptions described therein, a party who agrees to participate in the CFL process has a privilege to refuse to disclose, and to prevent a witness from disclosing, any communication made during the course of these negotiations. Essentially, the process provides that the parties and counsel focus on the interests of both parties, gather information sufficient to insure that decisions are made with full knowledge, create a full range of options, and then choose options that best meet the needs of the parties. The process is one which, along with the skill of counsel, is designed to create a problem-solving atmosphere.

The CFL process works best if both parties are represented by counsel trained in CFL. The parties and counsel enter into a Participation Agreement which sets forth the CFL process which the parties shall follow, requires full and complete disclosure of all financial information by both parties, and precludes both attorneys from representing their clients in subsequent proceedings in the event the negotiations reach an impasse, or in the event either party elects to withdraw from the CFL process. The CFL process can take place either before or after the case has been filed.

Inasmuch as CFL can be entered into only with the approval of all parties, no motion for CFL need be filed with the Court. However, a written agreement to handle a case through the CFL process does not stay any other deadlines, and any continuance of a Court-ordered appearance or deadline must be approved by the Court.

CFL ends when a written agreement has been approved by the parties or when either party elects to withdraw from the CFL process. Upon successful completion of CFL, the parties have an obligation to journalize and file with the Court any orders necessary to implement the settlement agreement.

If one or both parties contemplate that their case will be handled in a CFL format, then either or both parties may file a Petition for Divorce and issue a Temporary Order which shall be issued at the time of filing of the Petition. Temporary Orders issued in cases in which one or both parties contemplate that their case will be handled in a CFL format shall follow the form set forth below:

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF	)	
	)	
and	)	Case No.:
	)	
_____	)	

Pursuant to Chapters 60 and 23 of Kansas Statutes Annotated

TEMPORARY ORDER

NOW on this ____ day of _____, 201__, comes the Petitioner, _____, (who is hereinafter designated as "Husband/Wife" or "Petitioner") and hereby requests that the Court issue proper orders so that Petitioner and Respondent, _____, (who is hereinafter designated as "Husband/Wife" or "Respondent"), may temporarily live separate and apart from each other and make orderly provisions for the period of time until further order of this Court. After reviewing the Court file and hearing statements of counsel, the Court ORDERS, ADJUDGES AND DECREES that PETITIONER CONTEMPLATES THAT THIS ACTION WILL BE HANDLED IN A COLLABORATIVE FAMILY LAW FORMAT, and that no additional Temporary Orders shall issue until and unless a Motion is filed by either party and a hearing is held on the Motion.

The Court further orders as follows:

1. Neither party may dispose of any assets except (a) for the necessities of life or for the necessary generation of income or preservation of assets, (b) by an agreement in writing, or (c) to retain counsel to carry on or contest this proceeding;

2. Neither party may harass the other party;

3. All current insurance coverage must be maintained and continued without change in coverage or beneficiary designation;

4. Neither party shall permanently remove the children from their current residence without the consent of the other;

5. Neither party shall incur debts for which the other is liable, except for necessities or in the ordinary course of business;

6. Each party will notify the other in advance of any extraordinary expenditure required to maintain the necessities of life or generate income.

No Domestic Relations Affidavit or Child Support Worksheet shall be required to be filed with this Temporary Order.

_____
JUDGE OF THE DISTRICT COURT
FAMILY LAW DEPARTMENT

Approved:

_____
Attorney for Petitioner

RULE 424
USE OF PERSONAL IDENTIFIERS IN DOCUMENTS FILED WITH THE COURT

Parties and attorneys are directed to comply with the redaction provisions in Supreme Court Rule 123. All documents are covered by this rule. The original IWO that is sent to the employer should still include personal identifiers, but that information should be redacted from any copies filed with the Court.

RULE 425
CHILD IN NEED OF CARE ORDERS TAKE PRECEDENCE

Any orders pertaining to child custody, parenting time, and child support entered as a result of a child in need of care proceeding, including custody resulting from police protective custody, shall take precedence over any other child custody, parenting time, and child support order entered in any other case as long as the child in need of care case remains open. When the child in need of care case closes, the last order of custody, parenting time and child support entered in the child in need of care case shall remain binding as to all the parties in that case. These orders

shall remain in effect until the parties appear before the court and such orders are amended by the court. The order of final custody parenting time, and child support in the child of need of care case shall also be filed in any related family law or probate case and all records pertaining to the child in need of care case, including the social file, shall be made available to the family law or probate department judge.

