

LOCAL COURT RULES

Seventh Judicial District
Douglas County, Kansas

The Honorable Amy J. Hanley
District Judge
Division I

The Honorable James R. McCabria
Chief Judge / District Judge
Division IV

The Honorable Sally D. Pokorny
District Judge
Division II

The Honorable Mark A. Simpson
District Judge
Division V

The Honorable Kay Huff
District Judge
Division III

The Honorable Stacey L. Donovan
District Judge
Division VI

Judge Paul Klepper
District Court Judge Pro Tem
Juvenile Division

Judge James T. George
District Court Judge Pro Tem
Pro Tem Division

Effective March 10, 1989
Amended August 1, 1989
Amended July 23, 1990
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LOCAL COURT RULES OF THE SEVENTH JUDICIAL DISTRICT
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RULE NO. 1 ASSIGNMENT OF CASES

A) All cases shall be assigned or reassigned by the clerk to a division of court in the manner directed by the chief judge. Cases shall be assigned to the judges in a manner that will equalize the caseload among the judges and will prevent the predetermined selection of a desired division of court by a litigant. The division to which assignment is made shall be noted on the appearance docket, the file, and the judge's docket sheet. After such assignment, all proceedings shall be held in the division to which the case has been assigned. In the event of the absence or disqualification of such judge, or upon the request of a party, the chief judge may appoint the judge of another division to hear the case. In the absence of the assigned judge, default judgment, judgment by agreement of the parties, or non-dispositional orders may be signed by another judge within the district without reassignment by the chief judge.

B) In civil cases when two or more cases arise out of the same transaction, such cases shall be assigned to the division that has been assigned the case with the earlier filing date. In criminal cases, when two or more cases arise out of the same event or charge the same defendant, such cases shall be assigned to the division that had been assigned the earlier trial setting or preliminary hearing date. If a child support modification motion is filed or pending with the pro tem judge and motions remain pending in the original divorce case between the parties, the child support modification motion shall be assigned to the division in which the original divorce case is pending.

C) Any case dismissed and re-filed shall be assigned to the same division to which it was previously assigned.

D) Any case assigned to a division of court may be reassigned by the chief judge to another division of court as the judicial work of the district may require.

E) Criminal

1) Duty Judge - Probable cause arrests, weekend warrantless arrests, search warrant affidavits, and petitions for protection from abuse and stalking shall be reviewed by the duty judge or as directed by the chief judge.

2) First Appearances - All first appearances, misdemeanor arraignments, and initial bond hearings shall be held at 3:00 p.m., Monday-Friday.

3) Felony – Each division handling felonies shall designate and hold a weekly criminal docket.

4) Misdemeanor and Traffic - Each division handling misdemeanors and traffic shall designate and hold a weekly criminal docket.

F) Civil - Each division handling limited and major civil cases shall schedule regular hearings.

G) Domestic – Each division handling domestic cases shall designate and hold a weekly docket.

H) Protective Orders – The division handling protective orders shall designate and hold a weekly docket.

I) Care & Treatment - All care & treatment cases (Chapter 59 and 65) will be assigned as directed by the chief judge.

RULE NO. 2 COURT HOURS

- A) Morning court hours shall commence at 9:00 a.m., and afternoon sessions shall commence at 1:30 p.m., unless otherwise ordered by the court.
- B) Jury trials shall commence at 9:00 a.m., unless otherwise ordered by the court.

RULE NO. 3 CUSTODY OF COURT RECORDS

A) Confidential and Sealed Records

- 1) Except as otherwise ordered by the court, or as provided in Local Court Rule 11A, a record designated as “confidential” shall not be examined by or disclosed to anyone other than the parties’ attorneys of record.
- 2) Except by order of the court following written application, a record designated as “sealed” shall not be examined by or disclosed to anyone.

B) General Court Files

In compliance with SUPREME COURT RULE 106, the following procedure shall apply to the removal of court records from the Office of the Clerk of the District Court:

1) Attorneys

- a) Attorneys with offices located in Douglas County, Kansas, may check out a file by submitting to the clerk’s office a records request form. The clerk shall furnish the requested record before the close of the next business day, absent extenuating circumstances.
- b) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.
- c) Court records may be retained for seven (7) days, unless the court requests their immediate return.
- d) No court record shall be taken outside of Douglas County, Kansas, except by order of the judge and execution of a Receipt for Court Files (Appendix A).
- e) In accordance with Kansas Supreme Court Administrative Order No. 156, the clerk’s office may charge a fee for furnishing court records and may assess a monetary penalty for failure to return court records in accordance with subsection c). The amount of any such assessment shall be determined by the chief judge.

2) Licensed and Bonded Abstracters

- a) Licensed and bonded abstracters must furnish to the clerk’s office for filing a copy of their current State of Kansas Abstracter’s Registration and License prior to checking out any official court records.

- b) Abstracters with offices located in Douglas County, Kansas, may check out court records by completing and submitting a records request form. Court personnel shall make every effort to furnish the requested records by the end of the next business day but in any event shall furnish the requested records within three (3) business days.
- c) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.
- d) Court records may be retained for seven (7) days, unless the court requests their immediate return.
- e) No court record shall be taken outside of Douglas County, Kansas.
- f) In accordance with Kansas Supreme Court Administrative Order No. 156, the clerk's office may charge a fee for furnishing court records and may assess a monetary penalty for failure to return court records in accordance with subsection d). The amount of any such assessment shall be determined by the chief judge.

3) Public and Self-represented Parties

- a) Members of the public and self-represented parties shall be permitted to review court records in a room designated for such purpose by the Clerk of the District Court. A request form shall be submitted to the clerk's office. The requested records shall be furnished to self-represented parties by the close of the next business day, absent extenuating circumstances. Court personnel shall make every effort to furnish all other requested records by the end of the next business day but in any event shall furnish the requested records within three (3) business days.
- b) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.
- c) In accordance with Kansas Supreme Court Rule 1.03(h), the clerk's office may charge a fee in an amount determined by the chief judge for furnishing court records.

C) Records of Cases on Appeal

- 1) Counsel of record, or his or her designee, may check out the court record by signing a receipt for the record on appeal. The attorney's designee must also provide a written authorization from the attorney of record that will be maintained by the clerk's office until the record is returned. The entire record on appeal must be checked out. The records shall be returned only to the clerk's office and the clerk will provide a return receipt.
- 2) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.
- 3) In accordance with Supreme Court Rule 3.06, appellate counsel may retain the record on appeal during the period of time allotted by the appellate court for preparation of the appellate briefs.

- 4) Any person who misplaces or damages all or part of a record on appeal, including transcripts, shall be responsible for the cost of replacing the missing or damaged portions of the record.

RULE NO. 4 FILING DOCUMENTS IN CONSOLIDATED CASES

- A) A document to be entered on the appearance docket and filed in each of the consolidated court cases must contain each case number, and the party filing the document must supply sufficient copies to be placed in each court file.
- B) In the event the document lists only one of the case numbers, the document will be docketed for that case only and placed in the respective court file.

RULE NO. 5 EXPUNGEMENT OF CONVICTION/RECORDS

- A) Expungement of Conviction Procedure for Obtaining Relief under K.S.A. 21-6614
Upon the filing of a petition requesting expungement of conviction:
- 1) The court will order a date for hearing and include a courtesy notice to the district attorney. The movant shall prepare and file the notice of hearing.
 - 2) The defendant shall, on the date of hearing, present evidence in person or, at the discretion of the judge, by affidavit, as to whether he or she has been convicted of a felony in the past two years preceding the date of the hearing and whether any proceedings involving any such crime are presently pending or being instituted against the defendant. The court shall make an order allowing or denying the relief requested and file the order in the case. If relief is granted, the order shall, in addition to the information required by K.S.A. 21-6614, contain a direction to the clerk to send certified copies of the order to the agencies set out at K.S.A. 21-6614.
- B) Expungement of Records Procedure for Obtaining Relief under K.S.A. 38-2312
Upon the filing of an application requesting expungement of records:
- 1) The court will order a date for hearing and include a courtesy notice to the district attorney. The movant shall prepare and file the notice of hearing.
 - 2) The applicant shall on the date of hearing present evidence in person or, at the discretion of the judge, by affidavit, concerning those matters set out in K.S.A. 38-2312. The court shall make an order allowing or denying the relief requested and file the order in the case file. If relief is granted, the order shall in addition to the information required by K.S.A. 38-2010 and 38-2312, contain a direction to the clerk to send certified copies of the order to the agencies set out at K.S.A. 38-2312.

