

**LOCAL COURT RULES OF THE**

**17<sup>th</sup> Judicial District**

**(Decatur, Graham, Norton, Osborne, Phillips and Smith Counties)**

**Adopted pursuant to Supreme Court Rule No. 105**

**TABLE OF CONTENTS**

**I PREFATORY RULES**

- 101 Effects of Rules
- 102 Repeal of Former Rules
- 103 Copy in Clerks Office
- 104 Consideration of Prospective Proposed Rules
- 105 Application
- 106 References
- 107 Geographic Application of Rules
- 108 Days of Court
- 109 Goals for Officers of the Court and Professional Courtesy

**II COURTROOM DECORUM, SAFETY AND PROCEDURES**

- 201 Addressing the Court
- 202 Questioning Witnesses
- 203 Objections
- 204 Hats
- 205 Food and Beverages
- 206 Signs
- 207 Other Activities

- 208 Conversations
- 209 Persons Subject to Search
- 210 Weapons in Courtroom
- 211 Weapons Visible on Witnesses

### **III PRO SE (SELF REPRESENTED) LITIGANTS**

- 301 Pro Se Advisory

### **IV CLERK'S OFFICE**

- 401 Court Files and Records
- 402 Process
- 403 Service of Process
- 404 Publication Costs
- 405 Witness Fees
- 406 Judgment Payments
- 407 Investment of Funds
- 408 Court Costs
- 409 Refund of Costs
- 410 Rule 164 Filings
- 411 Fax Filings
- 412 Researching Judgments

### **V COORDINATION OF COURT ACTIVITIES**

- 501 Notification to the Court
- 502 Scheduling Hearing on Motions
- 503 Continuances
- 504 Hearing – Scheduling Continuances or Different Hearing Dates

505 Timely Disposition of Cases

**VI CASE MANAGEMENT AND PRETRIAL CONFERENCES**

601 Case Management Conferences

602 Completion of Discovery

603 Pretrial Conferences in Domestic Relations Cases

**VII CRIMINAL PROCEEDINGS**

701 Withdrawal

702 Motions

703 Preliminary Examination Hearings

704 Requests for Jury Trials in Felony Cases

705 Requests for Jury Trials in Misdemeanor Cases

706 Proposed Jury Instructions

707 Transferring Prisoners

708 Prisoner Restraints during Transport

709 Access to Prisoners during Transport

710 Prisoner Restraints at Trials, Hearings or Court Appearances

711 Prisoner Clothing

712 Presence of Law Enforcement

713 Access to Prisoners during Trial

714 Securing Prisoners after Conviction

715 Presentence Reports

716 Expungement

**VIII CIVIL JURY INSTRUCTIONS**

801 Requested Instructions

**IX INTERPRETERS**

**901 Appointment of Interpreter**

**X MOTION PRACTICE**

**1001 Form and Filing**

**1002 Responses and Replies to Motions**

**1003 Exceptions**

**1004 Compliance**

**1005 Motion for Special Process Server**

**1006 Motion for Enlargement or Extension of Time**

**1007 Length of Motions**

**1008 Summary Judgment Motions**

**1009 Request for Transcript**

**XI ATTORNEY RESPONSIBILITIES**

**1101 Continuances**

**1102 Poverty Affidavits**

**1103 Orders to Judgment Debtors**

**1104 Ex Parte Orders in Domestic Relations Actions**

**XII REQUIRED DISCLOSURES IN DOMESTIC RELATIONS CASES**

**1201 Uncontested Divorce or Separate Maintenance Proceedings**

**1202 Contested Divorce or Separate Maintenance Hearing**

**1203 Post-Divorce Proceeding**

**1204 Change of Circumstances**

**1205 Requirements for Journal Entries or Decrees**

**1206 Requirements for Journal Entries or Decrees that Order Child Support**

1208 Holiday/Birthday/Special Day Parenting Time Schedule

**XIII JURY PROCEDURES**

1301 Selection of Juries

1302 Jury Panels and Summons

1303 Voir Dire Examination of Jurors

**XIV UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT**

1401 Uniform Child Custody Jurisdiction Act

**XV EXTENDED JURISDICTION IN JUVENILE CASES**

1501 Extended Jurisdiction in Juvenile Cases

**XVI COURT TRUSTEE**

1601 Establishment of Office of District Court Trustee and Appointment of District Court Trustee; and Changes in Mandatory Language in Custody and Support Orders

**XVII CASA**

1701 Organization

1702 Court Assistance

1703 CASA Assignments

1704 Resolution of Conflicts

**XVIII MISCELLANEOUS**

1801 Hearing Officer

1802 Media Coordinator under Kansas Supreme Court Rule 1001

1803 Penalties and Remedies for Violation of Local Rules

# LOCAL RULES

## I PREFATORY RULES

Rule #

- 101 **EFFECT OF RULES:** The following rules are hereby adopted for the administration of Courts in the 17<sup>TH</sup> Judicial District of Kansas.
- 102 **REPEAL OF FORMER RULES:** All court rules of the 17<sup>th</sup> Judicial District of Kansas that are in effect immediately prior to the effective date of these rules are hereby repealed.
- 103 **COPY IN CLERK'S OFFICE:** Each clerk of the district court shall maintain an official copy of rules, which shall be available to the public during normal business hours of the court.
- 104 **CONSIDERATION OF PROSPECTIVE PROPOSED RULES:** Upon formation of a 17<sup>th</sup> Judicial District Bench/Bar court rules committee, the committee may request in writing the adoption, revision, or modification of a rule or rules of the District Court, in which event, the proposal shall be submitted to the Chief Judge for consideration.
- 105 **APPLICATION:** These rules shall apply to all matters pending before any Court in the District unless specifically superseded by statute or special rule, order or exception. Any Rules set forth herein, may be modified by the Presiding Judge in any action as such Judge shall deem necessary to meet emergencies or to avoid injustice or great hardship.
- 106 **REFERENCES:** All references to statutes and other rules are to the Kansas Statutes Annotated or to the Kansas Supreme Court Rules relating to District Courts, unless otherwise indicated.
- 107 **GEOGRAPHIC APPLICATION OF RULES:** Rules adopted by the Court shall apply to any building occupied or used by the Court, and to the environs of any such building. The rules shall be in effect at all times judges or court personnel are present whether or not court proceedings are actively under way.
- 108 **DAYS OF COURT:** Court days pursuant to Supreme Court Rule 103 shall be designated by the Chief Judge.

109 GOALS FOR OFFICERS OF THE COURT AND PROFESSIONAL COURTESY:

- (a) A lawyer shall avoid taking action adverse to the interests of a litigant known to be represented without timely notice to opposing counsel unless ex parte proceedings are permitted.
- (b) A lawyer shall promptly return telephone calls and answer correspondence from other lawyers.
- (c) A lawyer shall respect opposing counsel's schedule by seeking agreement on deposition dates and court appearances (other than routine motions) rather than merely serving notice.
- (d) A lawyer shall avoid making ill-considered accusations of unethical conduct toward an opponent.
- (e) A lawyer shall not engage in intentionally discourteous behavior.
- (f) A lawyer shall not intentionally embarrass another attorney and shall avoid personal criticism of other counsel.
- (g) A lawyer shall not seek sanctions against or disqualification of another attorney unless necessary for the protection of a client and fully justified by the circumstances, not for the mere purpose of obtaining a tactical advantage.
- (h) A lawyer shall strive to maintain a courteous tone in correspondence, pleadings and other written communication.
- (i) A lawyer shall not intentionally mislead or deceive an adversary and should honor promises or commitments made.
- (j) A lawyer shall recognize that the conflicts within a legal matter are of a professional nature and not personal, and a lawyer shall endeavor to maintain a friendly and professional relationship with other attorneys in the matter. In other words, leave the argument in the courtroom.
- (k) A lawyer shall express professional courtesy to the Court and has the right to expect professional courtesy from the Court.

## II COURTROOM DECORUM, SAFETY & PROCEDURES

**Rule #**

- 201 ADDRESSING THE COURT:** Except when excused by the Court, attorneys or pro se litigants shall rise when addressing the court, and shall make all statements to the court from counsel table, the lectern facing the court or from such other location or locations as approved by the Court. They shall not approach the bench, except upon the permission of the court.
- 202 QUESTIONING WITNESSES:** Except when the Court permits relaxation of the rules, while questioning witnesses, attorneys or pro se litigants shall stand at counsel table, the lectern facing the court or from such other location or locations as approved by the Court. They shall not approach the witness except with the court's permission. Only one attorney for each party may participate in the examination or cross-examination of a witness.
- 203 OBJECTIONS:** Objections shall be to the Court. Attorneys and pro se litigants will not be permitted to argue with each other during court proceedings. Objections shall be brief, concise and no longer than is necessary to state the nature of the objection. Argument or a "talking objection" is improper. Once the Court has ruled on an objection, there will be no additional argument.
- 204 HATS:** No spectator, counsel or party shall wear a hat or other head covering in the courtroom unless expressly given permission to do so by the presiding judge.
- 205 FOOD AND BEVERAGES:** Spectators will not be permitted to consume food or beverage in the courtroom.
- 206 SIGNS:** No spectator, counsel or party shall carry a sign or display pins, buttons or other materials that are designed to communicate a position or message to others while a trial is proceeding.
- 207 OTHER ACTIVITIES:** Spectators will not be permitted to engage in any activity that interferes with giving attention to the court proceedings.
- 208 CONVERSATIONS:** Spectators, counsel and parties shall have due respect for proceedings being conducted while court is in session, and toward that end shall exercise restraint in carrying on conversations with other spectators, counsel or parties.
- 209 PERSONS SUBJECT TO SEARCH:** All persons seeking entry to a courtroom are subject to search by the Sheriff or other officers designated by the Sheriff or by the court. Such search may include briefcases, parcels, purses or other containers carried by persons seeking entry to a courtroom.