Probate

Rule 500: DUTIES AND JURISDICTION

Cases filed under Chapter 59, 65, and related chapters of K.S.A. shall be assigned to the Probate Department. The Probate Department shall preside over estates, including decedents, guardianships, conservatorships, descent proceedings, foreign wills and foreign transcripts. The Probate Department shall have jurisdiction over mental illness, alcoholism, Wills on Deposit and all related matters and any other matter assigned by the Administrative Judge

Juvenile

Rule 600: DUTIES AND JURISDICTION

Cases filed under the KANSAS CODE FOR CARE OF CHILDREN (K.S.A. 1982 supp. 38-1501 et seq.), the KANSAS JUVENILE OFFENDERS CODE (K.S.A. 1982 Supp. 38-1601 et seq.) and petitions for approval of relinquishment of illegitimate children (K.S.A. 38-113a) shall be filed and heard in the juvenile department of the court.

Rule 601: DOCKETS

- Cases filed in the juvenile department shall normally be assigned to one of two dockets, with one docket containing the care code and relinquishment cases and the other the offender cases. Each of these dockets will normally be under the supervision of a particular judge assigned to the juvenile department for a given period of time. Requests for continuance or other scheduling matters shall be addressed to the appropriate judge.

- Cases under the KANSAS CODE FOR CARE OF CHILDREN will normally call for interested parties to first appear or answer by 8:30 a.m. on a Thursday (Wednesday, if Thursday is a legal holiday) the court will call a docket of cases pending an evidentiary hearing. Evidentiary hearings will normally be scheduled from such docket call to a time during the calendar week commencing 10 days following the docket call.

- Cases under the KANSAS JUVENILE OFFENDERS CODE will normally call for first appearance at 8:30 a.m. or 1:30 p.m. on a Wednesday (Tuesday if Wednesday is a legal holiday). At such appearance the respondent (alleged juvenile offender) will be expected to answer the charges in the complaint with an admission or a denial. Those denying a charge will normally be scheduled for trial at 8:30 a.m. on a Monday, Tuesday, Thursday or Friday. Dispositional hearings for one adjudicated a juvenile offender will normally be scheduled for 1:30 p.m. on a Monday, Tuesday, Thursday or Friday.

RULE 602: FILING OF A MOTION OF ADULT PROSECUTION

1. Upon the filing of a motion of adult prosecution:
    1. A judge of the juvenile department shall order the respondent and respondent's parents to appear before the preliminary hearing assignment judge of the criminal department one (1) week from the date of the request, at 9:00 A.M. The judge will appoint counsel for the detention hearing and conduct a detention hearing. There will not be a waiver of hearing on the motion for adult prosecution taken in the juvenile department.

    2. The clerk of the juvenile department shall send to the preliminary hearing assignment court

        1. The Official Court file.
        2. The Social file
        3. All other juvenile offender court files on the respondent.

    3. The juvenile clerk shall make the appropriate computer entries scheduling the hearing.

    4. Upon receipt of the journal entry scheduling the hearing in the criminal department, the preliminary hearing assignment Judge shall appoint counsel to represent the respondent if counsel has not been appointed or retained for the hearing.

    5. If, upon hearing, the motion for prosecution as an adult is denied and the court does not designate the proceedings to be an extended juvenile jurisdiction prosecution:

        1. The judge of the criminal department shall order the respondent and his parents to appear at the juvenile offender initial appearance docket before a judge of the juvenile department on the first Wednesday following the denial of the motion. (if respondent does not have retained counsel, the court shall contact the clerk of the juvenile department to determine whether the case should be set at 8:30 a.m. or 1:30 p.m.)

        2. The clerk of the criminal department shall return all juvenile court files to the clerk of the juvenile department along with the journal entry of the hearing denying the motion.

        3. A judge of the juvenile department shall re-appoint the attorney who represented the respondent at the initial Appearance in juvenile court, if the respondent has not retained counsel

        4. The juvenile clerk shall make the appropriate computer entries.

    6. If adult prosecution is granted, after hearing or waiver, the defendant will be arraigned, enter a plea, or have a plea of not guilty entered, and the case will proceed through the criminal department.

    7. The juvenile clerk shall make the appropriate computer entries.

2. Upon entry of an order for adult prosecution, the defendant will be arraigned, enter a plea, or have a plea of not guilty entered and the case will proceed through the criminal department.

3. Social file and other juvenile files will be kept by the Criminal Court Clerk in a confidential file subject to a judges order.