RULE NO. 6 SCHEDULING OF CIVIL CASES

- A) Conferences and hearings may be set by counsel, at a time available to the court:
- 1) By agreement of counsel; or
 - 2) By serving notice not less than seven (7) days before the date specified for the conference or hearing, unless otherwise provided by statute. Computation of time shall be as provided by K.S.A. 60-206. Counsel shall make every reasonable effort to schedule matters by agreement before scheduling by notice.
- B) Jury and bench trials shall be scheduled by the court at the case management conference or by agreement of the parties with the court's prior approval.

RULE NO. 7 POST-JUDGMENT MATTERS

A) Garnishments

1) Limitation on Frequency

Except as provided in this rule, no more than two (2) 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. 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:

- a) Certify 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.

2) Processing

A party filing a motion for an order to pay in money held by a garnishee must file the garnishee's answer to the garnishment at the same time as or prior to filing the motion for an order to pay in. An Order to Pay may not be submitted to the court until fourteen (14) days after the Answer has been filed. All orders to pay shall direct the garnishee to pay the proceeds from the garnishment directly to the judgment creditor or to the judgment creditor's attorney. To facilitate the processing of garnishments, the following information shall be included in each Order to Pay:

- a) Date the Order of Garnishment was filed;
- b) Date the Answer of Garnishee was filed; and
- c) If a payroll garnishment, the pay period that the request covers.

B) Hearings in Aid of Execution

- 1) Limitation on Frequency - Except for good cause shown, no more than one (1) hearing in aid of execution shall be ordered per judgment debtor on each judgment in any four (4) month period. At the time of a hearing in aid of execution, the Court may order that the judgment debtor return to court at a future date but said date shall not be sooner than four (4) months

from the date of the order. Additionally, the order may not require a judgment debtor who has made regular payments pursuant to an agreement between the parties or who has been found to be disabled or otherwise unable to pay to return to court more frequently than yearly.

- 2) Limitation on Setting - No more than ten (10) hearings in aid of execution shall be scheduled in any twenty (20) minute span.

3) Scheduling

- a) A hearing in aid of execution against a judgment debtor may not be scheduled any earlier than six (6) weeks from the filing date of the application, unless otherwise allowed by the court.
- b) Unless a party requests a hearing in aid of execution before the judge, the judgment creditor or the judgment creditor's attorney may schedule hearings in aid of execution in any available conference room in the courthouse by reserving the conference rooms through the administrative assistant for the division where the conference room is located. If a judge is necessary due to a lack of cooperation by the judgment debtor,

the judgment creditor or judgment creditor's attorney may request the judge assigned to the case. If such judge is not available, any available judge may be selected to intervene in such hearing.

- C) Cancellation of Sheriff's Sale - When a plaintiff in an action to foreclose a mortgage on real estate seeks to cancel a sheriff's sale ordered by the court, the plaintiff shall file a motion in a timely manner requesting an order cancelling the sale which sets forth reasons for requesting that the sale be cancelled. When filing a request to cancel a sale within 48 hours of the scheduled sale, the burden is on the plaintiff to bring this request to the attention of the assigned division. The plaintiff may not request another order of sale until all reviews have been completed.

RULE NO. 8 CONTINUANCES

A) Criminal Cases - Continuances may be granted only by the judge assigned the case, and only for good cause shown. Unless otherwise ordered the following procedure shall be followed:

1) Felony Cases

Continuances may be granted only when the defendant appears in person and with counsel unless the court, in its discretion, may otherwise order.

2) Misdemeanor Cases

The party requesting the continuance shall file with the court and serve upon opposing counsel or party, at least five (5) court days prior to the trial or hearing unless a later time is permitted by the court, a written motion and order for continuance stating the cause for such request. A new trial or hearing date may be set by such order without the necessity of any appearances, unless otherwise required by the court, provided counsel for the State and the defendant approve the written order.

3) Traffic Cases

The party requesting the continuance shall file with the court and serve upon opposing counsel or party, at least five (5) court days prior to the trial or hearing unless a later time is permitted by the court, a written motion and order for continuance stating the cause for such request. A new trial or hearing date may be set by such order without the necessity of any appearances, unless otherwise required by the court.

B) Civil Cases - Continuances may be granted only by the judge assigned the case, and only for good cause shown. Unless otherwise ordered the following procedure shall be followed:

The party requesting the continuance shall file with the court and serve upon opposing counsel or party, at least seven (7) court days prior to the trial or hearing unless a later time is permitted by the court, a written motion and order for continuance stating the cause for such request.

RULE NO. 9 PRETRIAL STATEMENT

At least seven (7) days prior to the pretrial conference, each party shall file with the court, and exchange with one another, a typed pretrial statement containing the information required by Supreme Court Rule 140.

RULE NO. 10 CHAPTER 61 CASES (LIMITED CIVIL)

- A) To facilitate the disposition of Chapter 61 cases, a docket call of Chapter 61 cases on file for more than sixty (60) days will be initiated by the divisions of court no more frequently than each month.
- B) All cases not scheduled for hearing or disposition shall be included in the monthly notice to counsel or pro se parties of intended dismissal for lack of prosecution on a stated date.
- C) Notice of cases to be called shall be mailed to counsel involved or pro se parties at least fourteen (14) days prior to the date stated for the docket call.
- D) A request to pass a case must be in writing, and a copy shall be mailed to opposing counsel or pro se party stating the reason for the request.
- E) Failure to respond to the docket call shall result in dismissal of the case.
- F) If defendant does not appear, the court may grant plaintiff default judgment.
- G) All other matters concerning case status shall be determined by the judge according to information provided by parties.
- H) All cases designated for trial shall be set within forty-five (45) days from the date of the docket call as the court schedule permits.

RULE NO. 11 DOMESTIC CASES

A. Newly filed divorce and parentage actions.

1. Filing of Petition - At the time a party files a divorce, legal separation, annulment or parentage action, the clerk will give the petitioner a date and time to appear for a status docket. The petitioner shall file a motion and order for mediation at the time the petition is filed if minor children will be subject to the jurisdiction of the court in the case and the parties do not already have an agreement regarding all issues related to child custody, residency, and parenting time. A party may move the Court to waive the requirement of mediation by filing a motion that states with specificity the reasons why mediation should not be ordered.

2. Status Docket

a. The divisions assigned to hear domestic cases shall designate and hold a weekly domestic docket. See Appendix G for a schedule of domestic dockets.

b. At the status docket, the court will hear any divorce cases in which the parties have entered into an agreement concerning child support, parenting time, and division of property and debts and any cases in which the respondent is in default, so long as the documents served with the divorce petition include a document that contains the following language:

Please take notice that a divorce hearing is scheduled be held on the _____ day of _____, _____, at 9:00 a.m. or as soon thereafter as is convenient to the Court, before the Honorable _____, District Judge, Division _____ in the Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas 66044.

If you do not file an answer within the time period specified in the summons or appear in court on the above date, a default judgment may be entered against you as to all matters over which the court has jurisdiction.

c. If the respondent has filed an answer or appears at the status docket and the parties state that the parties have not reached agreement on all issues, the court will set a status conference or pretrial hearing at a future date. The court will determine the appropriate nature of the future hearing on a case by case basis.

3. Motions - Parties wishing to set motions for hearing should contact the administrative assistant for the division to which the case has been assigned.

