

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

RULES RELATING TO DISTRICT COURTS
TIME STANDARDS
STANDARDS RELATING TO JURY USE AND MANAGEMENT

RULE 101 through RULE 187

The attached Supreme Court Rules Relating to District Courts are hereby amended, effective September 8, 2006.

BY ORDER OF THE COURT this 8th day of September, 2006.

KAY McFARLAND
Chief Justice

RULES RELATING TO DISTRICT COURTS

REPORT OF SUPREME COURT STANDARDS COMMITTEE

The attached report, adopted by the Supreme Court Standards Committee on October 24, 1980, was adopted by the Supreme Court, effective December 11, 1980, as a statement of the goals of the Kansas judicial system and of the general principles and time standards to be used as guidelines for the processing of cases by the District Courts of this State.

GENERAL PRINCIPLES AND GUIDELINES FOR THE DISTRICT COURTS

TIME STANDARDS

- (1) All Chapter 60 civil cases, except domestic relations cases, should ordinarily be set for an initial ~~discovery~~ case management conference within forty-five (45) days of the filing of an answer to explore prospects for settlement, a time schedule for completion of discovery, and the setting of a date for a pretrial conference and for trial;
- (2) Any civil case which has been pending for more than one-hundred-eighty (180) days shall be of special concern to the trial judge and should ordinarily be given priority in all trial settings.
- (3) The trial judge to whom cases are assigned should be responsible for the disposition of those cases and should, so far as reasonably possible, bring them to trial or final disposition in conformity with the following median time standards:

Civil Cases

Chapter 61 Cases--to final disposition, within a median time of sixty (60) days from date of filing.

Chapter 60 Cases--

Non-Domestic Civil--to final disposition, within a median time of one-hundred-eighty (180) days from date of filing.

Domestic Relations--to final disposition, within a median time of one-hundred-twenty (120) days from date of filing.

Chapter 59 Cases--(Probate and administration of estates--~~uncontested, and with no federal estate tax return required~~)--to final disposition, within a median time of one year from date of filing.

Criminal Cases

Felony--to trial or plea, within a median time of one-hundred-twenty (120) days from date of first appearance.

Misdemeanor--(excluding traffic)--to trial or plea, within a median time of sixty (60) days from date of first appearance.

Traffic--to trial or plea, within a median time of thirty (30) days from date of filing.

The term "median" as used in these time standards means that at least 50% of the cases subject to judicial determination are tried or disposed of within the established time standards.

- (4) When a report of the Judicial Administrator shows that a civil case has been pending for more than two years, such case shall be given priority over all subsequently filed cases and the ~~administrative~~ chief judge should report the reason for delay in disposition to the departmental justice.
- (5) In every judicial district in the state, there should be established a bench-bar committee composed of judges and lawyers to monitor the operation of the courts in the district, to develop programs for improvement of court services, and to formulate and carry on a continuing educational program to inform the citizens in the district about the functions and operations of the courts and the basic liberties and freedoms guaranteed by our form of government.
- (6) In the setting of cases for trial, a trial judge shall respect and accede to a prior prime or firm setting of a case in another court involving the same attorney or attorneys. Trial judges shall cooperate in resolving conflicts in trial settings as the interests of justice may require. In resolving conflicts in trial settings, jury cases should ordinarily take precedence over nonjury cases.

STANDARDS RELATING TO JURY USE AND MANAGEMENT

The following Standards Relating to Jury Use and Management were adopted by the Supreme Court effective July 15, 1983, as guidelines to assist the district courts in the management of jury systems within the State of Kansas.

PART A. STANDARDS RELATING TO SELECTION OF PROSPECTIVE JURORS

STANDARD 1: OBLIGATION OF AND OPPORTUNITY FOR JURY SERVICE

Jury service is the solemn obligation of all qualified citizens. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, disability, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the county.

STANDARD 4: ELIGIBILITY FOR JURY SERVICE

All persons should be eligible for jury service except those who:

- (a) are less than eighteen years of age;
- (b) are not citizens of the United States;
- (c) are not residents of the county in which they have been summoned to serve;
- (d) are unable to ~~read, write, and~~ understand the English language with a degree of proficiency sufficient to ~~fill-out~~ respond to a jury questionnaire;
- (e) are presently under an adjudication of ~~mental disability~~ incompetency; or
- (f) within the 10 years immediately preceding have been convicted of or pleaded guilty, or *nolo contendere*, to an indictment or information charging a felony and ~~have not been relieved of the disabilities imposed by law~~;
- (g) have served as jurors in the county within one year immediately preceding;
- (h) are mothers breastfeeding children;
- (i) are otherwise excluded by the operation of law.

STANDARD 5: TERM OF JURY SERVICE

The period of time that persons' lives are disrupted by jury service should be the shortest period consistent with the needs of justice, financial considerations, and proper notice in order that the sacrifices and personal inconveniences of jury service might be minimized.

- (a) Unless otherwise prescribed by local rule, At least 20 days' notice of the initial date of jury service should be given whenever possible.
- (b) A procedure that utilizes first notification of jury service and summoning for a specific day is recommended.
- (c) Except in areas with few jury trials, persons should not be required to maintain a status of availability for jury service for longer than one week.
- (d) In areas with few jury trials, availability status should be the shortest time possible, but a period of no longer than one month is recommended. However, availability status of no longer than three months is acceptable. In either event, settings of the appearance date should be limited to three times during that period.
- (e) Telephone call-in systems should be utilized to inform jurors whether they are needed and, if so, when they should report to the courthouse.
- (f) Attendance of one day or the completion of one trial, whichever is longer, is recommended. However, attendance during one week or the completion of one trial, whichever is longer, is acceptable.

STANDARD 6: EXEMPTION, EXCUSE, AND DEFERRAL

(a) All automatic excuses or exemptions from jury service should be eliminated for all persons determined eligible under Standard 4.

(b) Eligible persons who are summoned may be excused from jury service by a judge or duly authorized court official only if:

- (i) their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and, if the impairment is due to a disability, that the impairment cannot be

overcome through the use of a reasonable accommodation made available by the court,

- (ii) their service would be an extraordinary or compelling personal hardship, ~~to them or to members of the public, or~~
- ~~(iii) they have been called for jury service during the preceding twelve months.~~
- (iii) their presence elsewhere is required for the public welfare, health or safety.
- (iv) they have a personal relationship to the parties or the person's information or interest in the case to be tried is such that there is a probability such persons would find it difficult to be impartial.

(c) Requests by eligible persons for deferral of jury service for a reasonable period of time should be liberally permitted by a judge or duly authorized court official to minimize the inconvenience and financial sacrifice of jury service.

(d) Guidelines for determining requests for excusal and deferral should be adopted by the judges of each judicial district.

STANDARD 15: JUROR COMPENSATION

(a) Persons called for jury service should receive such fees as are required by law.

- ~~(i) a nominal amount for the first three days of service, and~~
- ~~(ii) an increased fee for each succeeding day.~~

(b) Such amounts and fees should be paid promptly at least monthly, unless impracticable.

(c) State law should prohibit employers from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

STANDARD 17: JURY SIZE AND UNANIMITY OF VERDICT

A unanimous decision should be required for a verdict in all criminal cases. A less than unanimous decision should be permitted in all civil cases.

(a) Juries in criminal cases should consist of:

- (i) twelve persons, if a felony; or
- (ii) six persons, if a misdemeanor.

(b) Juries in civil cases should consist of no fewer than six and no more than twelve persons.

(c) ~~The selection of alternate jurors should be limited to lengthy cases~~ shall be at the judge's discretion.

Rule 101 TERMS OF COURT

~~The terms of court in each county of the state of Kansas shall be as designated by the administrative chief judge of the judicial district.
[History: Am. effective December 22, 1982.]~~

Rule 102 TERMS OF COURT--HOLIDAYS

~~Whenever the commencement date for any term of court prescribed by Rule 101 shall be a legal holiday, such term of court shall commence on the day following such legal holiday.~~

Rule 103 REQUIRED DAYS OF COURT

~~In every judicial district a judge shall be present on at least one day a month in the court, in each county, to transact the business of the court. A designation of these days of court shall be made at the beginning of each calendar year, and a copy thereof shall be filed with the Supreme Court and with the clerk of each district court in the district.~~

Rule 104

DOCKET CALLS

~~A court may hold a call of pending cases to determine case status and to set matters or cases for hearing, pretrial or trial. The call may be scheduled at the opening of a term or otherwise as determined by the court. If a court schedules a call, seven (7) days notice of the call shall be given to counsel of record or to pro se parties. In lieu of personal appearance at the call, a counsel or party may advise the court in writing, with copies to other counsel or parties, prior to the date of the call as to case status and submit requests for the scheduling of hearings, pretrials and trials.~~

Rule 105 LOCAL RULES

The judge or judges of each judicial district may make rules that are found necessary for the administration of the affairs of the district court, and of all courts of limited jurisdiction in the district, to the extent they are not inconsistent with the applicable statutes and rules promulgated by the Supreme Court.

District courts will not reproduce Supreme Court Rules in publishing their local rules. Local rules promulgated by the district courts shall be clear and concise and shall be effective upon filing with the Clerk of the Supreme Court. Local rules shall be made accessible to the public and posted on the Judicial Branch website.

Rule 106 CUSTODY OF COURT RECORDS

No file or record of the court shall be permitted to be outside of the physical possession and control of the clerk or judge except on the signed receipt of an attorney or of an abstracter ~~whose place of business is within the county~~, and subject to being returned immediately upon request. No file or record shall be taken outside of the county of the clerk's office except with the knowledge and consent of the clerk or by order of the judge.

Rule 107 DUTIES OF ADMINISTRATIVE CHIEF JUDGE

In every judicial district the Supreme Court shall designate an administrative chief judge who shall have general control over the assignment of cases within said district under supervision of the Supreme Court. Assignment of cases shall be designed to distribute as equally as is reasonably possible the judicial work of the

district. The administrative chief judge of each district shall be responsible for and have general supervisory authority over the clerical and administrative functions of the court.

At least once a month in single-county districts and at least once every three months in multiple-county districts the administrative chief judge shall call a meeting of all judges within the district for the purpose of reviewing the state of the dockets within the district and to discuss such other business as may affect the efficient operation of the court. Within guidelines established by the Supreme Court, by the judges of the judicial district, or by statute, the administrative chief judge shall have the following responsibilities.

(a) *Personnel Matters.* The administrative chief judge shall have supervision over recruitment, removal, compensation, and training of nonjudicial employees of the court. ~~He shall prepare and submit to the judges for approval rules and regulations governing personnel matters to ensure that employees are recruited, selected, promoted, disciplined, removed, and retired appropriately.~~

(b) *Trial Court Case Assignment.* Cases shall be assigned under the supervision of the administrative chief judge. Under his the chief judge's supervision, the business of the court shall be apportioned among the trial judges as equally as possible and ~~he the chief judge~~ shall reassign cases as necessity requires. ~~He~~ The chief judge shall provide for the assignment of cases to any special division established in the court. A judge to whom a case is assigned shall accept that case unless ~~he the judge~~ is disqualified or the interests of justice require that the case not be heard by that judge.

(c) *Judge Assignments.* The administrative chief judge, with the approval of the other judges, shall provide for the assignment and reassignment of judges to any specialized division of the court. The administrative chief judge shall prepare an orderly plan for vacations. The plan shall be approved by the judges of the court and shall be consistent with statewide guidelines.

(d) *Information Compilation.* The administrative chief judge shall have responsibility for development and coordination of statistical and management information.

(e) *Fiscal Matters.* The administrative chief judge shall supervise the fiscal affairs of the court.

(f) *Committees.* The administrative chief judge may appoint standing and special committees necessary for the proper performance of the duties of the court.

(g) *Liaison and Public Relations.* The administrative chief judge shall represent the court in business, administrative or public relations matters. When appropriate, ~~he~~ the chief judge shall meet with (or designate other judges to meet with) committees of the bench, bar, and news media to review problems and promote understanding.

(h) *Improvement in the Functioning of the Court.* The administrative chief judge shall evaluate the effectiveness of the court in administering justice and recommend changes.