RULE 603: CHILD IN NEED OF CARE PRECEDENCE

Any orders pertaining to child custody, parenting time, and child support entered as a result of a child in need of care proceeding, including custody resulting from police protective custody, shall take precedence over any other child custody, parenting time, and child support order entered in any other case and shall continue to take precedence as long as the child in need ofcare case shall remain open. Upon closure of the child in need of care case, the last order of custody, parenting time and child support entered in the child in need of care case shall remain binding as to all the parties in that case in regard to all other proceedings in all other departments of the court pertaining to the same parties. Said orders shall remain in effect until such time the parties appear before the court and such orders are amended by the court. In regard to any family law or probate case pertaining to the same parties in the child in need of care case, the order of final custody parenting time, and child support in the child of need of care case shall also be filed in the family law or probate case and all records pertaining to the child in need of care case, including the social file, shall be made available to the family law or probate department judge.

Media Coverage of Judicial Proceedings

Rule 1001: Preface

The increasing use of various electronic devices including phones, tablets, and other wireless communication devices continually challenges a court's legitimate concerns for courtroom security, participant distraction, and decorum.

These electronic devices are redefining the news media, the informational product disseminated, and the timeliness of the content. They also result in new expectations for the court and participants for immediate access to information.

Policies developed to address the court's concerns should include enough flexibility to take into consideration that electronic devices have become a necessary tool for court observers, journalists, and participants and continue to rapidly change and evolve. The courts should champion the enhanced access and the transparency made possible by use of these devices while protecting the integrity of proceedings within the courtroom.

Rule 1001: Permissible Use of Electronic Device

A. During a judicial proceeding a person may possess - but not use - any of the following electronic devices unless the possession is prohibited by the presiding judge or justice:

    a. A cell phone,

    b. A laptop or tablet computer, with or without video or audio capabilities,

    c. A digital or tape audio recorder,

    d. A personal digital assistant (PDA), with or without video or audio recording capabilities, (E) A still or video camera, and

    e. Any other electronic device that can broadcast, record, or take photographs.

B. All cell phones must be turned off in the courtroom. During court proceedings, all electronic devices must be put away and out of sight, unless use of the devices is authorized by the presiding judge or justice under this rule. A person may use a cell phone or other electronic device in a court facility, but not in a courtroom, to make or receive phone calls, e-mails, and/or text messages only.

Rule 1001: Prohibited Use of Electronic Device.

A. A person is prohibited from using a cell phone or any other electronic device in a court facility to:

    a. Take pictures,

    b. Take videos,

    c. Make sound recordings,

    d. Broadcast sound, and

    e. Broadcast still or moving images (video).

B. Violating this rule may result in the device being confiscated.

Permission Required for Exception to Rule

The presiding judge or justice may make an exception to this rule. The news and educational media and others - such as a publisher, editor, reporter, or other person employed by a newspaper, magazine, news wire service, television station, or radio station who gathers, receives, or processes information for communication to the public, or an online journal in the regular business of newsgathering and disseminating news or information to the public - must request specific permission in advance to use an electronic device to record and transmit public proceedings, including real-time coverage, in Kansas courts. If permission is granted, use of the permitted electronic device must be in accordance with the following applicable conditions and procedures and such other conditions and procedures as may be required by the presiding judge or justice.

1. The privilege to photograph, record, or provide real-time coverage of court proceedings may be exercised only by those obtaining prior permission of the court. Video, photography, audio reproductions, and other electronic communications may be used only for the purpose of education or news dissemination.

2. The judge must be given at least one week's notice of the request to bring cameras, recording equipment, or other electronic communication devices into the courtroom. The judge may waive this requirement for good cause.

3. The privilege granted by this rule does not limit or restrict the judge's power, authority, or responsibility to control the proceedings before the judge. The judge's authority to disallow possession of electronic devices at a proceeding or during the testimony of a particular witness extends to any person engaging in the privilege authorized by this rule.

4. Audio pickup and audio recording of a conference between an attorney and client, or among cocounsel, counsel and opposing counsel, or among attorneys and the judge are prohibited regardless of where conducted. Photographing such a conference is not prohibited.

5. Focusing on and/or photographing materials on counsel tables or in designated areas is prohibited.

6. An individual juror may not be photographed. In a courtroom in which photography is impossible without including the jury as part of the unavoidable background, photography is permitted as long as no close-ups identify individual jurors.