- 210 **WEAPONS IN COURTROOM:** With the exception of weapons carried by law enforcement personnel, no weapons other than exhibits shall be permitted in any courtroom. No other person shall bring a weapon other than an exhibit into any courtroom except as specifically permitted by this rule. The court may require that any firearm intended for introduction as an exhibit be presented to the Sheriff for a safety check prior to its being brought into any courtroom; further, the Court may require that any weapon intended for introduction as an exhibit be retained in the custody of the Sheriff or other person designated by the Court before and after its introduction as an exhibit.
- 211 **WEAPONS VISIBLE ON WITNESSES:** No weapon shall be visible on the person of an officer who is testifying in Court unless otherwise ordered by the Court.

### III PRO SE (SELF REPRESENTED) LITIGANTS

Rule #

- 301 **PRO SE ADVISORY:** Due to the specialized knowledge and training necessary to conduct a trial, it is advisable for a litigant to have a lawyer. All pro se litigants are required to follow the same standards, rules of procedure and rules of evidence as are binding upon litigants who are represented by counsel. Pro se litigants should also be aware that the trial judge will not give or offer to give personal instruction regarding courtroom procedures, take over responsibilities that would ordinarily be attended to by trained legal counsel as a matter of course (e.g. preparation of motions, framing questions which comply with the rules of evidence, selecting a jury, preparing jury instructions and similar duties) or otherwise aid or assist the pro se litigant in presenting his/her case. The court may and will terminate self-representation if a pro se criminal litigant deliberately engages in serious and obstructionist misconduct or if it is determined the pro se litigant is not competent to represent him/her self.

IV  
CLERK'S OFFICE

Rule #

- 401 **COURT FILES AND RECORDS:** No file or record of the Court shall be permitted to be outside of the physical possession and control of the Clerk of the District Court, or the Judge assigned to the case except on the signed receipt of an attorney or an abstractor whose place of business is within Decatur, Graham, Norton, Phillips, Osborne or Smith County, as the case may be, and any such file must be returned to the Court immediately upon request. No file or record may be taken outside of the county of the Clerk's office, except with the knowledge and consent of the Clerk or by Order of any Judge of the District. No file or record may be kept for a period longer than fifteen (15) days and must be returned no later than three (3) days prior to any trial or hearing.
- 402 **PROCESS:** Process, including but not limited to summonses, subpoenas, writs of attachments, writs of execution and orders of garnishment, shall be prepared by the party or attorney requesting the issuance of such documents by the Clerk of the Court. Clerks of the District Court shall not prepare those documents. Attorneys shall prepare a sufficient number of summonses, subpoenas, writs of attachments, writs of execution and orders of garnishment to facilitate service of the required number on all parties or persons.
- 403 **SERVICE OF PROCESS:** Except when personal or residential service is requested pursuant to K.S.A. 60-303(c), attorneys shall prepare the envelope, including addressee and address, and provide the cost of postage, including the cost of the return receipt, to the sheriff if the attorney desires the sheriff to effect service by certified mail pursuant to K.S.A. 60-303(b). The court prefers that where service is by certified mail that the service be effected by the attorney rather than requesting that the sheriff effect service. If the attorney pursuant to K.S.A. 60-303(b) effects service, the attorney shall file the Receipt for Certified Mail (Postal Service Form 3800) within five (5) days of the date the attorney receives delivery of the return receipt from the postal service. The clerks of the court shall not complete or prepare any of the forms used in connection with effecting service by certified mail.
- 404 **PUBLICATION COSTS:** In all cases, the attorney or litigant shall pay publication costs directly to the newspaper(s), subject to reimbursement through the court.
- 405 **WITNESS FEES:** Except in criminal cases, all witness fees and mileage shall be paid by the attorney or litigant directly to the witness(es), subject to reimbursement through the court.

406 **JUDGMENT PAYMENTS:**

- (a) **PAYMENT OF JUDGMENTS TO ATTORNEYS**--The clerk of the district court is authorized to pay proceeds of a judgment to the party awarded the judgment or to the attorney of record. (Smith v. Ward, 161 Kan. 453, 169 P. 2d 93 (1946).
- (b) **ENDORSEMENT WITHOUT RECOURSE**--When payments of judgments are made by check and received by the district court clerk's office, the clerk is authorized to endorse the check to the proper person "without recourse".

407 **INVESTMENT OF FUNDS:** Clerks of the District Court shall not be responsible for investing money paid or delivered to them by any person, firm or entity.

408 **COURT COSTS:** In all cases wherein the presiding judge assesses costs against a party, said costs shall include all expenses allowed as set out in K.S.A. 60-2001 and K.S.A. 60-2003 unless specifically waived by the presiding judge. The Clerk of the Court shall record in the case file any disbursements arising out of the case and, at the request of the prevailing party, shall furnish an itemized cost statement to the party ordered by the court to pay costs. Any party who has advanced fees must notify the Clerk of the Court of the amount to be reimbursed within fifteen (15) days of the court's order assessing costs; otherwise reimbursement is waived.

409 **REFUND OF COSTS:** The Clerk shall refund docket fees and court costs to the party or counsel of record advancing such monies after the party against whom costs and fees are assessed has paid the same.

410 **RULE 164 FILINGS:** All instruments filed pursuant to Supreme Court Rule No. 164, shall be stored in a separate locked filed that is not available to the public. Attorneys of record and the parties shall be allowed access to these records.

411 **FAX FILINGS:** The Clerk of the District Court will affix a pre-approved stamp identifying all documents that are to be filed as a FAX filings.

412 **RESEARCHING JUDGMENTS:** Clerks of District Court shall not research judgments or liens. Neither shall they provide opinions regarding the existence of judgments or liens.

Also see Rule 103

V  
**COORDINATION OF COURT ACTIVITIES**

**Rule #**

**501 NOTIFICATION TO THE COURT:** (providing copies of documents to presiding Judge pursuant to Supreme Court rule no. 137).

- (a) Notices to District Judge. A) Copies of all pleadings, motions, briefs, memoranda, notices, and other documents for the attention of the district judge or requiring judicial action; and B) Originals of proposed orders, journal entries or decrees shall be hand-delivered or mailed to the district judge's chambers at the following address:

Hon. William B. Elliott, Chief Judge  
410 N. Pomeroy  
Hill City, KS 67642  
(Amended November 4, 2005)

- (b) Notices to District Magistrate Judges. A) Copies of all pleadings, motions, briefs, memoranda, notices, and other documents for the attention of respective district magistrate judges; and B) Originals of proposed orders, journal entries or decrees shall be hand-delivered or mailed to the district magistrate judge's chambers in the county where the action is pending at the following addresses: (Amended November 4, 2005)

Hon. John E. Bremer  
Magistrate Judge  
P.O. Box 89  
Oberlin, KS 67749

Hon. Barbara Stites  
Magistrate Judge  
410 N. Pomeroy  
Hill City, KS 67642

Hon. Debra S. Anderson  
Magistrate Judge  
P.O. Box 70  
Norton, KS 67654  
(Amended April 23, 2002)

Hon. Jacqueline E. Thornton  
Magistrate Judge  
P.O. Box 160  
Osborne, KS 67473

Hon. Bonnie M. Leidig  
Magistrate Judge  
P.O. Box 564  
Phillipsburg, KS 67661

Hon. Michael Kirchhoff  
Magistrate Judge  
P.O. Box 273  
Smith Center, KS 66967  
(Amended November 4, 2005)