Rule 108

REPRODUCTION AND DISPOSITION OF ORIGINAL COURT RECORDS

1. RECORDS THAT MAY NOT BE DESTROYED WITHOUT REPRODUCTION

GENERAL RULE: Original court records, documents, and filings including electronic transmissions shall be retained until reproduced, disposed of, or otherwise destroyed as herein provided. Reproduction of court records, documents, and filings is preferred to retaining the originals.

(A) **Originals and Reproduction:** The administrative chief judge is authorized to provide for the reproduction of all court records, documents, and filings including electronic transmissions in accordance with K.S.A. 20-357 and 20-159, which exist in the judicial district and to acquire appropriate files and containers necessary to accommodate and preserve the reproductions. The administrative chief judge is authorized to provide for equipment to convert the reproductions to usable form. All records reproduced as herein provided shall be indexed and stored for convenient retrieval and reproduction.

(B) **Guidelines:** The Judicial Administrator shall provide guidelines to insure retrieval and reproduction of court records meet acceptable standards and reproduced records will be stored and preserved to meet the requirements of K.S.A. 20-159.

(C) **Reproductions Considered Originals:** Original court records, documents, and filings may be destroyed as provided in section (F) after reproduction as further specified, and any reproduction shall be considered in all instances as if it were the original pursuant to K.S.A. 60-465a. The administrative chief judge may, by written order, authorize the destruction of appearance dockets, journals, minute record books, original case files including any trial or hearing transcripts, and trial dockets in all categories of cases immediately after the record is reproduced and notice has been given pursuant to 1(D), unless otherwise specified. Any trial or hearing transcript not reproduced shall be retained in compliance with section 2(E).

(D) Notification to Historical Societies: Notification to the Kansas State Historical Society and county historical societies of the county where the court is located is required prior to disposal or destruction for all records, documents and filings except those specifically exempted from notification by written agreement from the State Historical Society and approved by the Judicial Administrator. If no response or action is taken on the part of the state or county historical societies within thirty (30) days of the notice, the court may proceed with disposition or destruction. A negative written response by a county historical society shall be considered a permanent declination for all or specific categories of court records without additional notification, unless changed by future written notice from the county historical society. The State Historical Society shall have priority should both agencies want possession.

(E) Retention and Disposition File: The clerk of the district court in the county where the court records are located shall maintain a permanent retention and disposition file containing all correspondence, orders, and other records regarding reproduction, notification, disposal, and destruction of records.

(F) Method of Destruction: When court records have been ordered destroyed by the ~~administrative~~ chief judge, destruction shall be by supervised shredding, burning, or other method approved by the ~~administrative~~ chief judge. Electronically or tape-recorded records may be destroyed by employing magnetic or electromagnetic fields. Tapes or films from which all records have been erased may be reused.

(G) Mandatory Retention Until Reproduction: The following court records, documents, and filings including electronic transmissions shall be retained until reproduced:

- (1) Chapter 59 (Probate except Care and Treatment and Wills on Deposit);
- (2) Chapter 60 including Article 16, Domestic;
- (3) General Index (Civil and Probate) kept pursuant to statute;
- (4) Chapter 38, Article 15, Termination of Parental Rights (Child in Need of Care); and
- (5) Driving Under the Influence (DUIs).

2. RETENTION SCHEDULE OF RECORDS THAT MAY BE DESTROYED WITHOUT REPRODUCTION AFTER NOTIFICATION IF REQUIRED

GENERAL RULE: Under no circumstances may original court records, documents, or filings including electronic transmissions which have not been reproduced and are actively being used for legal proceedings be destroyed until the case is closed as defined in Section 2(A)(viii) or 2 (B)(iv), whichever is applicable.

All retention periods listed below are minimums. Further, under no circumstances may an adult criminal, juvenile offender, child in need of care record, or other court record, document, or filing that could be used to determine a defendant's criminal history score be disposed of or destroyed before a period of fifty (50) years has elapsed from the date of filing.

(A) Civil: The following Civil court records, documents, and filings including electronic transmissions shall be subject to the following provisions if not reproduced in accordance with 1(A) and (B):

(i) Chapter 61 (Limited Actions and Small Claims): Ten (10) years from the date of filing.

(ii) Traffic (except DUIs K.S.A. 8-1567, Reckless Driving K.S.A. 8-1566, Driving on a Suspended License K.S.A. 8-262(a), No Driver's License K.S.A. 8-235, Failure to Stop at an Injury Accident K.S.A. 8-1602, Eluding a Police Officer K.S.A. 8-1568, Open Container K.S.A. 8-1599 and all previous cites, and Habitual Violator K.S.A. 8-286): Five (5) years from the date of filing.

(iii) Reckless Driving K.S.A. 8-1566, Driving on a Suspended License K.S.A. 8-262(a), No Driver's License K.S.A. 8-235; Failure to Stop at an Injury Accident K.S.A. 8-1602, Eluding a Police Officer K.S.A. 8-1568, Open Container K.S.A. 8-1599 and all previous cites, and Habitual Violator K.S.A. 8-286: Fifty (50) years after the case is closed or the date of filing.

(iv) Fish and Game, Watercraft: Five (5) years from the date of filing.

(v) Mechanics' Liens: Two (2) years after filing of lien or upon maturity of attached promissory note.

(vi) Chapter 59, Article 29 (Care and Treatment): Eighty (80) years from the date of filing.

(vii) Marriage License Applications: One (1) year from the date of filing.

(viii) In actions other than criminal cases or proceedings, "closed" means when: an order terminating the action or proceeding has been filed and all appeals have been terminated, or appeal time has expired; or the judgment is either satisfied or is barred under the provisions of K.S.A. 60-2403.

(B) Criminal: Adult criminal, juvenile offender, and child in need of care records shall be subject to the following provisions if the records are not reproduced in accordance with 1(A) and (B):

(i) Adult criminal, juvenile offender, felony and misdemeanor criminal records including Reckless Driving K.S.A. 8-1566, Driving on a Suspended License K.S.A. 8-262(a), No Driver's License K.S.A. 8-235; Failure to Stop at an Injury Accident K.S.A. 8-1602, Eluding a Police Officer K.S.A. 8-1568, Open Container K.S.A. 8-1599 and all previous cites, Habitual Violator K.S.A. 8-286, child in need of care official and social files, and criminal appeals filed with a district court from a municipal court shall be maintained for fifty (50) years from the date of filing

(ii) Criminal Investigation Records, including Pre-Sentence Investigation reports, shall be maintained confidentially without reproduction subject to provisions of K.S.A. 21-4605, K.S.A. 21-4714, and K.S.A. 45-221 for fifty (50) years from the date of filing.

(iii) Expunged criminal records shall be maintained confidentially without reproduction subject to provisions of K.S.A. 21-4619 for fifty (50) years from the date of filing.

(iv) In a criminal case "closed" means when: The case has been terminated, including dismissals, in favor of all defendants and all appeals have been terminated or appeal times have expired; or upon conviction when the sentence has expired or has been satisfied and the defendant has been discharged.

(C) Wills on deposit: Sealed wills on deposit shall be maintained for seventy-five (75) years from year of deposit. All sealed wills on deposit for seventy-five (75) years or longer shall be destroyed pursuant to 1(F). The formerly required will index shall be maintained to include the date of destruction in accordance with 1(E).

(D) Records of special or limited jurisdiction courts prior to 1977: The administrative chief judge may, by written order, authorize destruction of all categories of cases transferred to the district court pursuant to K.S.A. 20-335(a)(1), (2), (3), (4), and (5) from courts of special or limited jurisdiction prior to 1977. Under no circumstances may a criminal, juvenile, or other court record, document, or filing that could be used to determine a defendant's criminal history score be disposed of or destroyed before a period of fifty (50) years has elapsed from the date of filing.

(E) Reporters' notes: The administrative chief judge may, by written order, authorize the destruction or other disposition pursuant to 1(C) of all mechanical or electronic recordings of proceedings, including reporters' notes, electronic tapes, video tapes, and computer disks, in compliance with the following schedule:

Civil - Chapter 38 (except Article 16, Juvenile Offenders); Chapter 59, Article 21 (Adoptions); Chapter 60, Article 16 (Divorce and Maintenance) - twenty-five (25) years after the record is taken.

Other Civil - five (5) years after the case is closed or twenty (20) years after the record is taken.

Criminal and Juvenile Offender- fifty (50) years after the record is taken.

(F) Depositions: The administrative chief judge may authorize the withdrawal, disposition, or destruction of depositions in the custody of the court pursuant to the following schedule and conditions:

(1) Counsel of record may withdraw depositions when the case is closed upon giving a receipt to the court.

(2) Sixty (60) days after a case is closed and notification to counsel of record, depositions may be destroyed without reproduction by written order of the administrative chief judge pursuant to section 1(F).

(3) Depositions filed prior to July 1, 1987, in closed cases may be scheduled for disposition by written order of the administrative chief judge after issuing notification of intent to destroy in accordance with 1(D). Destruction shall be in accordance with section 1(F).

(4) Depositions filed with the court:

(a) shall remain sealed and confidential unless opened by a judge or counsel of record; and

(b) shall, if opened, be considered an open record associated with the case unless otherwise prohibited by statute or court rule.

(5) As used in this rule "deposition" means transcript of testimony taken pursuant to statute or court rule, including video or tele-conference stenographic transcription pursuant to K.S.A. 60-230 and K.S.A. 61-1710, video tape pursuant to K.S.A. 22-3211(4), K.S.A. 38-1318, and other applicable statutes.

(G) Exhibits: Exhibits in the custody of the court shall be withdrawn, disposed of, or destroyed as follows:

(1) On motion of the court, a party, counsel, or other interested entity, exhibits introduced in a case may be withdrawn at any time by court order. Any exhibit(s) withdrawn shall be made available for trial or appeal.

(a) Civil Exhibits: Any exhibits not withdrawn within sixty (60) days after the judgment becomes final, including expiration of time for appeal, shall be considered unclaimed and subject to disposition or destruction.

(b) Criminal Exhibits: Any exhibits not withdrawn within sixty (60) days after completion of a sentence (including probation, parole, and post-release supervision) and full discharge of the defendant shall be considered unclaimed and subject to disposition or destruction. Exhibits may be disposed

of or destroyed prior to sentence completion and discharge of defendant only by order of the administrative chief judge with thirty (30) days prior notice to all interested parties. If no response or action is taken on the part of an interested party within thirty (30) days of the notice, the court may proceed with disposition or destruction of the exhibit(s) after time for appealing the administrative chief judge's order has expired.

(2) Unclaimed exhibits determined by the administrative chief judge to have value may be retained and used as county property, or be sold at public auction with such net proceeds paid to the state treasurer pursuant to K.S.A. 20-2801, K.S.A. 21-4206, K.S.A. 22-2512, and other applicable statutes.

(3) Unclaimed exhibits determined by the administrative chief judge to have no value may be disposed of or destroyed in the manner ordered by the administrative chief judge.

(H) Court Accounting Records:

(1) Destruction of any accounting records must be upon written order of the administrative chief judge.

(2) Criminal, juvenile, and all other case ledger reports may be destroyed without notice fifty (50) years from the date the case was filed.

(3) Bank statements, daily reports, and monthly reports may be destroyed without notice five (5) years after the records have been audited and approved.

(4) Receipts, canceled checks, check stubs, and deposit slips may be destroyed at any time.

(5) All computerized accounting records not purged from the computer system shall be preserved by computer backups.

(6) Any accounting records not listed in (2), (3), (4), or (5) above and not reproduced may be destroyed without notice five (5) years after audit. Any accounting records not listed in (2), (3), (4), or (5) above which have been reproduced may be destroyed without notice after audit.

(I) Miscellaneous: All other miscellaneous court records, documents, and filings including electronic transmissions may be withdrawn, disposed of, or destroyed pursuant to guidelines established by the Judicial Administrator; if no guidelines have been established for a particular court record, document, or filing the administrative chief judge shall follow the procedure provided in section 1(D) for notice and section 2(G) for disposal or destruction of the item(s). Under no circumstances may an adult criminal, juvenile offender, child in need of care record,

or other court record, document, or filing that could be used to determine a defendant's criminal history score be disposed of or destroyed before a period of fifty (50) years has elapsed from the date of filing.