7. The trial judge must prohibit the audio recording and photographing of a participant in a court proceeding if the participant so requests and (a) the participant is a victim or witness of a crime, a police informant, an undercover agent, or a relocated witness or juvenile, or (b) the hearing is an evidentiary suppression hearing, a divorce proceeding, or a case involving trade secrets. Subject to a court directive to the contrary, the news media may record and photograph a juvenile who is being prosecuted as an adult in a criminal proceeding as authorized by K.S.A. 38-2347.

8. No video, photograph, audio reproduction, or other electronic communication of a court proceeding will affect the official court record of the proceeding for purposes of appeal or otherwise.

9. An interview for broadcast or other electronic transmission may not be recorded in a hallway immediately adjacent to a courtroom entrance if a passageway is blocked or a judicial proceeding is disturbed thereby. Photographing or other recording through a window or open door of a courtroom is prohibited. Prior to rendition of the verdict, a criminal defendant may not be photographed or otherwise recorded in restraints as the defendant is being escorted to or from a court proceeding.

10. The judge may ban cameras, audio recorders, and other electronic communications devices from the entire floor on which a proceeding is conducted.

11. The chief judge must designate a coordinator or other court personnel who will work with the chief judge, the trial judge, the media, and others making a request under this rule in district court.

12. A request to photograph, record, or provide live coverage of a court proceeding must be directed to the coordinator. When more than one television station, still photographer, or audio recorder desires to cover a court proceeding, the coordinator must designate the pool photographer and audio recorder. If there is a dispute as to the pool designation or the equipment to be used, no audio or visual equipment will be permitted at the proceeding. Requests for copies of audio recordings, video, or photographs must be directed to the pool representative, who will supply copies upon request to media representatives at a price not exceeding actual cost. Pool designations are not necessary for individuals providing text accounts via approved electronic devices.

13. The trial judge will designate the location in the courtroom for the audio, video equipment, and operators. Under the general supervision of the chief justice, the clerk of the appellate courts will supervise the location of media equipment within the Supreme Court courtroom. The presiding judge of a Court of Appeals panel will supervise the location of media equipment, and personnel using the equipment, at hearings before the Court of Appeals. Equipment and operators ordinarily should be restricted to areas open to the public. The equipment and operators, however, must not impede the view of persons seated in the public area of the courtroom. Operators must occupy only the area authorized by the judge and may not move about the courtroom for picture-taking purposes during the court proceeding.

14. Media equipment must not be placed within or removed from the courtroom except prior to commencement or after adjournment of proceedings each day, or during a recess. Such equipment must not be operated in any manner that disrupts proceedings.

15. One television camera, operated by one person, and one still photographer, using not more than two cameras, are authorized in any court proceeding. The judge may authorize additional cameras or persons at the request of the coordinator. If a still camera is not manufactured for silent operation, use of a quieting device is recommended. The court may restrict operation of cameras or electronic devices which emit distracting sounds during court proceedings

16. Only audio, visual, or electronic communications equipment that does not produce distracting light or sound may be used to cover court proceedings. An artificial lighting device may not be used in connection with any audio or visual equipment. A

modification in the lighting of a district court facility may be made only with the approval of the chief judge. Approval of other authorities may be required.

[History: New rule effective September 1, 1988; Amended and restyled rule effective October 18, 2012.]

Miscellaneous

Rule 700: SERVICE OF PROCESS

All civil process shall be directed to and served by the Sheriff of Sedgwick County unless otherwise directed by a Judge of the District Court.

Rule 701: WORKERS' COMPENSATION APPEALS

The Clerk shall immediately, upon the filing of an appeal from the award in a workers' compensation case, assign such case to a Judge of the Civil Department on a rotation basis.

Rule 703: NAME OF JUDGE ON JOURNAL ENTRIES AND ORDERS

All Journal Entries and Orders shall show the name of the Judge who heard the matter, unless it is an uncontested matter or it is an agreed order.

Rule 704: CLOSING OF CASES ON CLERK'S DOCKET

The Clerk shall not close any civil or domestic case on the appearance docket until a Journal Entry of final disposition in the case is filed in the office of the Clerk.

Rule 705: TYPED NAME

All pleadings shall have typed thereon, immediately below the signature line of the pleadings, the name of the attorney or person signing the pleading.

Rule 706: ENFORCEMENT OF RULES

The Court may enter any order authorized by law for failure to follow these local rules.

Rule 707: ORDER WITHDRAWING BENCH WARRANT

Commencing December 1, 2006 all Orders Withdrawing Bench Warrants issued in the Eighteenth Judicial District shall be on a form. This form can be found under the category of Forms linked here.