- 502 **SCHEDULING HEARING ON MOTIONS:** No matters are to be set for hearing without first contacting either the Court's Administrative Assistant (when the hearing will involve the District Judge) or the District Magistrate Judge in the county where the hearing will be conducted. It is generally the responsibility of all counsel and pro se parties to coordinate a convenient hearing date or dates before contacting the District Judge's Administrative Assistant to ask that the hearing be placed on the Court's calendar. A Notice of Hearing and a showing of proper service being made on the opposing party or counsel shall accompany motions upon which oral argument is requested. Motions which are not noticed for hearing at the time of filing will be deemed submitted, and oral argument will be deemed to have been waived, unless opposing counsel or the opposing party makes a request for oral argument pursuant to Supreme Court Rule 133.
- 503 **CONTINUANCES:** Except in extraordinary circumstances, no continuance will be granted and no hearing or proceeding will be considered as continued unless a written motion for continuance has been filed and a written order has been approved by the presiding judge or the chief judge prior to the hearing or trial in question. The requirement of a written order may be waived orally by a judge in an emergency situation on condition that a written order be supplied by the attorney or party requesting the continuance as soon as practicable thereafter. In criminal, juvenile, alcohol or mental illness cases, if no continuance has been granted as specified above and the prosecution or petitioner does not appear in court ready for the hearing with necessary witnesses available, the case will be dismissed for lack of prosecution. In the event a criminal defendant does not appear, his/her non-appearance will be considered a violation of bond conditions, and a bench warrant will be issued for arrest of the defendant. In the event neither party appears, the case will be dismissed. Absent substantial and compelling reasons, no continuance will be granted on the day a hearing has been scheduled.
- 504 **HEARING – SCHEDULING CONTINUANCES OR DIFFERENT HEARING DATES:** When a hearing date has been scheduled and a party or counsel requires a continuance or different hearing date, it shall be the responsibility of the requesting party to obtain a new setting from the Court's Administrative Assistant and coordinate and confirm a new date with all opposing parties and/or counsel. If a matter has been noticed for hearing, and the parties by agreement are unable to select an alternate date, the setting will be changed only upon Order of the Court after proper application for continuance has been made. This provision, however, does not revise the preceding rule relating to the granting of continuances, but is intended to expedite scheduling of continued hearings when counsel or parties believe circumstances exist that will support the need for the Court to grant a continuance.

505 **TIMELY DISPOSITION OF CASES:** In order to assist the court in complying with Kansas Supreme Court Standards relating to timely disposition of cases, the following shall apply.

Any case brought under Chapter 61 of the Kansas Statutes Annotated in which service of process upon a defendant or defendants has not been completed within 90 days of filing will be dismissed without prejudice. This period may be extended by timely application and written order of the court. The period will be extended for the time specified in the application and order.

The court will periodically review all cases, of whatever nature to monitor compliance with Kansas Supreme Court Standards relating to timely disposition of cases. In the event no action or insufficient action, as determined by the presiding judge or chief judge, has been taken in any case, the court will notify the parties in writing that the court intends to dismiss the case after a period of time specified in the notice. The notice shall be sent to the attorneys of record, or if no attorney appears of record, the party or parties to such case, at the last known address of the attorney or the party appearing in the case file. In Chapter 59 proceedings, notice shall also be sent to all fiduciaries, heirs at law and creditors and to beneficiaries, legatees and devisees under the terms of any will or wills that have been filed with the court.

If no action or insufficient action is taken by the parties to expedite the resolution of the case within the time set forth in the notice, the court will dismiss the case without prejudice. As an alternative to dismissal, the court may take such action as it deems appropriate to expedite the case, after due notice to all interested parties.

VI  
**CASE MANAGEMENT & PRETRIAL CONFERENCES**

(Also see K.S.A. 60-216 & Supreme Court Rule 140)

**Rule #**

- 601 CASE MANAGEMENT CONFERENCES:** Case Management conferences will be scheduled by the Court as necessary to ensure timely resolution of cases. When a case management conference has been scheduled, counsel or parties will complete and return Case Management Questionnaires as required by the Court. In no way is this rule intended to preclude counsel or parties from requesting the scheduling of a case management conference.
- 602 COMPLETION OF DISCOVERY:** As a general rule, all discovery shall be completed by the time of the Pretrial Conference.
- 603 PRETRIAL CONFERENCES IN DOMESTIC RELATIONS CASES:** Unless counsel feel a pretrial will only unnecessarily increase the costs of the proceedings and unless counsel receive special dispensation from the Court, pretrial conferences shall be held in all contested divorce and separate maintenance actions. (Contested means divorce, separate maintenance, spousal maintenance, child custody, child support, residency, parenting time matters in which evidence is to be presented to the court and the resolution of which will be by decision of the court rather than by agreement of the parties.) Discovery will be completed and any home studies or evaluations concluded prior to the Pretrial Conference, unless otherwise ordered by the Court. A proposed or suggested settlement, Domestic Relations Affidavits and Child Support Worksheets as required by Child Support Guidelines as well as Parenting Plans, either agreed upon or proposed, shall be presented to the Court and exchanged by the parties at the time of the pretrial conference, or if no pretrial is conducted, at least ten (10) days before the scheduled hearing.

**VII  
CRIMINAL PROCEEDINGS**

**Rule #**

- 701 WITHDRAWAL:** In all criminal cases where counsel has been retained, no Motion for Leave to Withdraw for Nonpayment of Fees will be heard following arraignment, unless replacement counsel has entered his or her appearance or unless extraordinary circumstances are shown.
- 702 MOTIONS:** Motions to Dismiss or to Suppress Evidence or Confessions shall be made in writing at least twenty (20) days prior to the time of trial and Notice of Hearing thereof shall be given in writing by serving a copy of such Motion on the Prosecuting Attorney. Hearing on such Motion shall be at least ten (10) days prior to trial.
- 703 PRELIMINARY EXAMINATION HEARINGS:** In the event a defendant wishes to waive his or her right to a preliminary examination, the defendant must appear at the time scheduled for the preliminary examination to enter such waiver in the presence of the presiding judge. However, the presiding judge or in such judge's absence, the chief judge, may, for good cause shown, issue a written order allowing a defendant to waive his or her right to a preliminary examination in writing. An example of good cause that may form the basis for such an order is the necessity for the defendant to travel a substantial distance to appear at his or her waiver. The defendant shall personally sign any written waiver of preliminary examination.
- 704 REQUESTS FOR JURY TRIALS IN FELONY CASES:** In most circumstances, felony trial dates will be set at the time of felony arraignments. To accomplish that, Counsel must have access to their calendars at arraignment.
- 705 REQUESTS FOR JURY TRIALS IN MISDEMEANOR CASES:** All counsel representing criminal misdemeanor defendants who request a jury trial or who have appealed a conviction from Municipal Court or from the District Magistrate Judge, shall appear on the next motion day the Chief Judge will be sitting. It is the responsibility of counsel, county and city attorneys to secure the next court date and time of appearance from the Clerk of the District Court. As appropriate, county and city attorneys shall appear. Counsel shall bring their calendars because in most circumstances a trial date will be set at that time.

- 706 **PROPOSED JURY INSTRUCTIONS:** At least 10 days in advance of trial, proposed jury instructions shall be furnished in both written format and on electronic media (3.5" floppy diskette or submitted via an e-mail attachment as a "Word Document" to [janellem@ruraltel.net](mailto:janellem@ruraltel.net)). Pattern Jury Instructions are to be clearly identified as such with the PIK number indicated on each instruction. For non-PIK instructions, legal authority for the same will be cited. The Court may receive additional requests relating to questions arising during the trial at any time prior to the giving of final instructions.
- 707 **TRANSFERRING PRISONERS:** When an incarcerated prisoner is to be brought to Court, the Judge or his staff or the County Attorney shall request appropriate Department of Corrections, Police Department or County Sheriff officers to bring the prisoner before the Court.
- 708 **PRISONER RESTRAINTS DURING TRANSPORT:** The officer in charge of the custody of the prisoner is free to use any restraint necessary and reasonable under the circumstances to prevent escape or harm to the officer or others while transporting the prisoner to and from Court.
- 709 **ACCESS TO PRISONERS DURING TRANSPORT:** At all times a prisoner is being brought from or returned to jail from Court, the officer in charge shall transport the prisoner forthwith to the jail and, without express permission of the Judge, shall not allow any person except counsel to confer with the prisoner en route.
- 710 **PRISONER RESTRAINTS AT TRIALS, HEARINGS OR COURT APPEARANCES:** Unless specifically ordered by the presiding judge, no restraints are to be used on a prisoner when the jury is present. At the discretion of the transporting officer and as directed by the presiding judge, other than at jury trials prisoners may be brought into the Courtroom bound or shackled.
- 711 **PRISONER CLOTHING:** In all jury trials, the prisoner shall be allowed to wear suitable civilian clothes or shall be brought into court in unmarked garments and not in distinctive jail attire.
- 712 **PRESENCE OF LAW ENFORCEMENT:** During trials and while a prisoner is in the Courtroom, at least one officer shall remain in the Courtroom continually. In all jury trials the officer shall sit in the spectator section unless the Judge orders otherwise.
- 713 **ACCESS TO PRISONERS DURING TRIAL:** Prisoners shall be taken to the hallway or holding cell at each recess and his/her counsel shall have access to the prisoner at all times. No other persons shall have access to or visit with a prisoner during recesses without express permission of the Judge.