Rule 109
SUPERVISION AND REPORTING IN PROBATE CASES

~~(a) The district court in every county shall review each guardianship, conservatorship, trusteeship, absentee's estate, convict's estate, curatorship and special personal representative's estate case pending on July 1, 1984, to determine whether it should continue or be terminated. Those cases the district court determines should not continue shall be terminated prior to January 1, 1985.~~

~~(b)~~(a) Unless otherwise authorized by the district court, ~~as of July 1, 1984,~~ the annual fiscal accounting or other reporting period for each guardianship, conservatorship, trusteeship, absentee's estate, convict's estate, curatorship and special personal representative's estate case shall be the twelve-month period immediately preceding the anniversary date of the filing of the case and all required annual reports and accountings shall be filed no later than 30 days after the end of the reporting period.

~~(c)~~(b) If a required annual or final report or accounting is not filed within the time prescribed by law or permitted by rule of the supreme court, the district court shall notify the fiduciary or the attorney for the fiduciary that the report or accounting is due.

~~(d)~~(c) Annual or final reports of a guardian and annual or final accountings of a conservator required by section ~~59-3029 and due on or after July 1, 1984~~ 59-3083 shall be deemed sufficient if substantially in the following form, as applicable: in substantial compliance with the form set forth by the judicial council.

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
Filed Pursuant to K.S.A. Chapter 59

In the Matter of the
(Guardianship) (Conservatorship) of _____ No. _____

(ANNUAL) (FINAL) ACCOUNTING

In the Conservatorship of _____,
19____
to _____, 19 ____

Comes now, _____

_____ Name _____ Address

_____ City & Zip Code _____ Telephone Number

(guardian) (conservator) in the above entitled estate and submits the following (annual) (final accounting in the conservatorship of

_____ Name _____ Address, City & Zip

Code _____

_____ for the period from _____

, 19__

Date of Birth Year of birth _____ Social Security Number

to _____, 19__.

RECEIPTS

DATE RECEIVED FROM EXPLANATION AMOUNT

Balance Carried

Forward \$

TOTAL RECEIPTS (Including balance carried forward) \$

DISBURSEMENTS

DATE PAID TO PURPOSE

AMOUNT \$

TOTAL DISBURSEMENTS \$ _____

SUMMARY

Total Receipts..... \$ _____

Total Disbursements..... \$ _____

Cash Balance on Hand..... \$ _____

(ANNUAL) (FINAL) INVENTORY
 (For the period ending _____, 19__)

_____ Including the above cash balance, your conservator accounts for the following assets:

REAL ESTATE

1. _____ \$ _____

2. _____ \$ _____

3. _____ \$ _____

4. _____ \$ _____

5. _____ \$ _____

TOTAL REAL ESTATE \$ _____

PERSONAL PROPERTY

1. Financial Institution Accounts

Description	Amount
(a) Checking	\$ _____
<hr/> <hr/>	
(b) Savings	\$ _____
(c) Certificates of Deposit	\$ _____
<hr/> <hr/>	
(d) Other	\$ _____

2. Stocks & Bonds

____ Description _____ Amount
_____ \$ _____

3. Other Personal Property

____ Description _____ Amount
_____ \$ _____
_____ Total Personal Property _____ \$ _____
_____ Total Real Estate and Personal Property. _____ \$ _____

_____ Conservator

STATE OF KANSAS

_____ ss.

County of _____

_____, of lawful age, being first duly sworn on oath states: that _____ is the conservator above named;

that _____ has read the above (annual) (final) accounting

in the conservatorship of _____; that _____

knows the content thereof, and that all the statements made therein are true.

_____ Subscribed and sworn to before me this _____

_____ day of _____, 19____.

(Seal) _____

_____ Notary Public

My Appointment Expires: _____

(CAPTION)

(ANNUAL (FINAL) REPORT ON THE CONDITION OF THE GUARDIAN'S WARD

From _____, 19__ to _____, 19__

Comes now, _____

_____ Name _____ Address

_____ City & Zip Code _____ Telephone Number

guardian in the above entitled estate and submits the following (annual) (final) report on the condition of:

Name _____

-
Date of Birth _____ Year of birth _____ Social Security Number _____

1. That the ward resided at the following places during the reporting period:

_____ (address) _____ (type of residence) _____ (length of stay)

2. That the approximate number of times the guardian has had contact with the ward, and the nature of such contacts and the date the ward was last seen by the guardian is as follows:

3. A summary of the medical, social, educational, vocational and other professional services received by the ward during the reporting period is as follows:

4. If the ward is institutionalized, the results of an investigation into the nature and appropriateness of the ward's care and treatment are as follows:

5. Changes in the mental or physical condition of the ward observed by the guardian are:

6. Any major problems relating to the guardianship which have arisen during the reporting period are:

7. The opinion of the guardian as to the need for the continuation of the guardianship and whether it is necessary to increase or decrease the powers of the guardian is:

8. Compensation requested and expenses incurred by the guardian are:

9. Other information required by the court is:

_____ Guardian

STATE OF KANSAS

_____ ss:

County of _____

_____ of lawful age, being first duly sworn on oath states: That _____ is the guardian above named; that _____ has read the above (annual)

(final) Report on the Condition of Guardian's Ward; that _____
_____ knows the content thereof, and that all the statements made therein are
true.

_____ Subscribed and sworn to before me this _____
_____ day of _____, 19____.

_____ Notary Public
My Appointment Expires: _____

**Rule 111
FORMS OF PLEADINGS**

All pleadings, briefs, and other papers prepared by attorneys or litigants for filing in the courts shall, unless the judge specifically permits otherwise, be typed with black ink on one side only of legal cap (8 1/2" x 14") or standard size (8 1/2" x 11") sheets and shall include the name, Supreme Court registration numbers for attorneys, address, and telephone number of the attorney person filing them. Effective July 1, 1990, such filings shall be on standard size paper. Typing shall be double-spaced except that single spacing may be used for subparagraphs, legal descriptions of real estate, itemizations, quotations, and similar subsidiary portions of the instrument.

**Rule 112
DUTY TO PROVIDE ADDRESSES FOR SERVICE**

~~In all instances in which the Code of Civil Procedure requires that the secretary of state, the commissioner of insurance, a clerk of court, or other public officer serve by mail, any summons, notice or other document on a named party, either a natural person or corporation, at the instance and request of another party, the latter party shall provide the officer with the name and address of the party to be served. If service is required to be by restricted mail, the necessary postal charge shall also be advanced by the party seeking service. If the address of a party to be served currently appears on a registry or other record required by law to be kept in the office of the officer, that address shall be used by the officer and none need be supplied by the party seeking to effect the service. Upon failure of the officer to~~

~~locate the name and address from his registry he shall notify the party or his counsel within ten (10) days.~~

In all instances, a litigant has the duty to provide addresses for any service requested.

Rule 114 SURETIES ON BONDS

Whenever any bond is permitted or required to be taken by a clerk or sheriff in accordance with the provisions of Chapter 60 without being approved by the court, it shall be sufficient if the surety thereon is a surety company currently admitted to do business in the State of Kansas. No corporation other than a surety company may be accepted as a surety unless so ordered and approved by the judge. Whenever a natural person is accepted and approved as a surety by a clerk or sheriff, the surety shall be required to attach to the bond a sworn financial statement which reasonably identifies the assets relied upon to qualify ~~him~~ the person as surety and the total amount of any liabilities, contingent or otherwise, which may affect ~~his~~ the person's qualifications as a surety. No attorney or the attorney's spouse may act as a surety on a bond in any case in which the attorney is counsel. The principal on any bond may at his option, in lieu of providing a surety, deposit with the clerk of the district court cash money in the full amount of the bond. The deposit shall be retained by the clerk until the bond is fully discharged and released or the court orders the disposition of the deposit.

Rule 115 ENTRIES OF APPEARANCE

In all actions in which a party shall enter his an appearance solely by personally signing an instrument designed for that purpose, and no attorney subsequently appears of record ~~to represent him on behalf of such party~~, such entry of appearance shall be held to be ineffective to constitute service under K.S.A. 60-203 unless the signature of the party has been acknowledged before an officer authorized by law to take acknowledgements.

Rule 117 WITHDRAWAL OF ATTORNEY

An attorney who has appeared of record in any proceeding may withdraw; but he shall be relieved of his duties to the court, his the client, and opposing counsel only when he the attorney has served a motion for withdrawal on the client and on opposing counsel, filed a copy of the motion and proof of the service thereof with the

clerk, and the judge has entered an order approving the withdrawal. No such order shall be required if another attorney authorized to practice law in this state is appearing of record to represent the client.

Rule 118 **PLEADING OF UNLIQUIDATED DAMAGES**

(a) In any action in which a pleading contains a demand for money damages as provided in K.S.A. 60-208(a) and amendments thereto, the party against whom relief is sought may serve on the party seeking relief a written request of the actual amount of monetary damages being sought in the action. Within ten (10) days following service of the request, the party seeking relief shall serve ~~his~~ the adversary with a written statement of the total amount of monetary damages being sought in the action and at the same time shall cause a copy of the written statement to be filed in the action. The amount recited in the written statement may be amended downward at any time prior to the action being submitted to the trier of facts for determination. The amount recited in the written statement may be amended upward if the judge hearing a motion to amend the amount recited in the written statement is satisfied the reasons recited in the motion justify the amendment.

(b) Written statements filed pursuant to subsection (a) shall not be admitted in evidence at jury trial or referred to in the presence of the jury. The final amount claimed may be disclosed to the jury, but earlier amounts claimed, and whether the claim has been amended, shall not be referred to in the presence of the jury.

~~(c) The costs of the action contemplated by this rule shall be allowed to the party in whose favor judgment is rendered as per K.S.A. 60-2002(a), unless~~ If the judge, upon ~~his~~ the judge's or a party's motion, finds the amount of damages sought, as recited in the last written statement filed under (a) above, was frivolously chosen by the party filing same, ~~in which event,~~ the judge shall apportion the costs as justice requires.

(d) Before any default judgment is taken in any action contemplated by this rule, the party seeking relief must notify the party against whom relief is sought of the amount of money for which judgment will be taken. Said notice shall be given by certified mail, return receipt requested, or as the court may order, at least ten (10) days prior to the date judgment is sought. Proof of service shall be filed and submitted to the court.

Rule 119 **FACSIMILE FILING**

(a) *How To File by Fax.*

[Formerly (d)(1) and (c)(3)] (1) An attorney may file by fax directly to the Office of the Clerk of the District Court, at the facsimile numbers designated by the clerk, a document of not more than ten (10) pages. A document may not be split into multiple fax transmissions to avoid the page limitation. The required cover sheet and any special processing instructions are not included in the ten (10) page limitation.

[Formerly (b)(1) and (b)(5)] (2) Within the ten (10) page limitation in (d)(1), a petition may include related summonses and service copies. If the inclusion of related summonses and service copies with the petition would cause the transmission to exceed the ten (10) page limitation, then all additional copies and summonses shall be delivered to the clerk in a manner other than by facsimile transmission and shall be accompanied by a request for service.

[Formerly (d)(3)] (3) Each facsimile document filed shall be accompanied by the Facsimile Transmission Cover Sheet. The cover sheet shall be the first page transmitted, followed by any special processing instructions. A cover sheet that contains financial information as per section (d) herein shall not be filed in a case or publicly disclosed. Such cover sheets shall be kept in a separate confidential file for a minimum of ~~seven years~~ one year after audit.

[Formerly (c)(2), (c)(1), and (f)(4)] (4) The first page of each document filed by fax shall include the words "By Fax." Each page shall be numbered and shall include an abbreviated caption of the case and an abbreviated title of the document. The attorney shall also include his or her name, address, telephone number, fax number, and Supreme Court registration number on the document. The document placed in the transmitting fax machine shall comply with all applicable rules on the form, format, and signature of papers. A signature reproduced by facsimile transmission will be treated as an original signature.

[Formerly (j)] (5) *Forms*. The forms contained in the Appendices shall be used in compliance with this rule. The Facsimile Transmission Cover Sheet shall be in the form set forth in Appendix A to this rule. The Affidavit of Transmission by Fax required by ~~(d)(4)~~ (a)(6) shall be in the form set forth in Appendix B to this rule.

