

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE INTEREST OF:

Name \_\_\_\_\_ Case No. \_\_\_\_\_  
DOB xx/xx/\_\_\_\_ A  male  female

Name \_\_\_\_\_ Case No. \_\_\_\_\_  
DOB xx/xx/\_\_\_\_ A  male  female

Name \_\_\_\_\_ Case No. \_\_\_\_\_  
DOB xx/xx/\_\_\_\_ A  male  female

**STIPULATION OR NO CONTEST STATEMENT OF**           Name of party            
Pursuant to K.S.A. 38-2248

- I stipulate that the claims in the petition in this case are true.
- or
- I neither admit nor deny the claims in the petition but I do not contest the claims in the petition and I understand the court may find that the claims in the petition are true.

I further acknowledge that the court makes the following inquiry:

- yes  no (a) I understand that I have a right to a hearing on the statements contained in the petition.
- yes  no (b) I understand that I may be represented by an attorney and, if I am a parent and financially unable to employ an attorney, the court will appoint an attorney for me, if I so request.
- yes  no (c) I understand that a stipulation is an admission that the statements in the petition are true.
- or
- yes  no (c) I understand that a no contest statement neither admits nor denies the statements in the petition and I understand the court may find that the statements in the petition are true.
- yes  no (d) I understand that, if the court accepts my stipulation or no contest statement, the court may find each child named above to be a Child in Need of Care and the

court will make further orders as to the care, supervision and custody of the child(ren), and I will not be able to appeal that finding or those orders.

**yes**  **no** (e) I understand that, if the court finds the child(ren) to be a Child(ren) in Need of Care, the court is not bound by any agreement or recommendation as to the disposition or placement of the child(ren).

My responses are made freely and voluntarily.

\_\_\_\_\_  
Signature

Represented by:

\_\_\_\_\_  
Attorney name  
Attorney for (party)  
Bar Registration Number  
Address  
Telephone  
FAX

Authority

K.S.A. 38-2248.

Notes on Use

The parents, the persons with whom the child has been residing pursuant to K.S.A. 38-2241(d) and the guardian *ad litem* may stipulate or enter no contest statements to all or part of the allegations in the petition. The court's inquiry that is required by the statute is included in the form in addition to other information that will assist the court in determining if the action is taken knowingly and voluntarily. Before accepting a stipulation the court shall find that there is a factual basis for the stipulation. The court shall not enter an order of adjudication based on a no contest statement unless the court finds from a proffer of evidence that there is a factual basis for the statement. The court shall hear evidence as to any parent or person with whom the child has been residing pursuant to K.S.A. 38-2241(d) who does not stipulate or enter a no contest statement, unless such person is in default.

The statute provides that a person with whom the child has been living may stipulate or enter

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a no contest statement. This is permitted because the allegations in a petition may concern abuse or neglect by a person with whom the child has been living, and this gives that person an opportunity to stipulate or enter a no contest statement.