- 714 **SECURING PRISONERS AFTER CONVICTION:** Upon conviction of the prisoner, the officer in charge may shackle the prisoner in the Courtroom if deemed necessary by the officer or by the Judge, but that shall occur outside the presence of the jury, if possible.
- 715 **PRESENTENCE REPORTS:** The presiding judge shall make available to counsel for the state and for the defendant the presentence report and any other reports used by the court in determining the sentence (or juvenile disposition) and shall allow counsel a reasonable time to review the report or reports before sentencing a defendant (or entering an order of disposition in a juvenile proceeding). Sentencing guidelines presentence reports are open to the public and they may be made available to the defendant. All other presentence reports and attachments thereto and attachments to sentencing guidelines presentence reports, such as victim impact statements, psychological reports and drug and alcohol evaluation reports, shall not be disclosed to the defendant unless counsel has obtained the prior express approval of the presiding judge.
- 716 **EXPUNGEMENT:** Upon filing a petition for expungement under the Kansas Criminal Code or the Juvenile Offenders Code, petitioner's counsel shall obtain a date and time for hearing from the Court's Administrative Assistant and thereafter provide timely written notice to the county attorney. Upon the request of the county attorney, counsel for petitioner shall submit to the presiding judge a proposed order for referral and investigation by the Court Services Office. Petitioner shall provide copies of the proposed order of expungement to the county attorney and Court Services Office at least seven days before any scheduled expungement hearing. In the event no written objection to expungement is filed, it shall be presumed that the prosecutor's office and court service do not object to the expungement.

The petitioner shall be personally present at the expungement hearing unless specifically excused by the court. Petitioner's attorney shall prepare an appropriate order of expungement and provide the Clerk of the Court with adequate copies for mailing to law enforcement agencies.

**VIII**  
**CIVIL JURY INSTRUCTIONS**

**Rule #**

- 801 REQUESTED INSTRUCTIONS:** Pursuant to K.S.A. 60-251 written requests for instructions made by any party shall be presented to the Court and served upon each adverse party no later than 10 days prior to the opening of the trial and before the taking of evidence, but the Court may receive additional requests relating to questions arising during the trial at any time prior to the giving of final instructions.

IX  
INTERPRETERS

Rule #

901 APPOINTMENT OF INTERPRETER:

- (a) The Court, upon inquiry and interview of any person before the Court or upon motion or notice by counsel or a party, shall make a determination as to the necessity for an interpreter in accordance with K.S.A. 75-4351, et seq.
- (b) Any person in need of interpreter services shall, personally or through his or her attorney, make written request for an interpreter at least 72 hours prior to any hearing, proceeding or trial at which such services are necessary. The notice shall contain the caption of the case and the date and time of the trial, hearing or proceeding. It shall also specify the type of interpretation required.
- (c) The Clerk of the District Court shall maintain a list of qualified interpreters in accordance with K.S.A. 75-4353. Upon receipt of the written notice, the Clerk shall secure a qualified interpreter from the list for the scheduled hearing. Any party objecting to the selected interpreter must file with the Court their objection prior to the hearing or trial.
- (d) Interpreters shall be paid for services, and mileage shall be reimbursed at a rate determined by the Chief Judge. Fees for interpreters paid by the state board of indigents defense services shall be in accordance with standards adopted by such board. Interpreter costs may be assessed to any party, person or entity as the Court deems appropriate, subject to any limitations provided by applicable law.

X  
**MOTION PRACTICE**

**Rule #**

**1001 FORM AND FILING:** All substantive and dispositive motions, as distinguished from procedural motions, unless made during a hearing or at trial, shall be in writing and shall be filed with the clerk. An original shall be filed and shall be accompanied by a brief or memorandum suggesting the reasons and authorities in support. (Also see 501, 502 and 504)

**1002 RESPONSES AND REPLIES TO MOTIONS:** A party opposing a motion other than one to dismiss or for summary judgment shall, within ten (10) days after service of the motion upon it, file an original with the clerk and serve upon all other parties a written response to the motion containing a short, concise statement in opposition to the motion, and if appropriate, a brief or memorandum in support thereof. A party shall have twenty-one (21) days to respond to a motion to dismiss or for summary judgment. The party may, within ten (10) days after the service of such response in opposition, file an original with the clerk and serve upon all other parties a copy of a written reply memorandum. No surreplies will be allowed. (Also see 501, 502 & 504)

**1003 EXCEPTIONS:** The exceptions to 1001 and 1002 above are:

- (a) Initial applications to the court for additional time to plead which do not request extensions in excess of thirty (30) days will be ruled on instantly without supporting memoranda and without awaiting responses from adverse parties.
- (b) Motions that show on their face factual authorities sufficient to support the relief requested do not require additional memoranda. (Motions and supporting memoranda may be combined and where combined should be so labeled.)
- (c) Motions accompanied by an agreed order will be ruled on without further supporting or responsive memoranda.
- (d) When permitted by the court, preliminary domestic motions may be supported and opposed by affidavits in lieu of or in addition to other memoranda.

**1004 COMPLIANCE:** Failure to comply with the rules of this Court may result in dismissal of any motion.

**1005 MOTION FOR SPECIAL PROCESS SERVER:** All motions for special process server shall be accompanied by an order. Both the motion and order shall be on one page in the form approved by the court.

**1006 MOTION FOR ENLARGEMENT OR EXTENSION OF TIME:** Motions for enlargement of time shall state:

(a) the current deadline;

(b) good cause for the extension;

(c) the position of opposing counsel or parties, and

(d) the proposed new deadline.

All such motions shall be accompanied by a proposed order.

**1007 LENGTH OF MOTIONS:** Absent special allowance from the Court, motions and attached supporting memoranda, but excluding exhibits, shall be limited in length to twenty (20) pages.

**1008 SUMMARY JUDGMENT MOTIONS:** Motions for Summary Judgment will not be heard until discovery is complete, unless all issues to be considered can be determined as matters of law and unless such issues will not be affected by later discovered facts.

XI  
**ATTORNEY RESPONSIBILITIES**

**Rule #**

- 1101 **CONTINUANCES:** In the event a hearing is continued, subpoenaed witnesses are to be notified of the continuance by the attorney who subpoenaed them.
- 1102 **POVERTY AFFIDAVITS:** Pursuant to K.S.A. 60-201 (b), when a Poverty Affidavit is filed, the attorney for the plaintiff shall certify that no attorney fees will be accepted until the docket fee required by law has been paid. Exempted from this rule are referrals from Kansas Legal Services Corporation.
- 1103 **ORDERS TO JUDGMENT DEBTORS:** A judgment debtor normally should not be ordered to appear for a hearing in aid of execution in a Chapter 60 or Chapter 61 case more than three (3) times in a one (1) year period. The presiding judge may waive this limitation upon a showing of good cause.
- 1104 **EX PARTE ORDERS IN DOMESTIC RELATIONS ACTIONS:** Except in extraordinary situations or as hereinafter provided, no petition for ex parte or interlocutory orders in a domestic relations case shall be heard by any judge of the 17<sup>th</sup> Judicial without notice being given to the party against whom the order is sought. Such notice of hearing shall be given in such manner and for such period of time as the judge shall determine to be reasonable under all of the circumstances.

No motion for temporary or interlocutory child support shall be granted unless the party presenting the same shall have complied with Kansas Supreme Court Rule 139 and submitted a child support worksheet, pursuant to Kansas Child Support Guidelines, to the court. If possible, actual rather than estimated income shall be used in completing the Rule 139 statement and child support worksheet.

Further, if the presiding judge finds that the party seeking the interlocutory order is in real and present danger of physical harm, or if other exigent circumstances are found by the judge to exist, then the judge may enter an appropriate order ex parte to deal with the emergency and the matter shall be set for hearing with reasonable notice to the other party. No such ex parte orders shall issue until sworn testimony has been taken from the moving party.

No ex parte orders shall be entered for spousal maintenance of either party.

Except in extraordinary cases, no ex parte interlocutory order for support of a child shall take effect prior to the expiration of 14 days from its entry. The obligor under said order shall be entitled to an evidentiary hearing thereon within 10 days of its entry.

**XII**  
**REQUIRED DISCLOSURES IN**  
**DOMESTIC RELATIONS CASES**

**Rule #**

**1201 UNCONTESTED DIVORCE OR SEPARATE MAINTENANCE PROCEEDINGS:** No final property or support orders shall be entered until a Domestic Relations Affidavit, Parenting Plan, Vital Statistics, Kansas Payment Center Information Form and Child Support Worksheet, if applicable, have been completed and filed with the court.