[Formerly (d)(4)] (6) An attorney filing by fax shall cause the transmitting facsimile machine to print a transmission record of each filing by fax. If the facsimile filing is not filed with the court because of (A) an error in the transmission of the document the occurrence of which was unknown to the sender or (B) a failure to process the facsimile filing when received by the court, the sender may move the court for an order filing the document nunc

pro tunc. The motion shall be accompanied by the transmission record, a copy of the document transmitted, and an Affidavit of Transmission by Fax as set forth in Appendix B.

[Formerly (d)(2)] (7) Each court shall have its facsimile machine available on a 24-hour basis. This provision does not prevent the Clerk of the District Court from sending documents by fax or providing for normal repair and maintenance of the fax machine. Facsimile filings received in the Office of the Clerk of the District Court shall be deemed filed as of the time printed by the court facsimile machine on the final page of the facsimile document received, subject to the provisions of ~~(g)~~ (d)(3). The district court shall have discretion to impose limitations on the numbers of fax-filings by any one attorney by order or by local rule.

[Formerly (i)] (b) *Service of Papers by Fax.*

[Formerly (i)(3) and (i)(2)] (1) Service by fax shall be made by transmitting the document to the attorney's designated facsimile machine telephone number. Service of papers pursuant to K.S.A. 60-205 may be made by facsimile transmission only in proceedings subject to these rules and only on an attorney representing a party.

[Formerly (i)(4)] (2) An attorney consents to service by fax in a proceeding by: (A) filing a document by fax in that proceeding; (B) serving a document by fax in that proceeding; or (C) serving a pleading which includes the attorney's fax number on the pleading. The three-day mailing rule of K.S.A. 60-206(e) does apply to those who have consented to be served by fax and are served by fax.

[Formerly (i)(5)] (3) An attorney who consents to fax service shall make his or her fax machine available for receipt of documents on a 24 hour basis, 7 days per week between 9:00 a.m. and 5:00 p.m., except on Saturday, Sunday, and legal holidays under K.S.A. 60-206(a). This provision does not prevent the attorney from sending documents by fax or providing for normal repair and maintenance of the fax machine ~~during these hours.~~

[Formerly (i)(6)] (4) Service by fax is complete upon generation of a transmission record by the transmitting machine indicating the successful transmission of the entire document. ~~Service that occurs after 5:00 p.m. shall be deemed to have occurred on the next day.~~

[Formerly (i)(7)] (5) A certificate of service by fax shall include the following:

(A) the date of transmission;

- (B) the name and facsimile machine telephone number of the person served;
- (C) a statement that the document was transmitted by facsimile transmission and that the transmission was reported as complete and without error ~~and that the facsimile machine complied with Supreme Court Rule 119(b)(3)~~;
- (D) the signature of the attorney or the person making the transmission.

[Formerly (i)(1)] (6) A court may serve a notice by fax if the notice may be served by mail. The notice may be served by fax on an attorney who consents to fax service under subsection (~~4~~ 1) of this section.

[Formerly (e)] (c) *Possession of Documents*. An attorney who files by fax shall retain the original document in his or her possession or control during the pendency of the action and shall produce such document upon request under K.S.A. 60-234 by the Court or any party to the action. Upon failure to produce such document, the Court may strike the fax and may impose sanctions under K.S.A. 60-211. ~~and K.S.A. 60-2007.~~

[Formerly (g)] (d) *Payment of Fees*.

(1) Only credit card systems designated by the Office of Judicial Administration may be used to charge docket fees, filing fees, fax service charges, and any other fees or charges.

(2) The cover sheet of a fax document requiring the payment of a docket fee shall include (A) the name of the credit card system and the account number to which the fees shall be charged, (B) the signature of the cardholder authorizing the charging of the fee, and (C) the expiration date of the credit card.

(3) If the charge for the docket fee is rejected by the credit card issuing company the pleading shall not be deemed filed pursuant to K.S.A. 60-2001.

[Formerly (a)] (e) *Applicability*. ~~Effective January 1, 1993, t~~ These rules apply to all district court proceedings except small claims as defined in K.S.A. 61-2703.

[Formerly (b)] (f) *Definitions*. As used in this rule, unless the context requires otherwise:

(1) "Document" includes not more than one pleading and all exhibits except those such as wills or codicils, the original of which, by statute, must be filed with the Clerk of the District Court. ~~Within the ten (10) page limitation in (d)(1), a petition may include related summonses and service copies.~~

(2) "Facsimile filing" or "filing by fax" means the facsimile transmission of a document to a court or fax filing agency for filing with the court.

(3) "Facsimile machine" means a machine that can send a facsimile transmission using the international standard for scanning, coding, and transmission established for Group 3 machines by the Consultative Committee of International Telegraphy and Telephone of the International Telecommunications Union (CCITT), in regular resolution.

(A) A facsimile machine used to send documents to a court shall send at an initial transmission speed of no less than 4800 baud and be able to produce a transmission record.

(B) As applied to a court, or fax filing agency, "facsimile machine" also means a receiving unit meeting the standards specified in this subdivision which prints on plain bond paper or is connected to and prints through a printer on plain bond paper and a facsimile modem that is connected to a personal computer that prints through a printer which prints on plain bond paper. The receiving unit shall also automatically place the date and time of receipt on the printed transmission.

(4) "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electronic signals, transmits the signals over a telephone line, and reconstructs the signals to print a duplicate of the document at the receiving end.

(5) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(6) "Fax filing agency" means an entity that receives documents by fax for processing and filing with the court.

(7) "Service by fax" means the transmission of a document to the attorney for a party under these rules.

(8) "Transmission record" means the document printed by the sending facsimile machine stating the telephone number of the receiving

machine, the number of pages sent, the transmission time, and an indication of errors in transmission.

[Formerly (h)] (g) *Fax Filing Agency*.

(1) An attorney or a party may transmit a document, without page limitation, by fax to a fax filing agency for filing with the court. The fax filing agency acts as the agent of the filing party and not as an agent of the court.

(2) A fax filing agency shall not be required to accept papers for filing unless appropriate arrangements for payment of docket fees and service charges have been made by the transmitting person before the papers are transmitted to the fax filing agency.

APPENDIX A
FACSIMILE TRANSMISSION COVER SHEET
Form for Rule 119(d)(3)

DATE: _____

TO: Clerk of the District Court, _____ County

FAX Number: () _____ - _____

Case Number: _____

Caption: _____

vs.

FROM: Attorney (Name and Address)

Kansas Supreme Court Registration Number: _____

Telephone Number: () _____ - _____

Fax Number: () _____ - _____

Attorney for (Name of Party): _____

1. Please file the following transmitted document. NOTE: Document length is limited to 10 pages. A cover sheet must separate each document filed.

Document Name

No. of Pages

2. Docket Fee \$ _____ Other \$ _____
(Describe)

I authorize the above fees to be charged to the following account:

- VISA MASTERCARD Account No. _____
Expiration Date: _____

(Type or Print Name of Cardholder)

(Signature of Cardholder)

APPENDIX B
AFFIDAVIT OF TRANSMISSION BY FAX
Form for Rule 119(d)(4)

State of Kansas)
) ss:
County of _____)

_____ being duly sworn on my oath states:

I transmitted the following documents by fax:

to: _____

at fax number: _____

At the time of the transmission I was at least 18 years of age and not a party to this legal proceeding. The facsimile machine I used complied with Supreme Court Rule 119(b)(3) and no error was reported by the machine.

Subscribed and sworn to before me on

Sender

Notary Public

My appointment expires:

Rule 122
ELECTRONIC FILING AND TRANSMISSION OF DISTRICT COURT DOCUMENTS

A district court may, by local rule, ~~permit~~ require documents to be filed, signed, or verified by electronic means that are consistent with technical standards for electronic filing and transmission as approved by the Supreme Court. ~~Any such local rule must also be consistent with Supreme Court Rule 119 regarding facsimile filing. The local rule may impose a reasonable fee for electronic filing and/or remote access viewing, if available, to support the expenses associated with the e-filing system.~~

ORDER ADOPTING TECHNICAL STANDARDS

The following technical standards provide guidelines for implementation of electronic filing and transmission systems in Kansas district courts pursuant to Supreme Court Rule 122.

**TECHNICAL STANDARDS GOVERNING ELECTRONIC FILING
AND TRANSMISSION OF DISTRICT COURT DOCUMENTS**

A. Technical Standards

The following technical standards are mandatory requirements which guide implementation of electronic document filing and transmission systems in Kansas district courts. The standards are phrased as functional requirements that any electronic filing and transmission system must meet; there may be a variety of technical implementations by which each functional standard may be met. The standards focus on ensuring the integrity of the court record and providing a capability for filing that is at least as good as existing paper systems.

B. Electronic Filing and Transmission

Electronic filing and transmission is the process by which information is delivered by electronic means rather than in the conventional paper form.

This includes any documents which normally become part of the case file, whether submitted by the court or the litigants.

C. Document and File Format Standards

1. Documents filed electronically shall comply with all applicable rules of the Kansas Supreme Court and of the receiving court regarding form and content.
2. All documents filed electronically must be capable of being printed as paper documents without loss of content or appearance.
3. Electronic documents must be stored in, or convertible to, a format that can be archived in accordance with specifications set forth in Kansas Supreme Court Rule 108.
4. Electronic documents must be retained in the electronic format in which they are submitted. Documents submitted to the court in paper form may subsequently be imaged to facilitate the creation of an electronic case file after which the paper document does not need to be retained by the court.
5. Every implementation of electronic filing must accommodate submission of nonelectronic documents or exhibits in special circumstances as defined by local rule.
6. The appearance docket shall indicate the time of filing of every item and from whom it came and shall be electronically visible to those persons enrolled in the electronic filing system. This docket entry shall satisfy the duty of the clerk outlined in K.S.A. 60-2601 to file stamp and initial all filed documents.

D. Signatures

1. An electronic signature is defined under K.S.A. 2000 Supp. 16-1602(i) of the Uniform Electronic Transactions Act, K.S.A. 2000 Supp. 16-1601 *et seq.*, as an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
2. A digital signature is defined under K.S.A. 2000 Supp. 16-1602(e) as a type of electronic signature consisting of a transformation of an electronic message using an asymmetric crypto system such that a person having the initial message and the signer's public key can accurately determine whether:
 - a. the transformation was created using the private key that corresponds to the signer's public key; and

- b. the initial message has not been altered since the transformation was made.
3. A digital signature, per K.S.A. 2000 Supp. 16-1602(e), may be accepted as a substitute for, and, if accepted, shall have the same force and effect as, any other form of signature.
4. Digital signature standards based on public-private key encryption technology may be used to authenticate filer identity and to ensure the integrity of a document's content.
5. An electronic, digital signature contained in an electronic court filing will be treated as an original signature and has the assurances of a signature under K.S.A. 2000 Supp. 60-211. An electronic signature contained in an electronic document originating from a clerk of a court shall be treated as an original signature and has the assurances of a signature under K.S.A. 2000 Supp. 20-365.

E. Authorization of Electronic Filers

1. Persons intending to file documents electronically with a district court shall follow the district court's established procedures for enrolling in the electronic filing system. The district court may request information necessary to establish that person as an authorized system user. The information shall include:
 - a. the filer's public key which will serve to authenticate the filer's future electronic transmissions; and
 - b. the filer's full name, business address, phone number, e-mail address, and Kansas Supreme Court registration number if the filer is an attorney; and
 - c. the name and account number of the filer's financial institution, which will be debited to pay any required case and electronic filing fees. ~~—~~ (lack of funds for a bank draft will be treated the same as an insufficient funds check(-); or
 - d. (1) the name of the credit card system and the account number to which the fees shall be charged, (2) the signature of the cardholder authorizing the charging of the fee, and (3) the expiration date of the credit card.
2. Payment of bank charges for debit transactions will be paid by the court from interest earned on the court bank account per Supreme Court Administrative Order 30.