4. Pretrial Conferences - The parties to a divorce case which has been set for a contested hearing must set the case for a pretrial conference prior to the contested hearing. The parties shall exchange pretrial questionnaires seven (7) days before the date of the final pretrial conference. See Appendix F for the pretrial questionnaire that should be used. At the pretrial conference the court will direct the parties to prepare a pretrial order that will govern the conduct of the trial. The parties should exchange proposed parenting plans and lists of witnesses and exhibits prior to the final pretrial conference and should determine which exhibits can be admitted by stipulation at the pretrial conference. The pretrial order will replace the suggested findings of fact previously required by the court.

5. Parentage Cases - Attorneys have an obligation to evaluate the facts in all parentage cases and determine whether the facts require a *Ross* hearing. If the attorney determines that such a hearing is necessary the attorney should prepare a motion and proposed order appointing a Guardian-ad-Litem for the child and set the matter for hearing.

6. Mandatory Co-Parenting Education Classes and Child Custody Mediation

a. All parents in divorce, annulment, separate maintenance, protection from abuse and post parentage actions involving issues regarding minor children of the relationship shall attend a co-parenting class approved by the Douglas County District Court.

b. Each parent shall be responsible for prepayment of the fee for the class. At its discretion the court may assess this expense to one or both parties as costs in the action.

c. Parties to a contested case involving issues of child custody, parenting schedules and/or parenting rights must attempt to settle the issues through mediation prior to setting the case for final hearing.

d. The court will not set a divorce, annulment, separate maintenance action or post parentage proceeding involving minor children of the relationship for final hearing until the parents have complied with this rule. The court may waive this requirement for good cause.

e. The court may require the parties to attend a co-parenting class or a similar program prior to hearing a motion for change of custody.

7. Written Discovery: Limitations - Unless the court orders otherwise, the number of interrogatories in a domestic relations action is limited to thirty (30), counting subparagraphs.

B. Ex Parte Orders

1. Ex parte orders containing provisions that restrain the disposition of property or contact between the parties shall restrain both parties equally.

2. A party filing an ex parte request for a restraining order that requires either party to leave the home must file a domestic relations affidavit and must include in the affidavit supporting the request the following information in addition to all other matters required by law:

- a) a paragraph stating whether either party has left the home;
- b) a paragraph stating whether either party has alternative housing available (e.g. relative and friends), and the parties' financial ability to obtain alternative housing; and
- c) a paragraph stating the health conditions of both parties.

3. A party filing an ex parte request for temporary custody of a minor child must include in the affidavit supporting the request, in addition to all matters required by law, the following:

- a) a paragraph describing with specificity any special circumstances that would make temporary sole custody rather than temporary joint custody appropriate;
- b) a statement as to which parent presently has custody of the child, and for what period of time;
- c) a paragraph stating whether either party has left the home, and if so, whether the child or children accompanied the party;
- d) a paragraph stating which parent has furnished the majority of the personal care for the child(ren); and
- e) a paragraph stating the employment status of both parties (e.g. full-time, part-time, stay-at-home parent); and
- f) a paragraph stating whether any child has special needs that a specific parent has been meeting.

4. A party requesting a child support order, whether the request is for a temporary order or an order approving child support contained in a separation agreement, must submit with the proposed child support order a completed, typed Domestic Relations Affidavit and a typed, suggested Child Support Worksheet completed in accordance with the Kansas Child Support Guidelines. A party requesting a maintenance order shall submit a completed, typed Domestic Relations Affidavit prepared pursuant to Supreme Court Rule 139.

5. Any attorney or party who submits to the court a motion and proposed ex parte order granting child support shall include an additional copy of the order, clearly marked "Court Trustee" together with a copy of the Child Support Worksheet and the Domestic Relations Affidavit required by Supreme Court Rule 139.

C. Post Divorce Issues

1. Post divorce cases involving issues other than enforcement of parenting time are subject to the requirements of Section A.6. of this rule.

RULE NO. 11.A CUSTODY EVALUATION DISTRIBUTION

A) Application of Rule

Unless otherwise ordered by the court, this rule applies to cases where the court directs that a written report be prepared by an investigator relating to legal custody, parenting time or visitation issues.

B) Investigator Defined

The term "investigator" includes any person the court directs to make an investigation or evaluation, including a court services officer, mental health professional, CASA volunteer, and a guardian ad litem. This rule does not apply to court-appointed case managers.

C) Delivery of Report

The investigator shall deliver the report to the court for dissemination to the attorney of record for each party.

D) Limitation on Dissemination of Report

Attorneys may generally discuss the contents of the report with their clients, but shall not give a copy of the report to their clients and shall not permit their clients to read or make notes from the report. If the investigator clearly designates a portion or portions of the report for general release, those portions may be read by the client or copied and released to the client. The remaining portions of the report shall remain confidential and shall not be read by or released to the client.

E) Pro Se Litigants; Dissemination of Report

- 1) If a party is not represented by an attorney of record, the report shall be made available for review by the pro se litigant, but no copy of the report shall be given to unrepresented parties. The review of the report by a pro se litigant shall be subject to such conditions as the court shall determine.
- 2) If a pro se litigant is allowed to read the report, then the represented litigant shall be allowed that same privilege. Portions of the report designated for general release under part 4 above may be copied.

F) Exceptions; Procedure.

Pursuant to K.S.A. 23-3210(c), exceptions to this policy may be granted upon a showing of necessity after a written motion and hearing.

G) Required Language

The following notice shall be included as part of any order for child custody investigation or other report.

IT IS BY THE COURT ORDERED that this report is subject to the provisions of K.S.A. 23-3210(c) and Local Rule 11.A. Attorneys may generally discuss the contents of the report with their clients, but shall not give a copy of the report to their clients and shall not permit their clients to read or make notes from the report. If the investigator clearly designates a portion or portions of the report for general release, those portions may be read by the client or copied and released to the client. The remaining portions of the report shall remain confidential and shall not be read by or released to the client.

If a party is not represented by an attorney of record, the report shall be made available for review by the unrepresented party, but no copy of the report shall be given to unrepresented parties. The review of the report by an unrepresented party shall be subject to such further conditions as the court shall determine. If an unrepresented party reviews a report the represented party may request the opportunity to review the report, but no copy of the report shall be given to a represented party.

Failure to comply with the terms of this order by either an attorney or an unrepresented party may be punishable by sanctions for contempt as the court may determine.

RULE NO. 12 APPOINTED ATTORNEYS

A) Felony Cases

- 1) Attorneys assigned to the Panel for Indigent Defense Services (felony panel) shall consist of those attorneys who volunteer and are approved by the District Judges of the Seventh Judicial District, or who are otherwise appointed by said judges.
- 2) Eligibility to Serve
 - a) Each attorney shall be eligible to serve on the felony panel if the following criteria are met:
 - i) Each attorney on the felony panel representing an indigent defendant shall have completed twelve (12) hours of continuing legal education in the area of criminal law within three (3) years of appointment or have graduated from an accredited law school during the three (3) years immediately before appointment.
 - ii) Each attorney assigned to the defense of any felony classified as a non-drug grid offense with severity level of 3 or 4, or any felony classified as a drug grid offense with a severity level of 1 through 3 shall have tried to a verdict, either as defense counsel or prosecutor, five or more felony jury trials.
 - iii) Each attorney assigned to the defense of any felony classified as an off-grid offense or a non-drug grid offense with a severity level of 1 or 2 shall have tried to verdict, either as defense counsel or prosecutor, five or more jury trials involving the following:
 - 1) Non-drug offenses of severity levels 1 through 4 or drug grid offenses of severity levels 1 through 3; or
 - 2) Any off-grid offenses.
 - iv) Each attorney assigned or appointed to the defense of any indigent person accused of a capital murder shall be a prequalified death penalty attorney as approved by the State Board of Indigents Defense Services.
 - b) In addition, attorneys on the felony panel must:
 - i) Not be an employee of the State of Kansas; and

- ii) Attend the annual seminar on criminal law and procedure sponsored and presented by the Douglas County Bar Association if:
 - 1) They have graduated from law school or become a member of the Kansas Bar within three years of the time they propose to join the panel;
 - 2) They have not been a member of the Douglas County felony panel for a period of at least three years prior to the time they wish to be on the panel; and
 - 3) Prior to being appointed on felony cases charging level 5 felonies through off-grid felonies, the attorney must have attended the felony seminar during the previous calendar year.
- 3) Attorneys appointed to the felony panel shall serve thereon for a minimum period of one (1) year after the date of their approval unless sooner released as a result of illness, ineligibility, or for good cause by order of the chief judge. The felony panel may be revised from time to time as provided by law and shall be reviewed and approved annually by the judges of the district.
- 4) Rotation of Appointments