The failure of a party to file a S.Ct. Rule 164 factual statement/domestic relations affidavit shall constitute a presumption that the Court may accept the content of the opposing party's S.Ct. Rule 164 factual statement/domestic relations affidavit as true and uncontested. (Added February 9, 2007)

**1202 CONTESTED DIVORCE OR SEPARATE MAINTENANCE HEARING:** The following documents are to be filed with the Clerk of the District Court and exchanged by counsel not less than ten (10) days prior to trial:

- (a) A Domestic Relations Affidavit
- (b) Child Support Worksheet
- (c) Parenting Plan
- (d) List of witnesses and exhibits

At least ten (10) days prior to trial, counsel shall submit to the court in chambers at Hill City, Kansas and serve on opposing counsel copies of the following documents:

- (a) Domestic Relations Affidavit
- (b) Child Support Worksheet
- (c) Parenting Plan
- (d) List of witnesses and exhibits
- (e) Any agreement or agreements to be submitted to the court for approval, including proposed property settlement agreements and proposed child custody/visitation/residency/parenting agreements

- (f) All documentary exhibits to be offered at trial, including appraisal reports
- (g) Specific requests for the equitable division of property
- (h) Specific requests or proposals for maintenance, if any.
- (i) Specific requests or proposals relating to child custody, residency and parenting time.

The failure of a party to file a S.Ct. Rule 164 factual statement/domestic relations affidavit shall constitute a presumption that the Court may accept the content of the opposing party's S.Ct. Rule 164 factual statement/domestic relations affidavit as true and uncontested. (Added February 9, 2007)

**1203 POST-DIVORCE PROCEEDING:** Any party moving to change custody, residential placement or support shall file a Domestic Relations Affidavit, child support worksheet and parenting plan. Further, as applicable, all parties shall pay particular attention to the requirements of K.S.A. 60-1628.

**1204 CHANGE OF CIRCUMSTANCES:** Counsel are under a continuing duty to the court and opposing counsel until hearing to promptly amend or supplement affidavits, statements, plans or work sheets if a significant change of circumstances occurs.

**1205 REQUIREMENTS FOR JOURNAL ENTRIES OR DECREES:** All Journal Entries or Decrees that provide for legal custody, residency or parenting time shall include the following:

“IT IS FURTHER ORDERED that any parent entitled to legal custody or residency of or parenting time with a child pursuant to K.S.A. 60-1610 and amendments thereto shall give written notice to the other parent not less than 30 days prior to: 1) changing the residence of the child; or 2) removing the child from this state for a period of time exceeding 90 days. Such notice shall be sent by restricted mail, return receipt requested, to the last know address of the other parent.”

**1206 REQUIREMENTS FOR JOURNAL ENTRIES OR DECREES THAT ORDER CHILD SUPPORT:** All Journal Entries or Decrees that order child support shall state:

“IT IS FURTHER ORDERED that a parent shall notify the other parent of any change in financial circumstances including but not necessarily limited to income, work related child care costs and health insurance premiums which could constitute a material change in circumstances.”

“IT IS THE CONTINUING ORDER of this court that upon receipt of a written request for financial information, a parent shall have 30 days within which to provide the requested information in writing to the other parent. Refusal to provide the

requested information may make the non-complying parent responsible for the costs and expenses, including attorney fees, incurred in obtaining the requested information.”

1207 All counsel and pro se parties shall use temporary and permanent parenting plans as developed by the Kansas Supreme Court Parenting Plan Committee. Copies of the plan and informational brochures to be provided and used in each instance are attached as appendix 1. (amended, changed and added November 28, 2001)

## XIII JURY PROCEDURES

**Rule #**

- 1301 SELECTION OF JURIES:** In cases where an insufficient number of jurors appear or if a panel is exhausted by challenge or otherwise before the jury is sworn, the Court may order the sheriff or the jury coordinator to summon a sufficient number of other persons to complete the jury.

If a juror, not excused therefrom by the court, fails to appear at the time and place specified in the notice given in accordance with these rules, a judge may cause the Sheriff to deliver the juror before the Court. Failure of a person summoned to appear, unless reasonable cause for such nonattendance is shown to the satisfaction of the court, shall be punished by the imposition of a fine not exceeding one hundred dollars (\$100) for each day of unexcused absence, pursuant to K.S.A. 43-165.

- 1302 JURY PANELS AND SUMMONS:** Pursuant to K.S.A. 43-166, this Court adopts the following rule concerning jury panels and summons:

The jury commissioner will draw, on order of the Court, a sufficient panel of jurors to serve for such period as is specified by the Court.

Jurors will be summoned by First Class mail and shall be required to answer a questionnaire regarding their qualifications, as provided by K.S.A. 43-161. Those not responding shall be personally summoned by the sheriff.

Jurors who have been summoned shall be required to report at a time and place specified upon notice, which notice may be by telephone or mail, at least one week in advance of the date when the juror is to appear.

The attached forms of questionnaire and summons have been approved by the jury commissioner and the Court, and shall be used under this rule.

- 1303 VOIR DIRE EXAMINATION OF JURORS:** Attorneys are expected to familiarize themselves with the factual information contained in the juror questionnaire returned by each member of a jury panel. Voir Dire examination will not be permitted to be unduly extended by asking questions designed to elicit the same information as contained in the juror questionnaire. Questions shall be limited to those that touch upon the potential juror's qualifications to serve.

Also see Rules 704, 705 and 706

XIV  
UNIFORM CHILD CUSTODY JURISDICTION ACT

Rule #

- 1401 **UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT:** The Uniform Child Custody Jurisdiction and Enforcement Act provides that litigation concerning the custody of a child (custody, change of custody, visitation rights, etc.) may take place in any court in any state where the child and his/her family have the closest connection, so that significant evidence is readily available to the court where the hearing takes place. The provisions of this law require each Clerk of the District Court to maintain a registry of uniform child custody jurisdiction actions. In compliance with K.S.A. 38-1336 et seq., the appearance docket and its cross-index will serve as the registry, thus avoiding duplication of filing. (Amended October 28, 2004)

**EXTENDED JURISDICTION IN JUVENILE CASES**

**Rule #**

**1501 EXTENDED JURISDICTION IN JUVENILE CASE:** In consideration of K.S.A. 38-1636, when a District Magistrate Judge either authorizes the prosecution of a respondent as an adult in a juvenile offender case pursuant to K.S.A. 38-1636(f)(1) or designates any juvenile offender case an extended jurisdiction juvenile prosecution pursuant to K.S.A. 38-1636(f)(2), the proceedings shall be transferred forthwith to the Chief Judge for assignment and scheduling in due course within the adult criminal process.

The District Judge shall schedule a pretrial and such further hearings as necessary to facilitate trial by jury and timely prosecution of the pending charges. Upon conviction the District Judge shall impose sentence in accordance with K.S.A. 38-1663, K.S.A. 38-16,129 and other appropriate statutes.

XVI  
COURT TRUSTEE

Rule #

**1601 ESTABLISHMENT OF OFFICE OF DISTRICT COURT TRUSTEE AND APPOINTMENT OF DISTRICT COURT TRUSTEE; and CHANGES IN MANDATORY LANGUAGE IN CUSTODY AND SUPPORT ORDERS:**

- (a) The Office of the District Court Trustee as provided for in K.S.A. 23-494 and amendments thereto, is hereby established for the Seventeenth Judicial District, effective January 1, 1995.

The term “support” as used in this order shall refer to both child support and spousal maintenance.

- (b) The District Court Trustee shall be authorized and empowered to pursue all civil remedies available to establish and enforce payment of child support. The District Court Trustee shall also enforce, but not establish or modify, spousal maintenance orders. Any motion to modify the amount of support shall not be heard until notice has been given to the parties and their attorneys of record, if any.

- (c) The District Court Trustee shall have the following additional powers and duties:

1. To issue summonses, subpoenas and subpoenas duces tecum to obligors, obligees and other witnesses who possess knowledge or books and records relating to enforcement of support to appear in the Office of the District Court Trustee or before the district court for examination;
2. To administer oaths and take sworn testimony on the record or by affidavit;
3. To appoint special process servers as required to carry out the District Court Trustee’s responsibilities under this section;
4. To enter into stipulations, acknowledgments, agreements and journal entries, subject to approval of the court;
5. If an obligor desires to contest an order of income withholding, the District Court Trustee shall set a hearing to permit the obligor to assert any affirmative defenses authorized by K.S.A. 23-4110;

6. To act as “support enforcement agency” in Uniform Interstate Family Support Act pursuant to K.S.A. 23-9,101 et seq.
  7. To sit as a hearing officer, pursuant to K.S.A. 23-701 in matters of requests for enforcement of court ordered child visitation rights and parenting time.
- (d) Written requests by the parties in a support case, to be exempted from monitoring and enforcement by the District Court Trustee, shall be sent to the Chief Judge or the District Court Trustee. The Chief Judge shall make a good cause determination whether a support case should be exempted from the District Court Trustee program and therefore removed from the District Court Trustee office. The Chief Judge shall send written notification of the determination to the parties and their attorneys. The Chief Judge may grant the exemption if the following good cause criterions are applicable in the case.
1. A written agreement signed by all interested parties or their attorneys. Interested parties include obligors, obligees, guardian ad litem, District Court Trustee, and the Department of Social and Rehabilitation Services.
  2. A high degree of probability that the support payments will be made in compliance with the court order. The factors considered and the rationale for granting good cause shall be documents on the record. Factors indicating such probability include, but are not limited to:
    - (a) an automatic withdrawal authorization to the obligor’s bank, or the existence of a military allotment, or
    - (b) an automatic payment from another source such as a trust fund or escrow account, or
    - (c) the posting of a performance bond equal to the amount of support ordered for six months or more, or
    - (d) whether or not the obligor has an income withholding order which has been served on an employer or payor and the income withholding order is being monitored and modified by a private attorney, or
    - (e) the obligor’s payment history, or
    - (f) any other factor considered by the Court to be indicative of the obligor’s ability and willingness to comply with the court order.