3. No person shall file documents electronically with a district court until the filer has received confirmation and registration approval from the district court.
4. Payment of court costs through the debit transaction referenced in E.1.c. or the credit transaction referenced in E.1.d. above shall satisfy the statutory requirements for payment of court costs as stated in K.S.A. 2000 ~~Supp.~~ 61-2501 and K.S.A. 2000 ~~Supp.~~ 60-2001.

F. Document and System Security Standards

1. A mechanism must be provided to ensure the authenticity of the electronically filed document. This will include the ability to verify the identity of the filer and the ability to verify that a document has not been altered since it was filed.
2. The authentication private key shall remain under the exclusive control of the filer. If security of the public-private key pair is compromised, the filer will promptly notify the district court, will discontinue use of the compromised key pair, and will replace the compromised key pair in the court authentication and registration process.
3. If a court implements an interactive electronic filing process, the court must control interactive access to the electronic filing system via a user authentication process.
4. Media capable of carrying viruses into court computers (e.g., floppy disks and electronic mail) must be scanned for computer viruses prior to processing.
5. It is necessary to isolate access to computers used for electronic filing from access to other court networks and applications.
6. Computer systems used for electronic filings must protect electronic filings against system and security failures during periods of system availability. In addition, they must provide normal backup and disaster recovery mechanisms.

G. Electronic Filing and Transmission Process Standards

1. Court computers shall be available on a 24-hour basis to receive electronic filings. This provision does not prevent the court from providing for normal repair and maintenance of the receiving computer.
2. All electronic document submissions must generate a positive acknowledgment or notice that is given to the filer and other parties

in the case who have enrolled in the electronic filing system to indicate that the document has been received by the court. The positive acknowledgement must include the date and time of the document receipt and a court-assigned document reference number (case number).

3. Electronic filings received by the court shall be deemed filed as of the time the transmission ends and the court computer provides acknowledgement to the sender of the successful transmission of the electronic document.
4. Electronic filing systems must provide a mechanism for quality assurance and quality control of the submitted documents and case management data by both the court and the filer. The court will provide notice to the filer if a transmission is received with errors.
5. Adequate public access to electronically filed documents must be provided.
6. Unless otherwise governed by local rule, electronic filings may be transmitted in successive transmissions, but no single transmission shall exceed 2 megabytes.

H. Pro Se Filings

The court may provide the ability for pro se filers to file electronically.

I. Possession of Documents

A person filing or transmitting court documents electronically shall retain, in his or her possession or control, a record of the transmission from which a full copy of the document can be made during the pendency of the action and shall produce such document upon request under K.S.A. 2000 Supp. 60-234 by the court or any party to the action. Upon failure to produce such document, the court may strike the electronically filed document and may impose sanctions under K.S.A. 2000 Supp. 60-211. Retention of electronic documents shall include all documents filed with the district court and any other electronic communication related to the action.

J. Service by Electronic Mail

1. A party consents to service by electronic mail by: (a) enrolling in the electronic filing system; (b) filing a document by electronic mail in that proceeding; (bc) serving a document by electronic mail in that proceeding; or (ed) serving a pleading which includes the party's electronic mail address on the pleading.

2. Service by electronic mail shall be made by transmitting the document to the party's designated electronic mail address. To insure that the document is transmitted in a readable format, any attachments transmitted as part of an electronic mail message must be formatted in a universal computer language or format such as American Standard Code Information Interchange (ASCII) text file, or Rich Text Format (RTF), or Portable Document Format (PDF).
3. A court may serve notice by electronic mail if the notice may be served by regular mail. The notice may be served by electronic mail on the party's attorney, when represented by counsel, or on the party, if the party consents to electronic mail service under subsection (1) of this section.
4. Service by electronic mail shall be complete when the mail message is transmitted unless the message is returned to the sender as undeliverable.

RULE 123

RULE REQUIRING USE OF COVER SHEETS AND PRIVACY POLICY REGARDING USE OF PERSONAL IDENTIFIERS IN PLEADINGS

(a) Effective July 1, 2005, for the filing of all new cases, the clerks of the district courts shall require the submission of a cover sheet. The cover sheets should be in substantially the same form as Exhibit A hereto. [Forms are available at www.kscourts.org]. The judicial administrator may exclude certain cases from this requirement.

(b) Parties filing new cases seeking divorce, child custody, child support, or maintenance shall furnish to the clerk on the cover sheet Social Security numbers for the parties and for the parties' children, if known, and dates of birth for parties and children.

(c) Pursuant to the court's authority recognized in K.S.A. 45-221(a)(1), Social Security numbers and dates of birth supplied to the district court in connection with a cover sheet shall remain confidential and are not to be released to the public.

(d) The cover sheet should not be retained in court case files, is not subject to Rule 108, and may be shredded or otherwise destroyed within a reasonable time after the case is entered into the case information system.

(e) Unless otherwise required by law, parties and their attorneys are directed to refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers from all pleadings documents filed with the court, including exhibits thereto, unless otherwise ordered by the court:

1. Social Security numbers. If an individual's Social Security number must be

included in a pleading, only the last four digits of that number shall be used.

2. Dates of birth. If an individual's date of birth must be included in a pleading, only the year shall be used.

3. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.

The parties and counsel are solely responsible for redacting personal data identifiers. The clerk will not review each pleading for compliance with this Rule.

Rule 131 NOTICE OF HEARINGS AND TRIAL SETTINGS

(a) If any party seeks the hearing of any motion ~~on a required day of court~~ and it is not a motion which may be heard *ex parte*, ~~or if the judge sets a hearing on this day of court~~, notice of the hearing shall be given to all parties affected either by the party, or by the clerk at the direction of the judge, not less than seven (7) days prior to the date of hearing.

(b) Matters set for hearing or trial on other days shall be at the discretion of the judge and with not less than seven (7) days notice to the parties affected. If the matter is urgent, notice shall be given as is reasonable and possible under the circumstances.

~~(c) The clerk of the court shall maintain a docket or list of pending motions for the information of the court to facilitate hearing motions.~~

~~(d)~~(c) Nothing in this rule shall be construed to prevent the parties, acting through their respective counsel, from agreeing on a date for a hearing on a motion or trial of the action on its merits provided counsel first receives the approval of the date from the judge to whom the action is assigned.

Rule 133 MEMORANDA AND ARGUMENTS ON MOTIONS

(a) Form of motions. Every motion made in writing which seeks a ruling on some part of the merits of the action (e.g., lack of jurisdiction, motion for summary judgment) as distinguished from a motion regulatory only of the procedure of the action (e.g., motion to limit discovery, motion to substitute successor party) shall be accompanied by a short memorandum setting forth (a) any reasons for the motion not fully stated in the motion itself, and (b) the citation, without extended elaboration, of any authorities which it is necessary for the judge to consider in ruling upon the motion.

(b) Response. An adverse party may at his or her option serve and file a similar memorandum in opposition to the motion within the time prescribed by local rule.

(c) Oral argument. If the motion also contains a request for oral argument, or if within five days of the service of the motion an adverse party serves and files a request for oral argument, no ruling shall be made on the motion without opportunity being given to counsel to present such arguments. ~~In either event, an adverse party may at his option serve and file a similar memorandum in opposition to the motion.~~ In the absence of any request by either party for oral argument in accordance with this Rule, the judge may set the matter for hearing or rule upon the motion forthwith and communicate the ruling to the parties. ~~(On For requirements applicable to motions for summary judgment, see Rule 141.)~~ Notwithstanding a timely request for oral argument the court may deny such request by stating in the ruling or by separate communication that oral argument would not materially aid the court.

Rule 134 NOTICE OF RULINGS

Whenever a judge shall make a ruling on a motion or application of any kind and there are parties affected who have appeared in the action but who are not then present, either in person or by their attorneys, the judge shall cause written notice of such ruling to be ~~mailed~~ sent to the parties or attorneys forthwith.

The provisions for notice above set forth may be modified by the court upon motion, or on its own initiative in any action in which there are unusually large numbers of parties.

Rule 135 INTERROGATORIES: FORM AND LIMITATIONS

(a) *Interrogatories; Form.* The party propounding interrogatories shall first set forth each question in clear and concise language, leaving an appropriate space for the answer. The original and two copies shall be served on the adverse counsel, or the opposing party if not represented by counsel, with copies to all other counsel. In the event an answer is too lengthy to place in the space provided, it shall be attached as an appendix and clearly identified by number. The original with its answers shall be served on the party propounding the interrogatories and copies served on all counsel of record.

(b) In all damage actions the number of interrogatories shall be limited to thirty (30) interrogatories counting subparagraphs unless the court authorizes additional interrogatories upon motion or at the ~~discovery~~ case management or other conference.

Rule 137 WRITTEN COMMUNICATIONS WITH COURT

(a) In the absence of a specific directive by the court, the original of a brief or memorandum shall be filed with the clerk of the court in the county where the matter is pending. In the event that the court is part of a multi-county judicial district, counsel shall

forward a copy of each brief or memorandum to the judge handling the matter at the judge's chambers.

(b) Other communications with the judge shall be mailed or delivered to the judge handling the matter at his ~~the judge's~~ chambers in the county of his or her residence. ~~In the event that the court is part of a multi-county judicial district, a copy of each brief or memorandum shall be forwarded or delivered to the judge handling the matter at his chambers.~~

(c) Counsel's duty to notify court when matter is ready for decision. In all instances where briefs or memoranda are related to a matter being submitted to the judge for ruling or decision, counsel shall notify the judge when the filings with the clerk are completed or the matter is otherwise ready for ruling.

(d) Copies of briefs, memoranda or communications shall be forwarded to other counsel of record.

(e) This rule does not supersede the requirement of any specific statute or specific rule as to the filing of documents; and pleadings in cases shall be filed with the clerk of the district court in the county where the litigation is pending.

Rule 138 OPENING OF DEPOSITIONS

Depositions in pending cases which have been filed in the office of the clerk as permitted by K.S.A. 60-230(f) or as ordered by the court may be opened by a judge or any attorney of record in the case.

Rule 139 APPLICATIONS FOR SUPPORT ORDERS IN DOMESTIC RELATIONS CASES AND MOTIONS TO MODIFY EXISTING SUPPORT ORDERS

(a) Applications for *ex parte* orders which include requests for temporary support and all motions to modify existing support orders shall be accompanied by a Domestic Relations Affidavit. The form of the affidavit is set forth in the appendix of the Kansas Child Support Guidelines.

(b) A copy of the *ex parte* order and of the Domestic Relations Affidavit shall be served promptly on the individual to whom it is addressed.

(c) All support payments of child support or alimony, either temporary or permanent, shall be made to the Kansas Payment Center, unless otherwise directed by the court.

(d) No *ex parte* order for support will be issued without this required affidavit.

(e) Any party challenging a support order of the court or facts contained in the Domestic Relations Affidavit shall file a similar affidavit at the time of filing the party's response, answer, or motion for modification.

(f) A party filing a motion to modify an existing order of support shall serve a copy of the Domestic Relations Affidavit along with the motion on the adverse party. Any person challenging a motion to modify an existing support order or the facts contained in the movant's affidavit shall file and serve a similar affidavit prior to the hearing on the motion to modify.

(g) Where child support is required, a Child Support Worksheet shall accompany the Domestic Relations Affidavit.

Rule 140 FINAL PRETRIAL CONFERENCE PROCEDURE

(a) The final pretrial conference contemplated by K.S.A. 60-216 shall be held before a judge with court participation throughout. The final pretrial conference shall be held at least two (2) weeks prior to trial.

(b) The final pretrial conference is predicated upon discovery being completed and the parties being prepared to complete the procedural steps recited herein. If additional witnesses or evidence is discovered after the final pretrial conference, the discovering party shall immediately make this known to all parties and the court in writing.

(c) Parties may be present at the final pretrial conference and shall be present when ordered by the court.

(d) The final pretrial conference will be conducted by an attorney who will participate in the trial of the case.

(e) The court shall prepare the pretrial order or designate counsel to do so.

(f) Should counsel object to the pretrial order, ~~he~~ counsel shall state his or her objections in writing and forward ~~his~~ the objections and the pretrial order to the court within ten (10) days.