All appointments shall be made in an orderly manner to avoid patronage, or the appearance of patronage, and to ensure fair distribution of appointments among all whose names appear on the felony panel. Names on the panel shall be in alphabetical order and appointments shall be made in sequence with the following exceptions:

 - a) If the court determines there is a conflict of interest, the next listed attorney shall be appointed.
 - b) If the court determines the attorney lacks sufficient experience in a serious felony case, the next qualified attorney shall be appointed.
 - c) If the court determines an emergency appointment of counsel is required, the first available attorney may be appointed; or
 - d) If the court determines the attorney is unavailable to promptly handle the case, the next listed attorney shall be appointed. Any attorney who is passed over shall be first in sequence for the next appointment.
- 5) Unless otherwise ordered, an appointed attorney's responsibility in a felony case ends with the filing of any of the following:
 - a) Order of withdrawal;
 - b) Order of dismissal;
 - c) Diversion order staying prosecution;
 - d) Thirty (30) days after the issuance of a bench warrant for failure to appear.
- 6) Duties of Trial Counsel Following Sentencing

In order to protect a convicted defendant's right to appeal, it shall be the duty of each trial counsel to prepare and/or file the following documents:

 - a) Motion for modification of sentence pursuant to K.S.A. 21-4603(2), when appropriate;
 - b) Motion for release on appeal bond pursuant to K.S.A. 22-2804, when appropriate;
 - c) Notice of appeal in a timely manner, unless a waiver of the right to appeal has been signed by the defendant;
 - i) Upon filing the Notice of Appeal, obtain a court order for the trial transcript and a transcript of any pretrial or post trial proceedings from which a claim of error may arise;

- ii) Upon filing the Notice of Appeal, obtain an order from the district court appointing the State Appellate Defender as counsel for the appeal and file the Order of Appointment with the Clerk of the District Court within five (5) days of the filing of the Notice of Appeal;
- iii) Submit a draft of the docketing statement and all documents necessary to docket the appeal required by Supreme Court Rule 2.041 to the Appellate Defender within ten (10) days of the filing of the Notice of Appeal; and
- iv) Submit a listing of all hearings in which a record was taken to the Appellate Defender, including dates within ten (10) days of the filing of the Notice of Appeal.

B) Non-felony Cases (Misdemeanor, Traffic, Contempt, Care and Treatment, and Juvenile)

- 1) Attorneys assigned to the non-felony panel shall be limited to those attorneys who volunteer and are approved by the District Judges of the Seventh Judicial District, or who are otherwise appointed by said judges. To be eligible for the non-felony panel, attorneys must:
 - a) Not be an employee of the State of Kansas; and
 - b) Attend the annual seminar on criminal law and procedure sponsored and presented by the Douglas County Bar Association if:
 - i) They have graduated from law school or become a member of the Kansas Bar within three (3) years of the time they propose to join the panel; and
 - ii) They have not been a member of the Douglas County non-felony panel for a period of at least three (3) years prior to the time they wish to be on the panel.
- 2) Attorneys appointed to the non-felony panel shall serve thereon for a minimum period of one (1) year after the date of their approval unless sooner released due to illness, ineligibility, or for good cause by order of the chief judge.
- 3) Appointment of counsel from the non-felony panel may be by rotation or otherwise, provided that no judge shall appoint the same attorney another time until all other members of the non-felony panel have been appointed by such judge the same number of times.
- 4) An appointed attorney's responsibility in a misdemeanor case ends with the filing of any of the following:
 - a) Order of withdrawal
 - b) Order of dismissal
 - c) Diversion order staying prosecution
 - d) Thirty (30) days after the issuance of a bench warrant for failure to appear.

C) Submission of Vouchers

- 1) Appointed attorneys shall submit vouchers on forms provided by the court within sixty (60) days after their responsibility ends per Local Court Rule 12(A)(3). The voucher in non-felony cases shall be identical to the form in Appendix C and shall be submitted, if applicable, at the time of sentencing; otherwise, within sixty (60) days after the attorney's responsibility ends per Local Court Rule 12(B)(3).
- 2) Whenever an attorney submits a voucher to the court for payment by the court or BIDS, the voucher should be submitted on paper directly to the judge's chambers. BIDS vouchers, including vouchers for the attorney, experts, and investigators, will be approved by the judge and returned to the attorney for filing with BIDS. Attorneys should submit misdemeanor

vouchers in a form which contains a face sheet on which the filing attorney states all pertinent case information and an attached itemization of fees. The supporting data should be attached to the face sheet in a manner such that the face sheet can be removed by the court and scanned into the e-filing system. The attorney's voucher and itemization shall be submitted at the same time.

RULE NO. 13 AUDIO, VIDEO, AND PHOTOGRAPHIC RECORDING OF COURT PROCEEDINGS

This rule supplements Kansas Supreme Court Rule 1001 and any amendments thereto.

1. No one shall create any type of audio, video or photographic recording of court proceedings, whether taking place in the courtroom or another location, including the hallways or outside the courtroom, without prior permission from the court and must follow Supreme Court Rule 1001 and any amendments thereto.
2. Anyone seeking permission to make an audio, video or photographic recording shall contact the administrative assistant of the division of the court in which the proceeding is taking place at least seven (7) days prior to the hearing. In the event the administrative assistant is not available, the requesting party shall contact the court administrator. The court may waive the seven-day period if it deems waiver to be appropriate.
3. The administrative assistant, or court administrator in the administrative assistant's absence, shall notify the presiding judge of any requests for media recordings and advise the requesting party or parties of the judge's decision.
4. Whenever the judge presiding over a case believes it is advisable, the chief judge may appoint a specific media coordinator for that case only.
5. No one may photograph, interview or record a juror or witness during a court proceeding.
6. No video or photographic recording shall be made of a defendant in a criminal case who is in restraints unless the defendant is seated at counsel table and the restraints are not visible in the image.
7. No one shall make any photograph or record items of evidence that have not been admitted into evidence by the court.
8. The presiding judge may restrict the locations within the courtroom where photography and recording equipment may be located or used.

RULE NO. 14 JUDICIAL BUILDING AND COURTROOM SECURITY

- A) If an attorney, litigant, witness, or other individual has a security concern about a person who will be entering the judicial building or attending a hearing or trial, the information may be provided to law enforcement or given directly to a Court Security Deputy.

- B) The information will be addressed by the security officer, whose measures may include the use of metal detectors, placement of officers in the courtroom, or other security measures. The general information that a security concern has been received and the security plan devised shall be given to the appropriate judge and staff; however, the security officer shall not give specific information to the judge unless the officer believes it is necessary for the judge's or his or her staff's safety and the judge requests this information.
- C) No person, other than Douglas County Sheriff's deputies or other law enforcement officers designated by the sheriff to assist with court security duties, shall possess a firearm, a sharp-edged weapon or any other object that could be used as a weapon and poses a physical threat to court patrons and personnel, in any courtroom in the Seventh Judicial District. On duty certified law enforcement officers may possess such weapons unless testifying as a witness during a jury trial. Court personnel may possess personal-use knives in areas adjacent to the courtrooms, but may not possess such knives within any courtrooms without the authorization of the judge presiding over that courtroom. Court security personnel of the Douglas County Sheriff's Office are authorized to enforce the provisions of this Rule.