3. A history exists of the obligor having made or the obligee having accepted direct payments in conflict with the order of the Court and K.S.A. 60-1610(a) (1) within the past twelve (12) months.
- (e) All payments shall be sent to the Kansas Payment Center, P.O. Box 758599, Topeka, Kansas 66675-8599 and shall reflect the county and case number on the payment. The Kansas Payment Center shall receive and disburse payments for support and maintain complete, accurate and clear records of all payments and their disbursements.
  - (f) To defray the expenses of the operation of the District Court Trustee's office, a 4% fee shall be charged on the funds collected from all obligors for support, after January 1, 1995, unless good cause is claimed by one of the parties and determined to be valid by the Chief Judge. All such amounts collected shall be withheld from support payments made through the Kansas Payment Center and shall be paid to the court trustee operations fund of the county where collected. The court trustee fee of 4% will not be withheld in Title IV-D cases or other cases as agreed upon in the federal reimbursement contract between the Office of Judicial Administration (OJA) and the Kansas Department of Social and Rehabilitation Services (SRS). The 4% fee will only be charged on spousal maintenance cases that require enforcement.
  - (g) **Mandatory Language in Support Orders.** Each order for support entered in this district after the effective date of this rule shall include the following provisions, except the provision 6b shall NOT be used in cases where Income Withholding is not ordered for good cause:
    1. "IT IS FURTHER ORDERED that all support payments shall be made payable to the order of the Kansas Payment Center, P.O. Box 758599, Topeka, Kansas 66675-8599; and that each party shall inform the Clerk of the District Court and all other parties, in writing, of any change of name, residence, and employer with business address within seven (7) days after such change."
    2. "IT IS FURTHER ORDERED that an Income Withholding Order shall be issued without further notice to the parties, specifying an amount sufficient to satisfy the order of child support and to defray any arrearage. The Income Withholding Order shall be issued regardless of whether a payor can be identified."
  - (h) The District Court Trustee shall be responsible for insuring that the income withholding order is served on the appropriate employer at the time the income withholding order is issued and for monitoring the income withholding order and initiating the request to serve the income withholding order on future employers, unless the case has been exempted from the court trustee services. If the case is NOT under the jurisdiction of the District Court Trustee, the attorney of record for the obligee shall be responsible for insuring that the income withholding order is issued and for monitoring the

income withholding order and initiating the request to serve the income withholding order on future employers. If there is no attorney of record for the obligee, the obligee shall be responsible for initiating appropriate pro se action, applying for court trustee program services, or retaining private counsel should the support payments cease.

- (i) Every support order shall specify the payment period and the date or dates of the month on which the payment shall become due.
- (j) All child support orders shall provide for level periodic payment of support, unless otherwise ordered by the court. Allowances shall be made for abatements or temporary reductions in child support as a result of each case's custody and visitation order. Annual child support shall be determined by finding the monthly child support under the Child Support Guidelines and then multiplying by 12. Any abatements or temporary reductions shall be subtracted from the annual child support. The result shall then be divided by 12 months to arrive at monthly child support.

Example #1: Child support is \$300.00 per month and the court orders a two month abatement of support for summer visitation pursuant to the Child Support Guidelines. Twelve months at \$300.00 equals \$3,600.00 annual child support. Ten months of \$300.00 per month actual child support equals \$3,000.00. The difference is between \$3,600.00 - \$3,000.00 equals \$600.00. \$600.00 divided by 12 equals \$50.00 monthly adjustment for Time Spent with Noncustodial Parent. The monthly support is \$300.00 minus \$50.00 = \$250.00.

Example #2: Child support is \$300.00 per month and the court orders a three month temporary reduction of support to \$100.00 for summer visitation. Twelve months at \$300.00 per month equals \$3,600.00 annual child support. Nine months of \$300.00 per month actual child support plus the three-month reduction to \$100.00 equals \$3,000.00 (\$2,700.00 + \$300.00). The difference is between \$3,600.00 - \$3,000.00 equals \$600.00. \$600.00 divided by 12 equals \$50.00 monthly adjustment for Time Spent with Noncustodial Parent. The monthly support is \$300.00 minus \$50.00 = \$250.00.

The Court may approve other methods of arriving at a level periodic child support payment schedule, if the method is found to be equitable and in the best interest of the child, the obligee and obligor.

XVII  
CASA

Rule #

- 1701 **ORGANIZATION:** One non-profit corporation organized and directed by one or more representatives of each county in the district shall serve as an umbrella organization for all of the CASA efforts in this district. The representatives shall be appointed by the board of county commissioners for each county.

Such corporation shall establish uniform standards throughout the district that comply with the standards promulgated by the Judicial Administrator. The corporation shall (either by district or by county) recruit, screen, train and supervise volunteers for the court to appoint as CASAs.

The corporation shall further coordinate CASA activities and strive to avoid duplication of expenses.

- 1702 **COURT ASSISTANCE:** The 17<sup>th</sup> Judicial District will designate space as may be available for CASA activities such as training and office work and shall further permit the use of the court office equipment, communications equipment and supplies by or for CASA staff or volunteers as may be necessary in the performance of their duties providing such use does not unreasonably interfere with the other functions of the court.

The court will also create a category within the court's accounting system for the receipt of the net funds collected by the corporation's fund raising efforts and further provide for payment of CASA expenditures from such funds upon vouchers submitted pursuant to corporate resolution. All funds raised by the corporation and all expenses including fund raising expenses shall be subject to audit at the pleasure of the court or by any audit to which the court is subject. The corporation may request court approval of a separate accounting of funds obtained from a grant if, by the terms of such grant, a separate accounting is required. Such separate accounting would still be subject to audit as provided above.

- 1703 **CASA ASSIGNMENTS:** An order of assignment of a CASA volunteer that has been certified by the local program will be filed in the case file of each action to which a CASA volunteer is assigned. This order shall be a document separate from any other order or entry in the action and certified copies of the order may be provided to the CASA volunteer as necessary to confirm the volunteer's CASA standing in the case. The Clerk of the District Court shall maintain a file of assigned CASA volunteers. Such file shall contain the volunteer's oath, a list of the case numbers to which the volunteer has been assigned and annual information requested on the oath form as such information may be reflected in the case file. Other documents may be filed in the case file to comply with requirements of the office of Judicial Administration.

The assigned CASA volunteer and the CASA coordinator for the county, the district's program director or any member of a CASA inspection or evaluation team established under the direction of the Judicial Administrator (and working under guidelines established by the Judicial Administrator) may have complete access to any juvenile case file, including the social file, in which a CASA volunteer has been assigned. The authority granted under this provision shall permit the copying of portions of said file in the office of the Clerk of the District Court providing that adequate safeguards have been taken to protect the confidentiality of the identity of the juvenile. In no event shall the original files be removed from the Clerk's office.

The CASA volunteer will be informed of any court hearings regarding the juvenile and shall be allowed to be present during the hearings and given the opportunity to present evidence or advocate for the child. Any CASA report submitted to the court shall be filed for record in the child's legal/social file.

1704 **RESOLUTION OF CONFLICTS:** Conflicts regarding the performance of any individual CASA volunteer in any particular case will be resolved by the judge presiding over that particular case.

If the conflict involves the nature of the CASA program or a conflict between the CASA volunteer and the Court, the conflict will be resolved by the Chief Judge.

**XVIII**  
**MISCELLANEOUS**

**Rule #**

- 1801 HEARING OFFICER:** Pursuant to Kansas Supreme Court Rule 172, the Chief Judge of the Seventeenth Judicial District may appoint hearing officers. The Chief Judge shall do so by Administrative Order, which shall be on file in the offices of each of the Clerks of the District Court of this district and may be amended from time to time as deemed necessary by the Chief Judge.
- 1802 MEDIA COORDINATOR UNDER KANSAS SUPREME COURT RULE 1001:** Pursuant to Supreme Court Rule 1001, the Chief Judge shall appoint a media coordinator whose powers and responsibilities are set forth in said rule. The Chief Judge shall do so by Administrative Order, which shall be on file in the offices of each of the Clerks of the District Court of this district and may be amended from time to time as deemed necessary by the Chief Judge.
- 1803 PENALTIES AND REMEDIES FOR VIOLATION OF LOCAL RULES:** Penalties or remedies for violation of these local rules shall include, but not be limited to, the penalties or remedies provided herein. The Court may impose any other penalty or remedy for violation of these rules as may be provided by law or be inherent in the powers of the court.