(g) The final pretrial conference will be conducted substantially in conformity with the following procedural steps:

- (1) Plaintiff will state concisely his factual contentions and the theory of his action.
- (2) Defendant will state concisely his factual contentions and the theories of his defenses and claims for relief.
- (3) The court will rule upon any proposed amendments.

- (4) Court and counsel will confer as to matters not disputed and request will be made for admissions and stipulations.
- (5) Names and addresses of witnesses who will be called will be submitted in writing and counsel will be prepared to state the essence of their testimony.
- (6) All exhibits which parties intend to use at the trial shall be known to the court and opposing counsel and may be marked for identification and admitted into evidence.
- (7) The court will may rule on any motions for dismissal, judgments on the pleadings, or summary judgment.
- (8) Counsel will state if a jury is requested, if a jury of less than twelve (12) will be accepted, and time required for trial.
- (9) A guardian *ad litem* will be appointed if advisable.
- (10) Limitations upon the number of expert and cumulative witnesses for each side will be considered and ruled upon.
- (11) The issues of fact will be stated by the court.
- (12) The questions of law will be stated and the court will rule thereon.
- (13) Questions of evidence will be stated and the court will rule thereon.
- (14) Problems relative to jury instructions will be stated and the court will rule thereon.
- (15) The position of parties relative to settlement shall be considered and the possibility of settlement explored.
- (16) If the court authorizes the filing of briefs the time of filing shall be specified.
- (17) Any procedures that may aid in the disposition of the case will be determined, including submission on special verdict or general verdict and interrogatories, consolidated or split trials, reference to a master, less than twelve (12) jurors and less than unanimous verdict.

Rule 142
MEDICAL AND PROFESSIONAL MALPRACTICE SCREENING
PANELS--PROCEDURE,
COMPENSATION, AND EXPENSES

The court may convene a medical or professional malpractice screening panel either before or after the filing of a petition in the district court as provided by K.S.A. 65-4901 *et seq.* or K.S.A. 60-3501 *et seq.*

(a) *Definitions*--As used in this rule:

- (1) Plaintiff shall include both the party who has filed a petition as well as a claimant who has not formalized a dispute by the filing of a petition.
- (2) Defendant shall include both a party who is a defendant as the result of the filing of a petition as well as a health care provider or professional licensee against whom a claim is made before the filing of a petition.
- (3) Notification shall be in writing and served pursuant to K.S.A. 60-205. Notice need only be served on counsel, if employed, rather than both a party and his or her counsel.
- (4) Filing of any documents except x-rays with a chairperson shall include an original plus three copies for the other members of the panel.
- (5) District judge includes ~~administrative~~ chief judges where applicable.
- (6) Parties include both plaintiff and defendant as hereinbefore defined. If either or both parties employ counsel, then party or parties includes counsel.
- (7) Commencement of a screening panel occurs on the date when the district judge notifies the parties that a screening panel shall be convened.

(b) *Authorization*--The plaintiff who files a request for a screening panel prior to the filing of a petition shall furnish to all health care providers or professional licensees who have provided services or treatment to the plaintiff in connection with the claim, an authorization releasing records to the screening panel or parties. Such authorization shall not be a waiver for any other purpose.

(c) *Compensation and Expenses.*

Compensation and expenses of medical malpractice screening panel members shall be as provided in K.S.A. 65-4907, and any amendments thereto. Compensation and expenses of professional malpractice screening panels shall be as provided in K.S.A. 60-3508, and any amendments thereto.

(d) *Time for Request, Notice, Organization, and Conduct of Meetings.*

- (1) Whether or not a petition has been filed, any party may request a screening panel by signing a request for a panel. A request for a

screening panel shall not be made later than 60 days after defendants are served with process. The party shall file the request with the district judge. The judge shall then notify all parties. Where a petition has been filed and the judge pursuant to K.S.A. 65-4901 determines without a request that a screening panel shall be convened, the judge shall notify the parties. In either instance the notice shall include the name of the attorney selected as chairperson and the need to select the other members within ten (10) days thereafter. The judge may enter an order partially or completely staying discovery pending the report of the screening panel.

- (2) A health care provider or professional licensee may not serve on the screening panel where such health care provider or professional licensee has knowledge of any material facts in the case or a relationship with any of the parties which would affect the panel member's impartial consideration of the case. A health care provider or professional licensee must have expertise in the subject matter of the claim. Parties shall not discuss material facts of the case with any panel members. A panel member shall not discuss the facts of the case outside the regular meetings of the screening panel, or permit others to discuss the facts with him or her. A panel member shall report immediately to the chairperson any attempts by anyone to discuss the facts of the case with the panel member. A panel member shall sign a statement indicating recognition of the duty to consider the case impartially. The statement shall be provided to panel members by the chairperson and shall be in substantially the following form:

Statement of Panel Member

I understand and agree to abide by the following principles:

I have no knowledge of material facts of the case, or relationships with any of the parties, which might affect my impartial consideration of the case.

I have had no contacts with any party concerning the facts of the case other than contacts disclosed to the chairperson of the panel.

I will not discuss the facts of the case outside the regular meetings of the panel and will report immediately to the chairperson any attempts by anyone to discuss the facts of the case with me.

(Signature of Panel Member)

The statement shall be accompanied by a copy of this rule, the relevant statutes concerning screening panels and a letter from the chairperson briefly explaining or describing the following:

- (a) parties involved;
- (b) composition of the panel;

- (c) basic procedure of the panel;
 - (d) general issues for panel determination;
 - (e) requirements relating to impartial consideration by the panel; and
 - (f) compensation of panel members.
- (3) The chairperson of the screening panel, as soon as practicable shall convene the screening panel at a time and place to be agreed upon by the panel members and shall notify the parties of the date of the panel meeting.
 - (4) Within thirty (30) days after the judge notifies the parties that a screening panel shall be convened, the plaintiff shall file with the chairperson all medical records, medical care facility records, x-rays, test results, treatises, documents, tangible evidence, and written contentions upon which the plaintiff or claimant relies. A copy thereof shall be provided to the other party except x-rays the original of which shall be made available to all parties by the chairperson. [See (a) (4) of this rule for number of copies.]
 - (5) Within thirty (30) days after plaintiff's filing, the defendant shall in like manner provide the chairperson and the plaintiff a copy of all medical records, medical care facility records, x-rays, test results, treatises, documents, tangible evidence, and written contentions not theretofore provided. [See (a) (4) of this rule for number of copies.]
 - (6) In a claim involving multiple plaintiffs or multiple defendants where the parties cannot agree on a three-member panel or enlarged panel, the district judge shall convene one or more screening panels as the judge shall determine to be necessary and may select the same chairperson for all of said panels and may suggest or require that all of such panels meet separately or jointly.
 - (7) The contention of the parties shall contain a statement of the issues of fact and law; a brief statement of the facts in support of and in opposition to the claim; and a brief statement of the law that is applicable with citation of authority in support thereof. Contentions shall not contain a statement of facts not included in the material filed with the chairperson.
 - (8) Oral testimony and the presence of the parties shall not be permitted. The screening panel shall determine if the material provided by the parties is adequate from which a decision can be made on the issue of whether there was a departure from the standard practice of the health care provider or professional licensee and whether a causal relationship existed between the damages claimed by the plaintiff and such departure, if any. If the screening panel determines that further

information or legal authority is required, the screening panel at the discretion of the chairperson shall notify the parties of the additional material required and may submit written questions to the parties the answers to which need not be verified under oath. The requested additional material shall be limited to the issues of fact as contained in the contentions. Such additional material and answers shall be filed with the chairperson within ten (10) days after receipt of the written questions by mailing a copy of such answers to all parties and the chairperson.

- (9) The chairperson's duties shall be to conduct such meetings as may be necessary to arrive at the facts. The chairperson shall advise the other members of the screening panel of the applicable rules of law and such rules shall be recorded in the opinion handed down by the screening panel. The screening panel then shall review all of the material and decide the facts and from those facts determine whether there was a departure from the standard practice of the health care provider specialty or profession involved. If a departure is found, there shall be further determination of whether a causal relationship existed between the damages claimed by the plaintiff and any such departure. Such findings must be based on reasonable probability but need not be to a scientific certainty.
- (10) The screening panel shall prepare a written opinion of its findings. Any materials considered by the panel that were not provided by the parties shall be itemized in the panel's report. The opinion shall be supported by corroborating references to published literature and other relevant documents and shall:
 - A. state the standard of practice of the health care provider specialty or profession involved under the facts of the claim;
 - B. state whether there was a departure from the standard practice of the health care provider specialty or profession involved and the facts in support of a finding of departure, if any is found;
 - C. if a departure is found, state whether a causal relationship exists between the claimed injury sustained by the plaintiff and such departure. If a causal relationship is found, state the facts in support of such causal relationship; or
 - D. if the screening panel is unable to make a finding of either no departure or no causal relationship or both, so state giving the reasons therefor.

Rule 143
PROBATE PROCEEDINGS; TIME FOR HEARING

WHERE WRITTEN DEFENSES TO PETITION FILED

Whenever written defenses to a petition, other than general denials by a guardian ad litem, an attorney pursuant to the ~~Soldiers' and Sailors'~~ Servicemembers Civil Relief Act or other similar denials, are filed in a probate proceeding, the court shall order a continuance of not less than fifteen (15) days for the hearing of the petition unless the judge in the exercise of his or her discretion finds that there are compelling reasons to hear the petition immediately or continue the matter for a shorter period of time.

Notice of the time and place of hearing, as continued, and a copy of the written defenses and any attachments thereto shall be given in accordance with K.S.A. 59-2208.

Rule 145 **USE OF TELEPHONE OR OTHER ELECTRONIC CONFERENCE CALLS**

~~In a civil case, t~~ The court, in its discretion, may use a telephone or other electronic conference call to conduct any hearing or conference, other than a trial on the merits. The court may require the parties to make reimbursement for any ~~telephone~~ charges incurred by the court.

TRIALS AND RELATED MATTERS

Rule 161 **COURTROOM DECORUM**

The conduct ~~and~~ demeanor, and attire of attorneys when present during any court proceeding shall reflect respect for the dignity and authority of the court, and the proceedings shall be maintained as an objective search for the applicable facts and the correct principles of law. An attorney must always stand when addressed by the judge or when speaking to the judge. Unless the judge specifically prescribes otherwise, an attorney must stand when interrogating a witness and should refrain from moving about except as may be necessary for the presentation of exhibits or other assistance to the court. Except as the judge may specifically permit otherwise, only one attorney may examine or cross-examine a witness on behalf of all parties united in interest. Neither photographic nor electronic recording shall be allowed except as permitted by Rule 601; ~~Canon 3, of the Code of Judicial Conduct~~ 1001.

Rule 162 **CONFLICT IN TRIAL SETTINGS IN DISTRICT COURT**

Whenever a lawyer has a conflict in trial settings and the involved district judges cannot resolve the conflict, the matter shall be referred to the departmental justice. In the event the district courts are in different judicial departments, the matter shall be referred to both departmental justices.

Rule 164
**REQUIRED FACTUAL STATEMENTS IN DIVORCE,
ANNULMENT, AND SEPARATE MAINTENANCE CASES**

(a) In divorce, annulment, and separate maintenance cases, a Domestic Relations Affidavit as set forth in the appendix of the Kansas Child Support Guidelines shall be prepared by counsel and furnished to the court.

(b) In contested cases, the affidavits shall be exchanged by counsel before trial.

(c) Subsections (a) and (b) above apply to *pro se* litigants.

Rule 165
REASONS FOR DECISIONS

In all contested matters submitted to a judge without a jury including motions for summary judgment, the judge shall state the controlling facts required by K.S.A. 60-252, and the legal principles controlling the decision. If evidence was admitted over proper objections, and in ~~his~~ the reasons for the decision the judge does not state that such evidence, specifying the same with particularity, was not considered, then it shall be presumed in all subsequent proceedings that the evidence was considered by the judge and did enter into ~~his~~ the judge's decision.