RULE NO. 15 FORMS OF PLEADINGS AND MOTIONS

- A) Pursuant to Supreme Court Rule 111, only standard-size paper (8 ½ x 11 inches) shall be used for pleadings, briefs, and other papers filed in the District Court.
- B) If a party or an attorney for a party files documents with the clerk and requests conformed copies of the documents submitted for filing, at the time of making the request the party or attorney must provide the clerk with the copies of the document(s) to be conformed together with either a self-addressed, stamped envelope in which the copies are to be returned to the party or the number of a box outside the office of the clerk of the district court in which the documents can be placed when conformed.
- C) Page Limitations
Except as the court may specially authorize, the length of memoranda, motions, and briefs shall not exceed the following:
- 1) Motions for summary judgment, to dismiss, and for judgment on the pleadings
 - a) Brief in support—50 pages
 - b) Brief in opposition—50 pages
 - c) Reply brief—20 pages
 - 2) All other motions
 - a) Brief in support—20 pages
 - b) Brief in opposition—20 pages
 - c) Reply brief—10 pages
 - 3) Any motion to exceed page limitations must be submitted before submission of the memorandum, motion, or brief and shall include a specific total page request. Such motions may be ruled upon without waiting for a response from any other party. If a motion is granted increasing the size of a brief in support, the page limit for the brief in opposition is automatically increased to the same page limit. Any brief that exceeds the page limitations may be stricken by the court.

RULE NO. 16 CHAMBERS COPY OF MOTIONS, REPLIES TO MOTIONS, AND PRETRIAL STATEMENTS

A) Chambers Copy

When filing any motion or reply to a motion, counsel shall deliver a copy of the motion and a copy of any brief or reply brief to the administrative assistant for the assigned judge. Counsel shall clearly mark the copy of the motion and any brief or reply brief "Chambers Copy." The chambers copy shall not be filed with the Clerk of the District Court and will be disposed of after the judge resolves the motion.

B) Time to Respond to Motions to Dismiss

A party opposing a motion to dismiss or motion for judgment on the pleadings shall be given twenty-one (21) days to respond to such motion unless otherwise ordered by the court.

RULE NO. 17 OFFICE OF THE DISTRICT COURT TRUSTEE

As authorized by K.S.A. 20-375, *et seq.*, and Supreme Court Rule No. 172, there shall be established the Office of District Court Trustee for the judicial district.

A) Qualifications, Appointment and Prohibitions of Court Trustees

- 1) The court trustee shall be a person licensed to practice law in the State of Kansas and shall be appointed by and serve at the pleasure of the chief judge.
- 2) Pursuant to K.S.A. 20-383, there shall be appointed by the judges of the district court such other persons, including but not limited to deputy trustees, assistant trustees, hearing officers, and support staff, as shall be necessary to carry out the purpose of the office. The court trustee shall supervise the day-to-day activities and personnel matters of the Office of District Court Trustee, except matters relating to the hearing officer.
- 3) Neither the court trustee nor the staff shall engage in the private practice of law or engage in work that conflicts or appears to conflict with the interest of the Office of Court Trustee. No part-time court trustee shall engage in the private practice of domestic relations or criminal law.

B) Powers and Duties of Court Trustee

The court trustee shall be authorized and empowered to pursue all civil remedies that would be available to the obligee in establishing and enforcing payment of support and collecting restitution. The trustee is also authorized and empowered to pursue all civil remedies in collecting court debts and restitution. The court trustee may also file motions for an increase or a decrease of the amount of support on behalf of any child. Any such motion to modify the amount of support shall not be heard until notice has been given to the obligee, the obligor and their attorneys of record, if any.

The court trustee shall have the responsibility for collecting and enforcing support from obligors pursuant to any new or modified support order entered on or after the 1st day of January 1995. Orders involving only spousal support (maintenance) shall require an application to the court trustee for enforcement services. The 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 the enforcement of support to appear in the Office of the 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 court trustee's responsibilities under this section;
- (4) To enter into stipulations, acknowledgments, agreements, and journal entries, subject to the approval of the court;
- (5) To enter into contracts pursuant to K.S.A. 20-169 and amendments thereto with the Office of the Attorney General for the purposes of collecting court debts and victim restitution; and
- (6) To collect restitution and court debt.

C) Costs of Enforcement

Commencing May 1, 1995, the court trustee is authorized to charge 5% of the funds collected for Non-Title IV-D child support, to defray the costs of enforcement. The court trustee shall charge the fee authorized by statute and the trustee's contract with the state Attorney General to defray the cost of collecting court debt and restitution. These funds shall be placed in the court trustee's operations fund, and shall be distributed as ordered by the court and as provided by law. The amount charged by the court trustee may be increased and decreased as deemed appropriate by the judges of the district court and as provided by law.

D) Exemption

- (1) By written motion, any party may request the district court judge of original assignment to exempt the court trustee from the responsibility of collecting support payments in a particular case. The moving party shall file the motion with the Clerk of the District Court and serve a copy of the motion and notice of hearing upon the other party and the court trustee. Upon hearing and based on all relevant factors, exemption may be granted if the court finds that the request is for good cause. The court trustee shall not thereafter be responsible to enforce the Order of Support.
- (2) By written direct payment agreement, the parties may agree that child support and maintenance payment shall be made directly to the obligee and not through the central unit for collection and disbursement, otherwise known as the Kansas Payment Center (KPC). The parties must present the written agreement signed by the parties to the court of original assignment for approval. The written agreement must contain current address information for both parties. The original agreement shall be filed with the Clerk of the District Court and the obligor shall provide a copy to the obligee, the obligee's attorney, and the court trustee. No written payment agreement shall be considered effective until approved by the court and filed with the Clerk of the District Court. Such agreement shall exempt the court trustee from the responsibility of collecting support payments or any other action.
- (3) Upon approval of the direct payment agreement, the obligor shall thereafter at least annually on the date the first payment under the agreement was to be made file with the Clerk of the District Court a report of the payments made. Such report shall be on a form prescribed by

the court trustee. A copy of the report shall be provided to the obligee and the obligee's attorney. The obligor shall keep written proof of payments to the obligee in the form of canceled checks or other receipts. Failure to file the annual reports required or maintain adequate written evidence of payments may result in the payments being presumptively disallowed.

- (4) Any case wherein a direct payment agreement has been approved by the court may revert to a case enforced by the court trustee upon the following events, which shall be verified by the court trustee:
 - (a) The obligee provides written notification to the court trustee of the obligor's failure to file the annual report with the Clerk of the District Court or failure to provide the obligee with a copy of said report;
 - (b) The obligee provides a written notarized affidavit to the court trustee that the obligor's child support and/or maintenance payment is delinquent by thirty (30) or more calendar days; or
 - (c) The obligor or obligee provides a written rescission of the direct pay agreement to the court trustee, the other party, and their attorney.
- (5) Upon receipt of one of the above (a) or (b) notifications, the court trustee shall move the court for an order rescinding the direct payment agreement and ordering all child support and/or maintenance to be paid through the KPC and enforced by the court trustee. If the motion is granted, the order shall be served on the obligor, obligee, and their attorneys, if any.
- (6) In the event any court-approved direct payment agreement is set aside or terminated for any reason under this rule, the parties shall not be eligible to enter into a subsequent direct payment agreement and the court shall not approve any subsequent request, except for good cause shown.

E) Receipt and Record of All Support Payments

All support payments, whether or not the responsibility of the court trustee to enforce and collect, shall be paid through KPC. The trustee shall maintain a record of child support and maintenance payments pursuant to this rule. Any payments of child support not paid through the KPC shall be presumptively disallowed unless the court has approved a direct payment agreement.

F) Support Orders

1) To Whom Payable

All new and modified orders for payment of support shall provide that such payments shall be made payable to the order of the KPC. If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has made a determination concerning the manner of payment of child support, then maintenance payments shall be made in the same manner.

2) Ex Parte Orders

Any attorney who submits to the court for approval an ex parte order for support shall include an additional copy of the order, clearly marked "Court Trustee," together with the Child Support Worksheet and the Domestic Relations Affidavit, required by Supreme Court Rule 139 and Administrative Order No. 128. The residence, business address, and last four digits of the Social Security numbers of both parties shall be contained in the affidavits.