## IN THE 17<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS

The above rules are found to be necessary for the administration of affairs of the 17<sup>th</sup> Judicial District and are effective upon filing with the Clerk of the Appellate Courts. All local rules or orders in effect immediately prior to the effective date of these rules are hereby repealed.

BY ORDER OF THE COURT this 29<sup>th</sup> day of March, 2001.

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William B. Elliott, Chief Judge  
17<sup>th</sup> Judicial District

# INDEX

## A

Addressing the Court	201
Application of Rules	105

## B

Beverages or Food	205
-------------------	-----

## C

### CASA

Assignments	1703
Court Assistance	1702
Organization	1701
Resolution of Conflicts	1704
Case Management Conference	601
Clerk of District Court	
Copy of Local Rules	103
Court File and Records	401
Investment of Funds	407
Judgment Payments	406
Process	
Preparation of	402
Service	403
Researching Judgments	412
Civil	
Jury Instructions	801
Continuances	1101
Costs	
Court Costs	408
Publication	404
Refund of Costs	409
Court Trustee	1601
Courtroom	
Conversations	208
Food or Beverages	205
Hats	204
Other Activities	207
Search, Persons Subject to	209
Signs	206
Weapons	210

Weapons Visible on Witness	211
<b>Criminal</b>	
Expungements	716
Jury Trials	
Proposed Instructions	706
Requests, Felony Case	704
Request, Misdemeanor Case	705
Motions	702
Preliminary Examination Hearings	703
Presentence Investigations	715
Prisoners	
Access	
Transferring	709
Trial	713
Clothing	711
Law Enforcement Presence	712
Restraints	
During Transport	708
During Trial	710
Securing After Conviction	714
Transferring of	707
Withdrawal	701

## **D**

Days of Court	108
Discovery	602
Disposition of Cases	505
District Judge	
Notification to	501
<b>Domestic Relations</b>	
Change of Circumstances	1204
Contested	1202
Ex Parte Orders	1104
Journal Entries	
Requirements	1205
Requirements of Support Order	1206
Post-Divorce	1203
Pretrial Conferences	603
Rule 164	410
Uncontested	1201

## **E**

Ex Parte Orders	
Domestic Relations	1104
Expungements	716

Extended Jurisdiction in Juvenile Cases	1501
Extension or Enlargement of Time	1007

## F

Fax Filings	411
Food or Beverages	205

## G

Geographic Application of Rules	107
Goals for Officers of the Court	109

## H

Hats	204
Hearing Officer	1801
Hearings	
Continuances	503
	504
Scheduling	502
	504

## I

Interpreter	901
Investment of Funds	407

## J

Judgment Debtors	1103
Judgment Payments	406
Judgments, Researching	412
Jury Trial	
Jury Instructions	
Civil	801
Criminal	706
Request, Felony	704
Request, Misdemeanor	705
Panel and Summons	1302
Selection of Jurors	1301
Voir Dire Examination	1303
Juvenile	
Extended Jurisdiction	1501

## **K**

## **L**

## **M**

Magistrate Judges	
Notification to	501
Media Coordinator	1802
Motions	501
Compliance	1004
Copy to Court	501
Criminal	702
Enlargement or Extension of Time	1006
Exceptions	1003
Form and Filing	1001
Length	1007
Process Server	1005
Response & Replies	1002
Summary Judgment	1008

## **N**

Notification to the Court	501
---------------------------	-----

## **O**

Objections	203
------------	-----

## **P**

Parenting Time Schedule	1208
Penalties and Remedies for Violation of Rules	1802
Poverty Affidavits	1102
Preliminary Examination Hearings	703
Presentence Investigations	715
Pretrial Conferences	
Domestic Relations Cases	603
Prisoners	
Access	
Transferring	709
Trial	713
Clothing	711

Restraints	
During Transport	708
Trials	710
Securing After Conviction	714
Transferring	707
Pro Se Advisory	301
Process Server	1005
Proposed Rules	104
Publication Costs	404

## Q

## R

References	106
Repeal of Former Rules	102
Researching Judgments	412
Request for Transcript	1009

## S

Search, Persons Subject to	209
Signs	206
Special Process Server	1005
Summary Judgment	1009
Supreme Court Rules	
Rule 164	410

## T

Transcript, Request for	1009
-------------------------	------

## U

Uniform Child Custody Jurisdiction and Enforcement Act	1401
--	------

## V

Violation of Rules, Penalties and Remedies	1803
--	------

## W

Weapons in Courtroom	210
Weapons Visible on Witnesses	211



Witness	
Fees	405
Questioning of	202

**X**

**Y**

**Z**

**IN THE 17<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS**  
**LOCAL COURT RULES OF THE**

17<sup>th</sup> Judicial District  
(Decatur, Graham, Norton, Osborne, Phillips and Smith Counties)  
Adopted pursuant to Supreme Court Rule No. 105  
The rules of the 17<sup>th</sup> Judicial District are amended as follows:

**Rule # 501 NOTIFICATION TO THE COURT:** (providing copies of documents to presiding Judge pursuant to Supreme Court rule no. 137).

- (b) Notices to District Magistrate Judges. A) Copies of all pleadings, motions, briefs, memoranda, notices, and other documents for the attention of respective district magistrate judges; and B) Originals of proposed orders, journal entries or decrees shall be hand-delivered or mailed to the district magistrate judge's chambers in the county where the action is pending at the following addresses: (Amended November 4, 2005)

Hon. John E. Bremer  
Magistrate Judge  
P.O. Box 89  
Oberlin, KS 67749

Hon. Barbara Stites  
Magistrate Judge  
410 N. Pomeroy  
Hill City, KS 67642

Hon. Debra S. Anderson  
Magistrate Judge  
P.O. Box 70  
Norton, KS 67654

Hon. Jacqueline E. Thornton  
Magistrate Judge  
P.O. Box 160  
Osborne, KS 67473

Hon. Bonnie M. Leidig  
Magistrate Judge  
P.O. Box 564  
Phillipsburg, KS 67661

Hon. Michael Kirchhoff  
Magistrate Judge  
P.O. Box 273  
Smith Center, KS 66967

This amendment is necessary for the administration of affairs of the 17<sup>th</sup> Judicial District, and it effective upon filing with the Clerk of the Appellate Courts. All local rules or orders conflicting with the above are hereby repealed.

BY ORDER OF THE COURT this 23<sup>rd</sup> day of April, 2002, and amended on November 4, 2005.

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William B. Elliott, Chief Judge  
17<sup>th</sup> Judicial District

**IN THE 17<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS**  
**LOCAL COURT RULES OF THE**

17<sup>th</sup> Judicial District  
(Decatur, Graham, Norton, Osborne, Phillips and Smith Counties)  
Adopted pursuant to Supreme Court Rule No. 105

The rules of the 17<sup>th</sup> Judicial District are amended with the following addition:

**Rule #1208 Holiday/Birthday/Special Day Parenting Time Schedule**

The following schedule will generally be followed by the Court when dividing holidays in structured visitation orders. The parties may agree on an arrangement which is more suitable to the needs of the parties. Under this schedule each parent will have had equal visitation at the end of two years. The father will be always be Parent A and the mother will always be Parent B.

Easter Weekend: From Friday at 6:00 p.m. until Sunday at 7:00 p.m. with Parent B during even-numbered years and Parent A during odd-numbered years.

Spring Break: Each parent will receive one half of the spring break, with the transfer to occur at 7:00 p.m. on the day nearest to the mid-point of the spring break. If spring break is one week in duration, the parent normally having the child during the first weekend of spring break should continue to have the child until the 7:00 p.m. transfer.

Mother's Day: From 9:00 a.m. until 8:00 p.m. with the child's mother.

Memorial Day: From Friday at 7:00 p.m. until Monday at 7:00 p.m. with Parent A in even-numbered years and with Parent B in odd-numbered years.

Father's Day: From 9:00 a.m. until 8:00 p.m. with the child's father.

Fourth of July: From 7:00 p.m. on July 3<sup>rd</sup> until 9:00 a.m. on July 5<sup>th</sup> with Parent A during evening numbered years and with Parent B on odd-numbered years.

Labor Day: From Friday at 6:00 p.m. until Monday at 7:00 p.m. with Parent B during even numbered years and with Parent A during odd-numbered years.

Halloween: Halloween evening with Parent A in even-numbered years and with Parent B during odd-numbered years.

