

# LOCAL COURT RULES OF THE 17th JUDICIAL DISTRICT

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

(REVISED AS OF 12/2/2019)

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## 1. PREFATORY RULES

Rule #

- 101 EFFECT OF RULES: The following rules are hereby adopted for the administration of the district courts in the 17<sup>th</sup> Judicial District.
- 102 REPEAL OF FORMER RULES: All prior local court rules of the 17<sup>th</sup> Judicial District are hereby repealed.
- 103 COPY IN CLERK'S OFFICE: Each clerk of the district court shall maintain an official copy of these rules, which shall be available to the public during normal business hours. A copy may also be viewed on the Kansas Judicial Branch website at [www.kscourts.org](http://www.kscourts.org)
- 104 Repealed
- 105 APPLICATION: These rules shall apply to all matters pending before the district court of each county within the district unless specifically superseded by statute, Supreme Court rule, order or exception. Any local rule may be modified by the presiding judge as deemed necessary to meet emergencies or to avoid injustice or undue hardship.
- 106 & 107 Repealed
- 108 GOALS FOR OFFICERS OF THE COURT AND PROFESSIONAL COURTESY:
- (a) A lawyer shall avoid taking action adverse to the interests of a litigant known to be represented without timely notice to opposing counsel unless ex parte proceedings are permitted.
  - (b) A lawyer shall promptly return telephone calls and answer correspondence from other lawyers, judges, court personnel, and self-represented litigants.
  - (c) A lawyer shall respect opposing counsel's schedule by seeking agreement on deposition dates and court appearances (other than routine motions) rather than merely serving notice.
  - (d) A lawyer shall avoid making ill-considered accusations of unethical conduct toward an opponent.
  - (e) A lawyer shall not engage in intentionally discourteous behavior.
  - (f) A lawyer shall not intentionally embarrass another attorney, party or self-represented litigant, and shall avoid personal criticism of other counsel or self-represented litigant.

- (g) A lawyer shall not seek sanctions against or disqualification of an attorney or judge unless necessary for the protection of a client and fully justified by the circumstances, not for the mere purpose of obtaining a tactical advantage.
- (h) A lawyer shall strive to maintain a courteous tone in correspondence, pleadings and other communication.
- (i) A lawyer shall not intentionally mislead or deceive an adversary and should honor promises or commitments made.
- (j) A lawyer shall recognize that the conflicts within a legal matter are of a professional nature and not personal, and a lawyer shall endeavor to maintain a friendly and professional relationship with other attorneys in the matter.
- (k) A lawyer shall express professional courtesy to other lawyers, judges, court personnel, and self-represented litigants and has the right to expect professional courtesy in return.
- (l) In contested custody cases the lawyer shall be mindful that even though the lawyer should vigorously represent the interests of the parent he/she represents, the lawyer should do so with tact and respect for the opposing parent. The parents must continue to cooperate in raising the child even after the hearing is completed and/or the lawyer has withdrawn. How the lawyer handles the contested matter can have a dramatic effect on how the parents cooperate in the future, or their future lack of cooperation.

## 2. COURTROOM DECORUM, SAFETY & PROCEDURES

Rule #

201 - 208 Repealed

- 209 PERSONS SUBJECT TO SEARCH: All persons seeking entry to a courtroom or ancillary courtroom are subject to search by the Sheriff or other officers designated by the Sheriff or by the presiding judge. Such search may include briefcases, parcels, purses or other containers carried by persons seeking entry to a courtroom or ancillary courtroom.
- 210 WEAPONS IN COURTROOM: K.S.A. 75-7c10 and 75-7c20 grant the chief judge authority to authorize or restrict the carrying of weapons by any person into the courtrooms or ancillary courtrooms within the district, provided adequate security measures are employed.

All unauthorized persons are prohibited from carrying a concealed or unconcealed weapon of any kind, including a firearm, into any courtroom or ancillary courtroom, provided adequate security measures are employed.

The following persons are authorized to carry a concealed or unconcealed weapon, including a firearm, into a courtroom or ancillary courtroom regardless of other means of security: law enforcement officers, district or magistrate judges, attorney general or assistant attorney general, county attorney or assistant county attorney, court services officer.

“Ancillary courtrooms” are defined to mean any area of court operation, including but not limited to: courtrooms, jury rooms, judge’s chambers, office of the Clerk of the District Court, Court Services offices, and other areas used for official court business, together with waiting areas, corridors, and hallways adjacent thereto.

The judge, clerk of the court, or court services officer shall have authority to obtain, through local law enforcement or otherwise, adequate security measures as the judge, clerk of the court, or court services officer shall deem appropriate without further order or direction from the chief judge.

Other than as permitted above, no weapons, other than exhibits, shall be permitted in any courtroom. The presiding judge may require that any firearm intended for introduction as an exhibit be presented to the Sheriff or other personnel approved by the presiding judge for a safety check prior to its being brought into any courtroom; further, the presiding judge may require that any weapon intended for introduction as an exhibit be retained in the custody of the Sheriff or other person designated by the presiding judge before and after its introduction as an exhibit. Further, all weapons intended for introduction as an exhibit will be rendered inoperable as designated by the presiding judge.

211 Repealed

212 PICTURES, VIDEO, SOUND RECORDINGS

No person may take pictures, video, or sound recordings within any court facility unless that person has specifically been granted permission pursuant to Supreme Court Rule 1001.