- 3) Order of Support Decreed at Trial and Subsequent to Trial
The clerk shall transmit to the court trustee a copy of all support orders entered at trial or in post-trial proceedings, together with the Domestic Relations Affidavits required by Supreme Court Rule No. 139 and the Child Support Worksheet required by Kansas Supreme Court Administrative Order No. 128. Any attorney who submits such orders shall include an additional copy of each document clearly marked "Court Trustee" to the Clerk of the District Court for transmittal to the court trustee. The required factual statement shall include the residence, business address, and last four digits of the Social Security numbers of both parties.
- 4) Mandatory Information Form
Both the obligor and the obligee shall update and replace said information form (Appendix D) at any time the obligor or obligee change employment or residence. Failure by either party to provide or update the form as required by this rule may be considered an indirect contempt of court.
- 5) Mandatory Provisions in Orders for Support.
Unless otherwise ordered, each order for the support of a child or for maintenance of a spouse or ex-spouse (order for support) entered in the district shall include the following applicable language:

IT IS FURTHER ORDERED that pursuant to Kansas Supreme Court Administrative Order No. 168 all [child support] [maintenance support] payments shall be made payable and paid to the Kansas Payment Center at P.O. Box 758599, Topeka, Kansas 66675-8599. Any payments not made in accordance with this provision shall be presumptively disallowed.

IT IS FURTHER ORDERED that the District Court Trustee shall monitor and enforce the Child Support Order and may pursue remedies available to the obligee to enforce the Order for Support.

IT IS FURTHER ORDERED that each party shall complete the Court Trustee Information Form providing the District Court Trustee with the party's name, social security number, address, and employer including business address. Further, this form is to be updated within seven (7) days after any change in the party's name, address or employer including employer's business address. The District Court Trustee shall provide a copy of this completed form and all updates to the other party. IT IS FURTHER ORDERED that the Child Support Order Information sheet be completed and shall accompany but not be attached to the journal entry filed with the Clerk of the District Court per Kansas Supreme Court Administrative Order No. 168.

IT IS FURTHER ORDERED that withholding of income to enforce this Order for Support and any modifications shall take effect without further notice pursuant to K.S.A. 2011 Supp. 23-3103 and any amendments thereto.

IT IS FURTHER ORDERED that the amount of [child support] [maintenance] payable per month is [\$], due on or before the [] day of each month beginning on [].

RULE NO. 18 SURETIES

A) Authorization to Write Bonds

No bail agent or compensated surety engaged in the business of writing appearance or bail bonds for profit shall be authorized to act as sureties in this Court until having fully complied

with the rules of the Court relating to bonds and with K.S.A. 22-2809. Individuals of the community may act as sureties in this Court on a per case basis without complying with these rules if no fee is charged and a judge of this Court approves. A compensated surety may apply annually in this district for authorization, which runs from March 1 to the following end of February.

B) Duties and Restrictions of Sureties

- 1) Receipts – A bail agent shall give a receipt for monies paid or for any security taken on any bond to the person paying the same or making deposit of such security. The receipt for monies paid or security taken shall state the bond number, the title of the case, the branch or division of the court in which the principal is to appear, the date of appearance and an accurate description of the security taken.
- 2) Bond Orders – A bail agent shall not charge or receive as compensation for an appearance bond a fee in excess of the amount guaranteed by said bonds. Individuals who pay cash in full may pay such cash to the Douglas County Sheriff or to the Douglas County Clerk of the District Court.
- 3) Every person posting cash for another person shall be informed that any cash posted as a bail bond may be subject to forfeiture if the accused person fails to appear in court pursuant to court order.

C) Responsibilities to the Court

Each bail agent or bonding company shall be responsible for his/her client's appearance in the proper court at the proper time. Court personnel shall not be responsible for informing sureties of appearance dates and dispositions, as this information is generally available in open court at the time of the hearing.

D) Revocation or Suspension - Any bail agent or bonding company in violation of these rules shall be subject to suspension or revocation of the privilege of writing bonds in this Court. The chief judge has designated Division 3 to supervise bail agents and bonding companies.

- 1) Summary revocation or suspension. The judge in Division 3 may revoke or suspend the said authority to write bonds summarily without notice when in her opinion:
 - a) Any judgment or bond forfeitures have remained unpaid after 60 days from the date of the effective date thereof. Notice of such summary revocation or suspension shall be given by mail at the address listed in the application for authorization.
 - b) The surety or bail agent has been suspended in one or more Kansas counties for fraudulent, unfair or dishonest practices.
- 2) Revocation or suspension for cause. The judge may, upon her own motion or upon the request of any person, at any time enter an order to show cause why the said authorization should not be revoked or suspended for any one or more of the following reasons:
 - a) For violation of any of the provisions of these rules;
 - b) Upon conviction of any criminal offense under the laws of the State of Kansas, the laws of the United States, or the laws of any other state;
 - c) Upon being adjudged insolvent;
 - d) For interference or attempted interference with the administration of justice;
 - e) For fraudulent, unfair or dishonest practices;
 - f) For any material misstatement made in the application to secure an order to act as surety or guarantor;

- g) Failure to report immediately any change of status as surety or guarantor since the date of authorization, which fact, if known, would have made such applicant ineligible for authorization to act as surety or guarantor under these rules.
- h) Failure without justification to discharge an obligation without delay when liability became absolute or was determined by final judgment, or interposed a frivolous or unmeritorious defense upon a bond executed by the surety or guarantor.

The Order to Show Cause shall set a date for hearing, and the clerk of the court shall furnish the sheriff of Douglas County, Kansas with a copy of the Order to be served upon the surety or guarantor together with a notice of the date set for hearing. Upon hearing, the judge may enter an order revoking or suspending the authority of said surety or bail agent together with other orders she may deem appropriate.

RULE NO. 19 EXTENDED JUVENILE JURISDICTION PROSECUTION

Upon the district attorney's filing of the request for adult prosecution or the request for extended juvenile prosecution, the case shall be assigned to a specific division by the chief judge.

RULE NO. 20 SETTLEMENT CONFERENCES

- A) Cases to be Tried to a Jury. A party may request that the judge assigned to a case to be tried by a jury conduct a settlement conference in the case. If all parties agree to the convening of a settlement conference by the assigned judge, the judge may conduct a settlement conference at such time as is convenient with the court's schedule. If the judge to whom the case is assigned is not available to conduct a settlement conference, he or she may contact the judges assigned to other divisions in the district to determine whether another judge is willing and able to conduct a settlement conference in the case. If a judge of another division agrees to do so, that judge will conduct a settlement conference in the case. At the conclusion of the settlement conference, the judge conducting the settlement conference shall report the result to the judge to whom the case is assigned for trial.
- B) Cases to be Tried to the Court. The judge assigned to a case set for trial to the court shall not conduct a settlement conference in the case. If all of the parties to the case request that a settlement conference be conducted in the case, the judge to whom the case is assigned may contact the judges assigned to other divisions in the district to determine whether another judge is willing and able to conduct a settlement conference in the case. If a judge of another division agrees to do so, that judge may conduct a settlement conference in the case. At the conclusion of the settlement conference, the judge conducting the settlement conference shall report the result to the judge to whom the case is assigned for trial.
- C) Documents to be Submitted Prior to Settlement Conference. At least seven days prior to the date of the settlement conference unless otherwise directed by the judge conducting the settlement conference, all parties participating in the conference shall submit to the judge conducting the settlement conference the following information:
 - 1) a brief statement of the facts the party believes it will prove to support its position;
 - 2) a brief statement of the major areas of agreement and disagreement between the parties;
 - 3) a brief statement of the strengths of the party's case;
 - 4) a brief statement of the weaknesses of the party's case;

- 5) a description of the settlement negotiations that have taken place;
- 6) a statement of the party's candid assessment of the value of the case;
- 7) such other information as is specifically requested by the judge conducting the settlement conference.

The information furnished by the parties to the judge conducting the settlement conference shall be held in confidence unless the party furnishing the information gives the judge permission to disclose it to the other party.

- D) Parties to be in Attendance. Unless waived by the judge conducting the settlement conference prior to the date of the conference, all parties, or, if approved by the judge, a representative of each party who has settlement authority, must be present at the settlement conference.