Rule 167
USE OF JUROR QUESTIONNAIRE

The district courts may ~~by local rule~~ provide for the use of a juror questionnaire. The juror questionnaire is not a public record under the Kansas Open Records Act. The juror questionnaire may be substantially in the following form:

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

You have been selected to serve as a juror in the District Court of ~~your~~ [Name] County. ~~Please carefully read and~~ Pursuant to Kansas statute, you are required to answer the questions on this form and return it in the enclosed addressed, stamped envelope within the next two five days. The juror questionnaire is not a public record and is only made available to court personnel and the attorneys and parties to the case being tried. Your cooperation and willingness to serve as a juror is appreciated.

Americans with Disabilities Act Notice

It is Judicial Branch policy to comply with the Americans with Disabilities Act. If you have questions or concerns about jury service or if you are a person with a disability needing a reasonable accommodation to serve on a jury, please contact the court clerk promptly after receiving the summons. The clerk may be contacted in person or by

mail at: [address]; by email at _____; by telephone at (XXX) XXX-XXXX; or via the Kansas Relay Center at (XXX) XXX-XXXX.”

Judge _____, Division I
Judge _____, Division II
(Insert names of judges of judicial district)

JUROR QUESTIONNAIRE

1. Name _____ Age _____
2. Home Address _____
Residence Phone No. _____ Business Phone No. _____
First Second (or initial) Last
3. Years of Residence: In Kansas _____ In this County _____
Is your home address in [this or name of] County? Yes No
4. Former Residence _____
5. Marital Status: (Married, Single, Divorced or Widowed) _____
A. Number and ages of any children _____

6. If married, name and occupation of husband or wife _____

7. Your Occupation _____
A. If not self-employed, name of employer _____
8. If you are not now employed, give your last occupation and employer _____

9. Have you ever served on a jury? Yes ___ No ___
Have you served as a juror in this county within the last year? (Answer “Yes” if you were selected as a juror or were summoned and appeared, even if not selected). Yes No
10. Have you or any members of your immediate family been a party to any civil or criminal lawsuit? Yes ___ No ___

A. If so, what type of lawsuit was it? _____

B. When and where did it occur? _____

C. Who in your family was involved in this lawsuit? _____

11. Have you ever been convicted of the commission of a felony or pleaded guilty or *nolo contendere* ("no contest"), to a felony within the last ten years?

Yes ___ No ___

A. If so, state when and where this conviction or plea took place _____

~~12. If you believe you have a physical disability which would prevent you from serving as a juror, please state what it is _____~~

~~_____~~

~~_____~~

~~_____~~

132. Has any court ever found you to be incompetent or incapacitated?

Yes ___ No ___

A. If your answer to this question is yes, state where and when this took place.

B. If restored, give the date. _____

143. Do you drive an automobile? Yes ___ No ___

A. If your answer is "no", is transportation available for you to get to court?

Yes ___ No ___

14. Are you currently a breastfeeding mother? Yes ___ No ___

If yes, please state the approximate date you anticipate breastfeeding will be discontinued: _____

15. Are you related to or a close friend of any law enforcement officer?

Yes ___ No ___

16. Please show state the extent of your education and vocational training:

formal education:

_____ (Circle highest grade completed)

_____ Elementary School: 1 2 3 4 5 6 7 8 High School: 9 10 11 12

_____ College: 1 2 3 4 5 6 7 8

17. Have you any vocational or professional training? Yes _____ No _____

_____ A. If so, please state what kind and to what extent: _____

I affirm that the answers I have given to the above questions are true and correct.

Signature

Rule 168 CLOSING ARGUMENTS TO JURY

In the final portion of his or her argument to the jury, counsel for plaintiff should not be permitted to use more than one-half the aggregate time allotted for plaintiff's argument nor more than the time used in the opening argument. Plaintiff's counsel shall not be permitted to argue general issues not discussed in the opening portion of plaintiff's argument unless it be in rebuttal. If, after plaintiff has made an argument, defendant waives argument, then no further argument shall be permitted.

Rule 170 JOURNAL ENTRIES AND ORDERS

(a) In all cases where the judge directs that the judgment be settled by journal entry pursuant to K.S.A. 60-258, it shall be prepared in accordance with the directions of the judge. Counsel preparing the journal entry shall, within ten (10) days, unless another time is specifically directed by the judge, serve copies thereof on all other counsel involved who. At the time of service, counsel preparing the journal entry shall file with the court a notice stating the date the proposed journal entry was served, attaching a copy of the proposed journal entry. Counsel upon whom a proposed journal entry is served shall, within ten (10) days after service is made, serve on the counsel preparing said journal entry any objections in writing. At the expiration of the time for serving objections, counsel preparing said journal entry shall submit the original, together with any objections received, to the judge for approval. If counsel cannot agree as to the form of the journal entry, the judge shall settle the journal entry after a such hearing, if any, as the Court deems appropriate and necessary.

(b) If a party is not represented by counsel, service on the party will comply with this rule.

(c) Orders or other documents containing rulings of the judge other than judgments shall be prepared in accordance with the directions of the judge.

~~(ed) To aid the clerks of the district court in implementing K.S.A. 58-2242a and K.S.A. 59-2249, e~~Every order, journal entry or judgment that changes the ownership or title to real estate shall contain on the margin of the first page the notation "TITLE TO REAL ESTATE INVOLVED."

**Rule 171
OATH OF BAILIFF**

Persons ordered by the court to be in charge of a jury during the jury's deliberations shall be required by the court to subscribe to an oath which shall be filed with the Clerk of the court. Once filed with the Clerk of the court, the oath shall continue in effect until it is set aside by a judge of the district court. Such person may continue to act as bailiff in jury cases thereafter without being required to file a new oath.

The form of the oath shall be as follows:

OATH

I, the undersigned, a duly appointed, qualified, and acting officer of the District Court of _____ County, Kansas, do solemnly swear to faithfully perform the duties of bailiff as assigned and in the manner prescribed by the court.

Further, when acting in the capacity of bailiff and a jury is entrusted to me by a judge of the court, I will keep the jury together only in places designated by the court until they agree upon a verdict or are discharged by the court, subject to an order of the court permitting them to separate temporarily at night and at their meals.

I do solemnly swear that I shall not allow any communications to be made to the jury or make any myself unless by order of the court and, before their verdict is rendered, I shall not communicate to any person the state of their deliberations or the verdict agreed upon.

So help me God.

Subscribed and sworn before me this _____ day of _____, 192_____.

Clerk of the District Court
By _____
Deputy Clerk

**Rule 172
EXPEDITED JUDICIAL PROCESS**

(a) The administrative chief judge in each district shall provide for an expedited judicial process which will increase effectiveness in support, visitation, and parentage

proceedings by appointing one or more judges or court trustees to preside as hearing officers at summary hearings relating to the establishment, modification, or enforcement of support [pursuant to the Kansas Parentage Act, K.S.A. 38-1110 *et seq.* as amended by L. 1994, ch. 292 §§ 4-12; the Uniform Reciprocal Enforcement of Support Act, K.S.A. 23-451 *et seq.* (repealed L. 1994, ch. 301 § 86, effective July 1, 1995); the Uniform Interstate Family Support Act, K.S.A. 23-9,101 *et seq.* effective July 1, 1995; K.S.A. 39-718b; K.S.A. 39-755 as amended by L. 1994, ch. 292 § 13; K.S.A. 60-1610; K.S.A. 38-1542; K.S.A. 38-1543 as amended by L. 1994, ch. 301 § 4 effective July 1, 1994; K.S.A. 38-1563; and the Kansas Income Withholding Act, K.S.A. 23-4,105 *et seq.*, as amended by L. 1994, ch. 301 § 19,] and enforcement of parent visitation rights.

(b) The hearing officer is authorized to:

- (1) Take testimony and prepare written findings of fact and conclusions of law which shall constitute the summary record.
- (2) Evaluate evidence and decide the most expeditious manner either to establish or to enforce court orders.
- (3) Accept voluntary acknowledgment of support liability and stipulated agreements setting the amount of support to be paid.
- (4) Accept voluntary acknowledgment of parentage.
- (5) Enter orders, including default orders, as necessary; orders proposed by court trustees shall be approved by a judge before the order is issued.

(c) District judges, district magistrate judges, and court trustees shall be considered qualified to serve as hearing officers at expedited judicial process hearings.

(d) If an obligor desires to contest an order of income withholding, the hearing officer shall set a hearing to permit the obligor to assert any affirmative defenses authorized by K.S.A. 23-4,110, and within 45 days of notice of delinquency to the obligor shall provide a decision on whether to withhold income.

(e) Any support or maintenance order entered after the effective date of this rule shall specify the payment period, e.g., monthly, weekly, and the date by which the first payment shall be made.

(f) Administrative Chief judges shall monitor cases subject to expedited judicial process in order to ensure that any action to establish, modify, or enforce support obligations is completed from time of filing to time of disposition within the following time frames:

- (1) 90% in 90 days.

(2) 98% in 180 days.

(3) 100% in 365 days.

(g) Administrative Chief judges shall monitor cases subject to expedited judicial process in order to ensure that any action to establish parentage or support obligations is completed from time of filing to time of disposition within the following time frames:

(1) 75% in 270 days.

(2) 85% in 365 days.

(3) 90% in 455 days.

(h) Decisions of district magistrate judges or court trustees appointed pursuant to this rule shall be subject to review by a district judge on the motion of any party filed within 10 days after the order was entered.

Rule 173
EXPEDITED PETITION BY UNEMANCIPATED MINOR
FOR WAIVER OF PARENTAL NOTICE REQUIREMENT

(a) The administrative chief judge in each district shall provide for an expedited judicial process for petitions filed pursuant to K.S.A. 65-6705. Any such petition shall be immediately assigned to a district judge for consideration, hearing, and decision.

(b) The administrative chief judge shall maintain a confidential list of attorneys who are willing to assist or represent a minor in a proceeding to waive the notice requirement of K.S.A. 65-6705. Upon notification that a minor desires assistance in preparing and filing a petition for waiver of the notice requirement, or upon filing of a petition for waiver of the notice requirement, the judge shall appoint counsel from such list to assist or represent the minor at no cost to the minor.

(c) The judge shall ensure that all proceedings related to the petition for waiver of the notice requirement shall be recorded. As required by subsection (c) of K.S.A. 65-6705, a confidential record shall be maintained of the evidence in the proceeding, and the court shall protect the anonymity of the minor. The case shall be captioned "In the Matter of the Petition of Jane Doe for Waiver of Notice." Any court employee who breaches the confidentiality of a minor seeking a waiver under K.S.A. 65-6705 is subject to disciplinary action, including discharge termination of employment, pursuant to the Kansas Court Personnel Rules ~~6.5~~.

(d) The Office of Judicial Administration shall prepare and distribute forms that may be used by the district courts to implement this rule. Forms for waiver of the notice requirement shall be available in each district court clerks's office upon request.

(e) The district court shall hold a hearing and file its written decision and order setting forth the specific findings of fact and conclusions of law within 48 hours of the filing

of the petition in district court, excluding Saturdays and Sundays. Upon failure to file the order within such period the petition shall be deemed granted, and the court shall forthwith issue an order to that effect. If the minor files a notice of appeal from an order denying the petition for waiver, the district court judge shall immediately order preparation of a confidential transcript of the proceedings at no cost to the minor. A copy of the notice of appeal and a copy of the district judge's decision shall be filed by the appellant with the clerk of the appellate courts immediately upon filing the notice of appeal in district court. The transcript shall be filed with the clerk of the district court within three (3) days of the filing of the notice of appeal in district court.

(f) The clerk of the district court, within five (5) days of the filing of the notice of appeal, shall compile and transmit to the clerk of the appellate courts, insofar as possible in the chronological order of their filing:

(1) the following original documents:

- (a) the petition for waiver of the notice requirement;
- (b) the written opinion, findings, and conclusions of the district judge;
- (c) the notice of appeal;

(2) the transcripts of the proceedings before the district court; and

(3) any other document or exhibit which is part of the record.

(g) Except as otherwise specifically provided by section (e) of this rule, K.S.A. 60-206(a) shall govern in computing any prescribed period of time.