Thanksgiving: From Wednesday evening at 7:00 p.m. until Friday evening at 7:00 p.m. with Parent B during even-numbered years and with Parent A during odd-numbered years. The parent who does not have the child on Thanksgiving should have the child on the weekend following Thanksgiving.

1<sup>st</sup> Half of Winter Break: From 5:00 p.m. the day school is dismissed for vacation until 5:00 p.m. for the first half of the vacation with Parent A during even-numbered years and with Parent B during odd-numbered years. (Amended December 15, 2008)

2<sup>nd</sup> Half of Winter Break: From 5:00 p.m. for the second half of the vacation with Parent B during even-numbered years and Parent A during odd-numbered years. (Amended December 15, 2008)

1<sup>st</sup> Half of Winter Break for parties that live within a 30-mile radius: From 5:00 p.m. the day school is dismissed for vacation until 10:00 a.m. on Christmas Day with Parent A during even-numbered years and with Parent B during odd-numbered years. (Amended December 15, 2008)

2<sup>nd</sup> Half of Winter Break for parties that live within a 30-mile radius: From 10:00 a.m. on December 25<sup>th</sup> until 5:00 p.m. on December 30<sup>th</sup> with Parent B during even-numbered years and with Parent A during odd-numbered years. (Amended February 9, 2007 and December 15, 2008)

Parent's Birthday: The child should spend part of the day with the respective parent of that parent's birthday.

Child's Birthday: The child shall spend the child's birthday with Parent B in even-numbered years and with Parent A in odd-numbered years. The parents should try to arrange for the child to have some time with the other parent, if feasible, on their birthday or the weekend before or after.

Summer Break: Summer break will be determined on a case by case basis.

Conflict Between Birthday and Holiday: Where there is a conflict between a holiday and a birthday, the holiday schedule shall apply.

Conflict Between Weekend and Holiday: Where there is a conflict between a weekend and a holiday, the holiday schedule shall apply.

The schedule of weekend parenting time shall be determined without regard to whether the regular schedule has been preempted from time-to-time by one of the scheduled holidays. There shall be no adjustment for "missed" weekends due to interruption by the holiday parenting time schedule, however, the parties are encouraged to compensate for missed parenting time so that the non-custodial parent will not go for three weekends without seeing the child.

If the parents follow other religious holidays, there should be a sharing of time with the child similar to those designed for Christian holidays.

Parents shall exercise the holiday/birthday schedule, with the exclusion of Spring Break, Thanksgiving, and Winter Break, as long as the child does not travel over ninety (90) minutes one-way for the parenting time.

This amendment is necessary for the administration of affairs of the 17<sup>th</sup> Judicial District, and it effective upon filing with the Clerk of the Appellate Courts. All local rules or orders conflicting with the above are hereby repealed.

BY ORDER OF THE COURT this 19<sup>th</sup> day of February, 2004 and amended on this 4<sup>th</sup> day of November, 2005. Additional amendment this 9<sup>th</sup> day of February 2007. Additional amendment this 15<sup>th</sup> day of December 2008.

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William B. Elliott, Chief Judge  
17<sup>th</sup> Judicial District

**IN THE 17<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS  
LOCAL COURT RULES OF THE**

**17<sup>th</sup> Judicial District  
(Decatur, Graham, Norton, Osborne, Phillips and Smith Counties)  
Adopted pursuant to Supreme Court Rule No. 105**

The rules of the 17<sup>th</sup> Judicial District are amended with the following addition:

**RULE #1009 Request for Transcript**

**REQUEST FOR TRANSCRIPT:** Whenever a request for an official transcript is made, the request must be delivered in writing to the stenographer who has responsibility to transcribe the proceedings. At present, the official CSR in the 17<sup>th</sup> Judicial District is Susan K. Worcester, Official Court Reporter, 803 Ash St., Hill City, KS 67642.

This amendment is necessary for the administration of affairs of the 17<sup>th</sup> Judicial District, and it effective upon filing with the Clerk of the Appellate Courts. All local rules or orders conflicting with the above are hereby repealed.

**BY ORDER OF THE COURT** this 28<sup>th</sup> day of October, 2004.

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**William B. Elliott, Chief Judge  
17<sup>th</sup> Judicial District**

**IN THE 17<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS**  
**LOCAL COURT RULES OF THE**

17<sup>th</sup> Judicial District  
(Decatur, Graham, Norton, Osborne, Phillips and Smith Counties)  
Adopted pursuant to Supreme Court Rule No. 105

The rules of the 17<sup>th</sup> Judicial District are amended as follows:

**Rule**

**1201 UNCONTESTED DIVORCE OR SEPARATE MAINTENANCE PROCEEDINGS:** No final property or support orders shall be entered until a Domestic Relations Affidavit, Parenting Plan, Vital Statistics, Kansas Payment Center Information Form and Child Support Worksheet, if applicable, have been completed and filed with the court.

The failure of a party to file a S.Ct. Rule 164 factual statement/domestic relations affidavit shall constitute a presumption that the Court may accept the content of the opposing party's S.Ct. Rule 164 factual statement/domestic relations affidavit as true and uncontested. (Paragraph Added February 9, 2007)

**1202 CONTESTED DIVORCE OR SEPARATE MAINTENANCE HEARING:** The following documents are to be filed with the Clerk of the District Court and exchanged by counsel not less than ten (10) days prior to trial:

- (a) A Domestic Relations Affidavit
- (b) Child Support Worksheet
- (c) Parenting Plan
- (d) List of witnesses and exhibits

At least ten (10) days prior to trial, counsel shall submit to the court in chambers at Hill City, Kansas and serve on opposing counsel copies of the following documents:

- (a) Domestic Relations Affidavit
- (b) Child Support Worksheet
- (c) Parenting Plan
- (d) List of witnesses and exhibits

- (e) Any agreement or agreements to be submitted to the court for approval, including proposed property settlement agreements and proposed child custody/visitation/residency/parenting agreements
- (f) All documentary exhibits to be offered at trial, including appraisal reports
- (g) Specific requests for the equitable division of property
- (h) Specific requests or proposals for maintenance, if any.
- (i) Specific requests or proposals relating to child custody, residency and parenting time.

The failure of a party to file a S.Ct. Rule 164 factual statement/domestic relations affidavit shall constitute a presumption that the Court may accept the content of the opposing party's S.Ct. Rule 164 factual statement/domestic relations affidavit as true and uncontested. (Added February 9, 2007)

1208 As it relates to 2<sup>nd</sup> Half of Winter Break for parties that live within a 30-mile radius.

2<sup>nd</sup> Half of Winter Break for parties that live within a 30-mile radius: From 10:00 a.m. on December 25<sup>th</sup> until 5:00 p.m. on December 30<sup>th</sup> with Parent A during even numbered years and with Parent B during odd-numbered years. (Amended February 9, 2007)

This amendment is necessary for the administration of affairs of the 17<sup>th</sup> Judicial District, and it effective upon filing with the Clerk of the Appellate Courts. All local rules or orders conflicting with the above are hereby repealed.

BY ORDER OF THE COURT this 9<sup>th</sup> day of February 2007.

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William B. Elliott, Chief Judge  
17<sup>th</sup> Judicial District

IN THE 17<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS  
LOCAL COURT RULES OF THE

17<sup>th</sup> Judicial District  
(Decatur, Graham, Norton, Osborne, Phillips and Smith Counties)  
Adopted pursuant to Supreme Court Rule No. 105

The rules of the 17<sup>th</sup> Judicial District are amended as follows:

Rule

1208 As it relates to Winter Break.

1<sup>st</sup> Half of Winter Break: From 5:00 p.m. the day school is dismissed for vacation until 5:00 p.m. for the first half of the vacation with Parent A during even-numbered years and with Parent B during odd-numbered years. (Amended December 15, 2008)

2<sup>nd</sup> Half of Winter Break: From 5:00 p.m. for the second half of the vacation with Parent B during even-numbered years and Parent A during odd-numbered years. (Amended December 15, 2008)

1<sup>st</sup> Half of Winter Break for parties that live within a 30-mile radius: From 5:00 p.m. the day school is dismissed for vacation until 10:00 a.m. on Christmas Day with Parent A during even-numbered years and with Parent B during odd-numbered years. (Amended December 15, 2008)

2<sup>nd</sup> Half of Winter Break for parties that live within a 30-mile radius: From 10:00 a.m. on December 25<sup>th</sup> until 5:00 p.m. on December 30<sup>th</sup> with Parent B during even numbered years and with Parent A during odd-numbered years. (Amended February 9, 2007 and December 15, 2008)

This amendment is necessary for the administration of affairs of the 17<sup>th</sup> Judicial District, and it effective upon filing with the Clerk of the Appellate Courts. All local rules or orders conflicting with the above are hereby repealed.

BY ORDER OF THE COURT this 15<sup>th</sup> day of December 2008.

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William B. Elliott, Chief Judge  
17<sup>th</sup> Judicial District