Rule No. 21 MOTIONS FOR PROTECTIVE ORDERS

The filing of a motion for a protective order pursuant to K.S.A. 60-226(c) or K.S.A. 60-230(d) 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 pursuant to K.S.A. 60-245(c)(3)(A), or a motion to order appearance or production only upon special conditions pursuant to K.S.A. 60-245(c)(3)(B), 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 No. 22 EVICTION CASES

- A) All petitions for possession of real property in eviction cases shall include as an exhibit the notice to leave premises that was served on the tenant as a prerequisite to bringing the action.
- B) A plaintiff in an eviction action may file a motion requesting a continuance of the trial in an eviction action, and upon filing the motion by the plaintiff, a scheduled trial shall be removed from the calendar and rescheduled with the division in which such action is pending. A defendant may request a continuance in accordance with K.S.A 61-3807(b).

Rule No. 23 COURTROOM DECORUM

- A) All lawyers will be professionally and conservatively attired while in court, and shall not be groomed or attired in a manner reasonably calculated to distract attention from the proceedings, call attention to themselves, or show disrespect to the court.
- B) No spectator, counsel, or party shall carry a sign or display pins, buttons, or materials which are designed to communicate a position or message to others while in the courthouse.
- C) Unless otherwise directed by the Court, all trial exhibits admitted into evidence in criminal and civil actions, which are not suitable for filing and transmission to the Court of Appeals or Supreme Court, shall be retained in the custody of the party offering them, subject to the

orders of the court. Such exhibits shall include, but not be limited to, the following types of bulky or sensitive exhibits: narcotics and other controlled substances, firearms, ammunition, explosive devices, jewelry, liquor, poisonous or dangerous chemicals, bio-hazardous materials, money, articles of high monetary value, and documents of unusual bulk or weight. At the conclusion of the trial, the party offering such exhibits shall retain custody of them and be responsible to the court for preserving them in the same condition as when they were admitted at trial until any appeal is resolved or the time period for appeal has expired. The party retaining custody shall make such exhibits available to opposing counsel for use in preparation of an appeal and be responsible for their safe transmission to the appellate court, if required. Such party shall be responsible for documentation of the chain of custody of such exhibits.

Rule No. 24 JURORS- EXCUSALS AND POSTPONEMENTS

- A. All persons are eligible for jury service except the following:
 - a. Persons that are less than eighteen (18) years of age;
 - b. Persons that are not citizens of the United States;
 - c. Persons that are not residents of Douglas County;
 - d. Persons that are unable to understand the English language with a degree of proficiency sufficient to respond to a jury questionnaire form prepared by the jury clerk;
 - e. Persons that have within 10 years immediately preceding the date of summons for jury service been convicted of, pleaded guilty to or pleaded no contest to an indictment or information charging a felony;
 - f. Persons that are presently under adjudication of incompetency; or
 - g. Per K.S.A. 43-158(e), mothers breastfeeding their children, in which case jury service shall be postponed until such mother is no longer breastfeeding the child.
- B. The following persons may be excused from jury service by a judge:
 - a. Persons who are physically or mentally unable to serve as a juror;
 - b. Persons whose presence elsewhere is required for the public welfare, health, or safety;
 - c. Persons for whom jury service would cause extraordinary or compelling personal hardship; or
 - d. Persons that have served as jurors during the preceding 24 months.
- C. The following persons will be excused from jury service by the clerk upon request:
 - a. Persons over the age of 70;
 - b. Persons physically unable to serve;
 - c. Persons whose religious beliefs do not allow them to serve;
 - d. Persons who have served as jurors in state or federal court during the preceding 24 months.
- D. Any person summoned for jury service may request that their jury service be postponed to a later date. No person may request more than two postponements and the total postponement period for all postponements may not exceed 12 months.

Rule No. 25 ELECTRONIC FILING REQUIREMENTS

A) Mandatory Electronic Filing

All licensed attorneys must submit all new cases and documents to be filed within existing cases for filing with the District Court of Douglas County, Kansas, using the Kansas Courts Electronic Filing System. Attorneys using the system should acquaint themselves with and follow Kansas Supreme Court Order No. 268. Except as modified herein, all local rules presently in effect continue to apply to all cases and documents filed through the e-filing system.

B) Attachments to E-filed Documents

When possible, persons filing pleadings with documents attached should file the attachments as part of the original documents to which they are attached. If the filer is unable to include the attachment with the original document because of size restrictions, the filer should e-file the attachments separately and should label the attachments in E-flex in such a way that the label identifies the document to which it is appended.

C) Service by E-Filing

Whenever a party elects to serve a document through the notice of electronic filing generated by the district court electronic filing system, the party shall also serve the document, including attachments, by e-mail or hand delivery. Service by e-mail shall occur on the same calendar day that the party submits the document for electronic filing. This rule shall also apply to any non-party who electronically files a document for which service is required.

D) Chambers Copies

When e-filing any motion, response, briefs in support of such motions, and attachments/exhibits counsel shall deliver a printed chamber copy of all documents to the administrative assistant for the assigned judge. If the individual judge agrees to receive chamber copies in electronic format, counsel may submit them to that judge electronically.

E) Transcript Orders

Counsel should notify the court reporter responsible for producing the transcript when an order for transcript is signed by the judge.

F) Indigent Defense Panel Vouchers

Appointed counsel should deliver felony vouchers directly to the judge presiding over the case. Counsel should not e-file the vouchers. Attorneys appointed in misdemeanor cases should e-file the face sheet of the voucher containing the total amount being claimed. The attorney should deliver any documents containing supporting itemizations of the time expended by the attorney to the presiding judge. Attorneys should deliver motions and orders requesting that the judge find that the case was exceptional. Attorneys should deliver such motions and orders directly to the judge. The court will return felony vouchers to the attorney once they are approved. The attorney should then submit the voucher to the Board of Indigent Defense Services.

G) Document Names

When e-filing documents, the filer should use names or descriptive terms that fully identify the document and the party filing the document.

H) Filing of the Original Wills in Probate

When a party files a petition to admit a will to probate, the party should attach a copy of the will to the petition. The party should also file the original of the will with the Clerk of the District Court.

RULE NO. 26 JUVENILE OFFENDER AND CINC DOCUMENT DISTRIBUTION

- A) All documents filed or submitted to the court in Child in Need of Care (CINC) and Juvenile Offender (JV) cases shall be submitted to the court by email. The person submitting such documents is responsible for distributing copies of the documents to all attorneys of record and involved agencies (e.g., CASA and other service providers).
- B) All agencies (including governmental departments and agencies) and attorneys appearing in CINC or JV cases must provide the Clerk of the District Court with an email address to which they wish to have documents sent. The court's email address for filing CINC and JV documents is jcjvclerk@douglas-county.com.
- C) The clerk's office will distribute file-stamped court issued documents to attorneys, government representatives, and agencies by email as directed by the court. The clerk will send copies of all legal documents to parties, interested parties, and child placement providers by first class mail unless such person requests that such documents be distributed to them by email after filing with the clerk a waiver of mail service in the form attached to this administrative order.
- D) Parties submitting social history documents must file a cover sheet with the documents in the format set forth below. Parties filing any other document with the Clerk of the District Court shall also file a cover sheet containing the information stated in paragraphs 1-4 below clearly set forth in the top half of the document and the information stated in paragraph 5 below set forth in the bottom half of the document, to wit:
 - 1) Case number, including the full four-digit year, case type, and full case number assigned to the case. If the party submitting the document submits the document for more than one case, the full case numbers for all cases in which the document is being submitted must be set out in the cover sheet;
 - 2) Last name, first name, year of birth of child(ren) who is/are the subject of the document or report;
 - 3) Type of document (e.g., case plan, report, evaluation), name of entity submitting it, and date of report;
 - 4) Date, time, and location of hearing if applicable. A document that is filed, but not for a specific hearing, need not contain a hearing date, time, and location;
 - 5) A list of those persons who have been given copies of the document.
- E) The Clerk of the District Court shall send copies of this order to all persons or entities currently filing reports with the court and to all new persons or entities when the court orders such person or entity to prepare a report for the court.