Rule 183 PROCEDURE UNDER K.S.A. 60-1507

(a) NATURE OF REMEDY. K.S.A. 60-1507 is intended to provide in a sentencing court a remedy exactly commensurate with that which had previously been available by habeas corpus in district courts in whose jurisdiction the prisoner was confined. A motion challenging the validity of a sentence is an independent civil action which should be separately docketed, and the procedure before the trial court and on appeal to the Court of Appeals is governed by the Rules of Civil Procedure insofar as applicable. ~~No cost deposit shall be required.~~ No docket fee shall be required, as long as the movant complies with the provisions of subsection (b) of K.S.A. 60-2001 and amendments thereto. When the motion is received and filed by the clerk, ~~he~~ the clerk shall forthwith deliver a copy thereof to the county attorney and make an entry of such fact in the appearance docket.

(b) EXCLUSIVENESS OF REMEDY. The remedy afforded by K.S.A. 60-1507 dealing with motions to vacate, set aside or correct sentences is exclusive, if adequate and effective, and a prisoner cannot maintain habeas corpus proceedings before or after a motion for relief under the section.

(c) WHEN REMEDY MAY BE INVOKED. (1) The provisions of K.S.A. 60-1507 may be invoked only by one in custody claiming the right to be released, (2) a motion to vacate, set aside or correct a sentence cannot be maintained while an appeal from the conviction and sentence is pending or during the time within which an appeal may be perfected, (3) a proceeding under K.S.A. 60-1507 cannot ordinarily be used as a substitute for direct appeal involving mere trial errors or as a substitute for a second appeal. Mere trial errors are to be corrected by direct appeal, but trial errors affecting constitutional rights may be raised even though the error could have been raised on appeal, provided there were exceptional circumstances excusing the failure to appeal.

(d) SUCCESSIVE MOTIONS. The sentencing court shall not entertain a second or successive motion for relief on behalf of the same prisoner, where (1) the same ground presented in the subsequent application was determined adversely to the applicant on the prior application, (2) the prior determination was on the merits, and (3) the ends of justice would not be served by reaching the merits of the subsequent application.

(e) SUFFICIENCY OF MOTION. A motion to vacate a sentence ~~must be submitted on a form substantially in compliance with the form appended hereto~~ shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council. ~~which~~ The form shall be furnished by the court clerk upon request.

(f) HEARING. Unless the motion and the files and records of the case conclusively show that the movant is entitled to no relief, the court shall notify the county attorney and grant a prompt hearing. "Prompt" means as soon as reasonably possible considering other urgent business of the court. All proceedings on the motion shall be recorded ~~by the official court reporter~~ in a manner approved by the court.

(g) BURDEN OF PROOF. The movant has the burden of establishing ~~his~~ the grounds for relief by a preponderance of the evidence.

(h) PRESENCE OF PRISONER. The prisoner should be produced at the hearing on a motion attacking a sentence where there are substantial issues of fact as to events in which ~~he~~ the prisoner participated. The sentencing court has discretion to ascertain whether the claim is substantial before granting a full evidentiary hearing and requiring the prisoner to be present.

(i) RIGHT TO COUNSEL. If a motion presents substantial questions of law or triable issues of fact the court shall appoint counsel to assist the movant if ~~he~~ the movant is an indigent person.

(j) JUDGMENT. The court shall make findings of fact and conclusions of law on all issues presented.

(k) APPEAL. An appeal may be taken to the Court of Appeals from the order entered on the motion as in a civil case.

(l) COSTS. If the court finds that a movant desiring to appeal is an indigent person it shall authorize an appeal in forma pauperis and furnish him the movant without cost such portions of the transcript of such proceeding as are necessary for appellate review.

(m) ATTORNEY. If a movant desires to appeal and contends he or she is without means to employ counsel to perfect the appeal, the district court shall, if satisfied that the movant is an indigent person, appoint competent counsel to conduct such appeal. If for good cause shown appointed counsel is permitted to withdraw while the case is pending in either the district court or the supreme court, the district court shall appoint new counsel in his or her stead.

APPENDIX

IN THE DISTRICT COURT OF _____ COUNTY, STATE OF
KANSAS

PERSONS IN CUSTODY

Full name of Movant

Prison Number _____ Case No.: _____

(To be supplied by the Clerk of the District Court)

_____ vs.

STATE OF KANSAS, *Respondent*.

~~INSTRUCTIONS--READ CAREFULLY~~

~~In order for this motion to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten), signed by the petitioner and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, petitioner may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.~~

~~Since every motion must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.~~

_____ If the motion is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that petitioner will be unable to pay costs of the proceedings. When the motion is completed, *the original and one copy* shall be mailed to the Clerk of the District Court from which he was sentenced.

MOTION

_____ 1. Place of detention _____

_____ 2. Name and location of court which imposed sentence _____

_____ 3. The case number and the offense or offenses for which sentence was imposed:

(a) _____

(b) _____

(c) _____

_____ 4. The date upon which sentence was imposed and the terms of the sentence:

(a) _____

(b) _____

(c) _____

_____ 5. Check whether a finding of guilty was made after a plea:

(a) of guilty _____

or (b) not guilty _____

_____ 6. If you were found guilty after a plea of not guilty, check whether that finding was made by

(a) a jury _____

or (b) a judge without a jury _____

_____ 7. Did you appeal from the judgment of conviction or the imposition of sentence? _____

_____ 8. If you answered "yes" to (7), list

(a) the name of each court to which you appealed:

i. _____

ii. _____

(b) the result in each such court to which you appealed and the date of such result:

- i. _____
- ii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) _____
- (b) _____
- (c) _____

10. State concisely all the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) _____
- (b) _____
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10), and the names and addresses of the witnesses or other evidence upon which you intend to rely to prove such facts:

- (a) _____
- (b) _____
- (c) _____

12. Prior to this motion have you filed with respect to this conviction:

- (a) any petitions in state or federal courts for habeas corpus? _____
- (b) any petitions in the United States Supreme Court for certiorari other than petitions, already specified in (8)? _____

_____ (c) any other petitions, motions or applications in this or any other court? _____

_____ 13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application

_____ (a) the specific nature thereof:
_____ i. _____
_____ ii. _____
_____ iii. _____

_____ (b) the name and location of the court in which each was filed:
_____ i. _____
_____ ii. _____
_____ iii. _____

_____ (c) the disposition thereof and the date of such disposition:
_____ i. _____
_____ ii. _____
_____ iii. _____

_____ (d) if known, citations of any written opinions or orders entered pursuant to each such disposition:
_____ i. _____
_____ ii. _____
_____ iii. _____
_____ iv. _____

_____ 14. Has any ground set forth in (10) been previously presented to this or any other court, *state or federal*, in any petition, motion or application which you have filed? _____

_____ 15. If you answered "yes" to (14), identify
_____ (a) which grounds have been previously presented:
_____ i. _____
_____ ii. _____
_____ iii. _____

_____ (b) the proceedings in which each ground was raised:
_____ i. _____
_____ ii. _____
_____ iii. _____

_____ 16. If any ground set forth in (10) has not previously been presented to any court, *state or federal*, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) _____
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of
- (a) your preliminary hearing? _____
 - (b) your arraignment and plea? _____
 - (c) your trial, if any? _____
 - (d) your sentencing? _____
 - (e) Your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 - (f) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list
- (a) the name and address of each attorney who represented you:
 - i. _____
 - ii. _____
 - iii. _____

- (b) the proceedings at which each such attorney represented you:
 - i. _____
 - ii. _____
 - iii. _____

- (c) was said attorney
 - i. appointed by the court? _____
 - or
 - ii. of your own choosing? _____

19. If your motion is based upon the trial court's refusing you counsel, attach the transcript of the proceedings which supports your allegation.

20. If your motion is based upon the failure of counsel to adequately represent you, state concisely and in detail what counsel failed to do in representing your interests:

(a) _____

(b) _____

21. Are you now serving a sentence from any other court that you have not challenged? _____

22. If you are seeking leave to proceed *in forma pauperis*, have you completed the sworn affidavit setting forth the required information (see instructions, page 1 of this form)? _____

Signature of Petitioner

STATE OF _____

SS.
COUNTY OF _____

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing petition; that I know the contents thereof; and that the matters and allegations therein set forth are true.

Signature of Affiant

SUBSCRIBED AND SWORN to before me this _____ day of _____
, 19 ____.

Notary Public

My commission expires:

(month) (day) (year)

FORMA PAUPERIS AFFIDAVIT
(See instructions page 1 of this form)

Signature of Petitioner

STATE OF _____

SS.
COUNTY OF _____

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing affidavit; that I know the contents thereof; and that the matters therein set forth are true.

Signature of Affiant

SUBSCRIBED AND SWORN to before me this ____ day of _____, 19 ____.

Notary Public

My commission expires:

(month) (day) (year)

RULE 186 SATISFACTION OF MONEY JUDGMENT

In all cases where there has been a money judgment entered with interest accruing as set forth in the judgment or pursuant to K.S.A. 16-204, a final settlement amount to satisfy the judgment to a particular date may be obtained as follows:

(a) A written request for proffer of a payoff figure of principal and interest to satisfy the judgment shall be filed with the clerk of the district court of original jurisdiction specifying a date of payment. A written payoff proffer shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(b) The person requesting proffering the payoff figure shall compute the amount of principal, and interest, and court costs to the date requested to satisfy the judgment, together with interest per day thereafter until paid, and attach it to the request in (a) above. The amount of court costs shall be included in the calculation regardless of whether the plaintiff or judgment creditor was required to pay an advance cost deposit at the time of filing of the case.

(c) The requesting proffering party shall serve by first class mail on all counsel and parties of record involved in the case copies of the request proffer and computation of principal and interest and costs. Proof of service shall be filed with the clerk of the district court within fourteen (14) days of mailing the notices.

(d) All counsel and parties served shall within fourteen (14) days of service or any extension thereof by the court respond in writing if they have any objections to the computations, stating that party's computation of the principal, interest, and per diem and costs. The judgment debtor may pay into the court to the judgment creditor, filing a notice with the court to this effect, the amount of principal, and interest, and costs which the

judgment debtor believes to be due and owing, together with the statement provided in this subsection. If the judgment debtor is correct, no additional interest shall be charged to the judgment debtor.

(e) If there are no objections at the expiration of the time for serving objections, the clerk of the district court shall certify the original as the amount of principal and interest to satisfy the judgment. If counsel or parties cannot agree as to the amount needed to satisfy the judgment, then the judge shall settle the amount due to satisfy judgment.

(f) Upon payment into the court to the judgment creditor of the amount ordered to satisfy the judgment, including any court costs, the judgment creditor shall file a notice with the clerk that the judgment has been paid and shall tender payment of the amount of any court costs paid to the judgment creditor with such notice if the judgment creditor had not previously made an advance cost deposit at the time of filing of the case. Upon receipt of the notice and cost payment, if required to be made under this rule, from the judgment creditor that the judgment has been paid, the clerk of the district court shall show the judgment satisfied in the case.

RULE 187 TAXATION OF COSTS BY THE CLERK

(a) Procedure for Taxation. In a case pursuant to Chapter 60 or 61, the party entitled to recover costs shall file and serve a bill of costs within 30 days (1) after the expiration of time allowed for appeal of a final judgment or decree, or (2) after receipt by the clerk of an order terminating the action on appeal. The bill of costs shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council. A party may object to the bill of costs by filing and serving an objection within ten (10) days of service of the bill. If an objection is filed, both the bill of costs and the objection shall be referred to the judge for disposition after such hearing, if any, as the judge deems appropriate. If no timely objection to the bill of costs is filed, the clerk may proceed to tax costs according to the bill. The clerk's action may be reviewed by the court if a motion to retax the costs is filed within ten (10) days after taxation by the clerk. The failure of a prevailing party to timely file a bill of costs shall constitute a waiver of any claim for costs.

(b) Items Allowable as Costs. The items allowable as costs shall be those specified in K.S.A. 60-2003, unless otherwise ordered by the court.

(c) To Whom Payable. Unless otherwise ordered by the court, all costs taxed are payable directly to the party entitled thereto and not to the clerk.

(d) Notwithstanding any other provision of this rule or Rule 186, costs shall be assessed and collected by the judgment creditor in those cases where payment of an advance cost deposit is excused under K.S.A. 28-110 and K.S.A. 60-2005. Upon collection of costs, the judgment creditor shall pay the same to the clerk as set out in subsection (f) of Rule 186.