RULE NO. 27 DISTRICT COURT RULES

- A) The judges shall consult with Bench/Bar Committee of the Douglas County Bar Association whenever there is a proposal for the adoption, revision, or modification of a district court rule unless the proposed revision is required by a change in Kansas Statutes or Kansas Supreme Court Rules. The chief judge shall submit the proposed rule(s) to the members Bench/Bar Committee by email. The Bench/Bar Committee shall have a period of thirty (30) days in which to submit its recommendations or comments to the court. In the event that time is of the essence in the consideration of the proposed rule(s), the chief judge may shorten the Bench/Bar comment period. After receiving any written recommendations from the Bench/Bar Committee, or if in the event the Committee fails to respond during the thirty (30) day comment period, the proposal shall be submitted to the judges for decision. If a majority of the judges of the district court vote in favor of the proposal, it shall be adopted as a rule or a revision of a rule of the district court, and it will become effective upon filing with the Clerk of the Kansas Appellate Courts. Notification of the new rule or amended rule shall be provided to the members of the bar through the Douglas County District Court website and by requesting that the Douglas County Bar Association send an email notification regarding the change to its members.
- B) The Bench/Bar Committee may request in writing the adoption, revision, or modification of a district court rule, in which event, the proposal shall be submitted to the judges of the district court for a majority vote, and if approved, for filing and notice in accordance with subsection (a).
- C) All administrative orders adopted by the court and relating to procedure (as opposed to appointments) prior to the last amended date shown on page 1 of these rules shall be superseded by these rules and shall not have any further force or effect. Any administrative order entered by the court after the last amended date shown on page 1 of these rules shall be in force only for the period of the earlier of:
- a. The date these rules are amended (as shown on page 1 of these rules) or
 - b. Twelve (12) months following the court's execution and posting of the administrative order.

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

Plaintiff(s)

Vs

Case No. _____
Division _____

Defendant(s)

RECEIPT FOR COURT FILE

The undersigned, an attorney admitted to the bar of the State of Kansas and authorized to practice law within this state, acknowledges receipt of the court file in the above captioned case.

The undersigned agrees to return the file within seven (7) days from date hereof, or immediately upon request.

Attorney Signature

S.C.#

Address

City, State, Zip

Phone number

Consent to remove court file is granted this _____ day of _____,
_____.

Clerk of the District Court

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

Plaintiff(s)

Vs.

Case No. _____
Division _____

Defendant(s)

RECEIPT FOR RECORD ON APPEAL

The undersigned, counsel of record in the above captioned case, is granted access to the prepared record on appeal pursuant to Supreme Court Rule 3.06 and will comply with the following conditions:

- 1) Will make no marks of any kind on the record on appeal, including the transcript;
- 2) The transcript or record will not be taken apart for copying or for any other purpose; and
- 3) The record on appeal, including the transcript, will be returned to the clerk of the court within the time allotted by Supreme Court Rule for preparation of the brief.

Attorney Signature

S.C.#

Address

City, State, Zip

Phone number

Date _____

APPENDIX C

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

Misdemeanor/Care & Treatment/Indirect Contempt/Putative Parent Appointments

Payment to:

Name _____ Case No. _____

SSN/SC# _____ Div No. _____

Address _____ Defendant _____

_____ Offense _____

Date Appt. _____

Have you previously submitted a voucher in this case? _____

If so, how much have you received? _____

TIME IN COURT: (Itemize on attached sheet)

TOTAL IN COURT HOURS: _____

TIME OUT OF COURT: (Itemize on attached sheet)

TOTAL OUT OF COURT HOURS: _____

EXPENSES: (Itemize on attached sheet)

TOTAL EXPENSES: _____

I hereby certify the above information to be just, correct, unpaid, and due by law.

Signature

_____ Hours in court @ \$ _____ = \$ _____

_____ Hours out of court @ \$ _____ = \$ _____

TOTAL \$ _____

Approved:

District Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

In the Matter of _____)
 _____)
 and _____) Case No. DG
 _____) Division 3
 _____)

COURT TRUSTEE INFORMATION FORM

NOTICE: *This form is to be filed upon each new or modified order of support. The Obligor/Obligee is also responsible for keeping the Court Trustee informed of any change in the basic information. Failure to do so may be an indirect civil contempt of court.*

Please place an X where appropriate:

- _____ Initial filing (fill out item Nos. 1 through 5)
 _____ Subsequent filing:
 _____ Address change (fill out item No. 1)
 _____ Name change (fill out item No. 1 & please include old name)
 _____ Employment change (fill out item Nos. 1, 2, 3 & 4)
 _____ **The Court has found good cause for keeping this information confidential.**

1. Obligor/Obligee Information: Effective Date: _____
 Name: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____
 Social Security No.: _____ Date of Birth: _____
2. Legal name of Obligor's/Obligee's employer: _____
 Address: _____
 Phone: _____ FAX: _____
3. Name and address of corporate and/or payroll office if different from above:
 Name: _____
 Address: _____
 Phone: _____ FAX: _____
4. Payroll contact person or other person designated to receive income withholding orders:
 Name: _____
 Address: _____
 Phone: _____ FAX: _____
5. Support amounts:
 Child support: _____ Arrears: _____
 Spousal support: _____ Arrears: _____

 (Date)

 (Signature)

Appendix E

To access the Short Form Domestic Relations Affidavit published by the Kansas Judicial Council, please use the link below.

<https://www.kscourts.org/KSCourts/media/KsCourts/Child%20Support%20Guidelines/ShortFormDRA-2020-fillable.pdf>

**Domestic Pre-Trial Questionnaire
District Court of Douglas County, Kansas**

_____,
Petitioner,

Case No. _____ DM _____

and

_____,
Respondent.

Petitioner/Respondent's Pre-Trial Questionnaire

1. Have the parties tried mediation? Yes/no.
2. Has your client completed co-parenting classes and filed a certificate of completion?
Yes/No/NA
3. Have you filed a Domestic Relations Affidavit? Yes/No/NA
4. Have you filed a Child Support Worksheet? Yes/No/NA
5. Have you filed a proposed parenting plan? Yes/No/NA
6. What issues require resolution by the Court?
 - a. Parentage: Yes/No
 - b. Application of premarital agreement: Yes/No
 - c. Divorce: Yes/No
 - d. Division of property: Yes/No
 - e. Maintenance: Yes/No
 - f. Child support: Yes/No
 - g. Legal custody: Yes/No
 - h. Residency: Yes/No
 - i. Parenting time: Yes/No
 - j. Visitation rights of grandparents: Yes/No
 - k. Appointment of case manager: Yes/No
 - l. Other:
7. Describe your position, along with supporting factual contentions, on all issues that require resolution by the Court. If division of property is at issue, specifically list all items of property that need to be divided and each item's value.

8. State the law that you believe governs all issues that will be determined by the Court (include citations to all statutes and caselaw):
9. Describe any outstanding discovery that needs to be completed before trial:
10. List all witnesses you intend to call at trial and summarize their testimony:
11. List with specificity all exhibits you intend to admit at trial and describe their relevance:
12. Have you provided copies of all exhibits that you intend to admit to the other party/parties?
Yes/no.
13. Describe all stipulations your client will enter into:
 - a. This Court has jurisdiction over the parties, the children, and the subject matter.
 - b. Venue is proper in Douglas County, Kansas.
 - c. Admission of the Guardian Ad Litem report.
 - d. Other:

The Local Court Rules of Douglas County District Court, 7th Judicial District, as amended May 5, 2020, filed with the Clerk of the Supreme Court of Kansas on May 12, 2020.

/s/ James R. McCabria

James R. McCabria

Chief Judge / District Court Judge

Division No. 4

/s/ Amy J. Hanley

Amy J. Hanley

District Court Judge

Division No. 1

/s/ Sally D. Pokorny

Sally D. Pokorny

District Court Judge

Division No. 2

/s/ Kay Huff

Kay Huff

District Court Judge

Division No. 3

/s/ Mark A. Simpson

Mark A. Simpson

District Court Judge

Division No. 5

/s/ Stacey L. Donovan

Stacey L. Donovan

District Court Judge

Division No. 6