A person may use a cell phone or other electronic device in a court facility, but not in a courtroom, to make or receive phone calls, e-mails, and/or text messages only. A person is prohibited from using a cell phone or any other electronic device in a court facility to:

- A) Take pictures;
- B) Take videos;
- C) Make sound recordings;
- D) Broadcast sound; and
- E) Broadcast still or moving images (video).

Violating this rule may result in the device being confiscated.

“Court facility” is defined to mean any area of court operation, including but not limited to: courtrooms, jury rooms, judge’s chambers, office of the Clerk of the District Court,

Court Services offices, and other areas used for official court business, together with waiting areas, corridors, and hallways adjacent thereto.

### 3. SELF REPRESENTED LITIGANTS

Rule #

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

Within these local court rules references to “attorney” or “counsel” also apply to self-represented litigants.

- 302 LEGAL FORMS: Legal forms can be obtained at the Kansas Judicial Council website: [www.kansasjudicialcouncil.org](http://www.kansasjudicialcouncil.org). Self-represented litigants are expected to take advantage of these forms to the extent possible.

### 4. CLERK’S OFFICE

Rule #

- 401 Repealed
- 402 PROCESS: Process, including but not limited to summonses, subpoenas, writs of attachments, writs of execution and orders of garnishment, shall be prepared by the party requesting the issuance of such documents; Clerks of the District Court shall not prepare those documents. The party shall prepare a sufficient number of summonses, subpoenas, writs of attachments, writs of execution and orders of garnishment to facilitate service of the required number on all parties or persons.
- 403 SERVICE OF PROCESS: Where service is by certified mail the service shall be affected by the party rather than requesting the sheriff affect certified mail service. The party shall file the receipt for certified mail within five (5) days of the date the party receives delivery of the return receipt from the postal service. The clerks of the court shall not complete or prepare any of the forms used in connection with affecting service by certified mail.



- 404 PUBLICATION COSTS: In all cases, the party shall pay publication costs directly to the newspaper(s), subject to reimbursement through the court if ordered by the presiding judge.
- 405 WITNESS FEES: Except in criminal cases, all witness fees and mileage shall be paid by the party directly to the witness(es), subject to reimbursement through the court if ordered by the presiding judge.
- 406 PAYMENT OF JUDGMENTS TO ATTORNEYS: The clerk of the district court is authorized to pay proceeds of a judgment to the party awarded the judgment or to the attorney of record for that party.
- 407 INVESTMENT OF FUNDS: Clerks of the District Court shall not be responsible for investing money paid or delivered to them by any person, firm or entity.
- 408 COURT COSTS: In all cases where the presiding judge assesses costs against a party, said costs shall include all expenses allowed by K.S.A. 60-2001 and K.S.A. 60-2003 unless the presiding judge specifically states otherwise. The Clerk of the Court shall record in the case file any disbursements arising out of the case and, at the request of the prevailing party, shall furnish an itemized cost statement to the party ordered by the court to pay costs. Any party who has advanced fees must notify the Clerk of the Court of the amount to be reimbursed within fifteen (15) days of the court's order assessing costs; otherwise reimbursement is waived.
- 409 REFUND OF COSTS: The Clerk shall refund docket fees and court costs to the party or counsel of record advancing such monies only after the party against whom costs and fees are assessed has paid the same.
- 410 Repealed
- 411 FAX FILINGS: The Clerk of the District Court will affix a pre-approved stamp identifying all documents that are filed as a FAX filing.
- 412 RESEARCHING JUDGMENTS: Clerks of District Court shall not research judgments or liens, nor provide opinions regarding the existence of judgments or liens.
- 413 E-MAIL COPIES: When requested, clerks shall provide copies of requested documents by e-mail to attorneys of record and self-represented parties, unless an e-mail copy is not feasible. The person requesting the document may be responsible for the cost of copying and/or mailing of hard copies. Clerks shall provide the requested documents within a reasonable time, which will vary on a case by case basis.
- 414 OVERPAYMENT OF \$10 OR LESS: Overpayments of \$10 or less shall not be refunded.

## 5. COORDINATION OF COURT ACTIVITIES

Rule #

- 501 NOTIFICATION TO THE COURT: (providing copies of documents to presiding judge pursuant to Supreme Court Rule 137).

Attorneys shall file documents, serve copies on counsel of record, and serve copies on the presiding judge through the electronic filing system.

Self-represented parties shall provide notification to the presiding judge as follows:

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

Hon. Preston A. Pratt  
Chief Judge  
P.O. Box 70  
Norton KS 67654

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

Hon. Jay Tate  
Magistrate Judge  
P.O. Box 89  
Oberlin, KS 67749

Hon. Jessie Thompson  
Magistrate Judge  
410 N. Pomeroy Ave., Ste. 9  
Hill City, KS 67642

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

Hon. Renee Henke  
Magistrate Judge  
P.O. Box 160  
Osborne, KS 67473

Hon. Paula D. Hofaker  
Magistrate Judge  
P.O. Box 564  
Phillipsburg, KS 67661

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

- 502 SCHEDULING HEARINGS: It is the responsibility of the parties to coordinate hearing dates that are convenient to the other party and to the presiding judge. No matters are to be noticed for hearing without first coordinating the date with the other party and either the district judge's administrative assistant (when the hearing will involve the district judge) or the presiding magistrate judge.
- 503 CONTINUANCES: Each party shall be responsible to timely notify his/her witnesses of the continuance. If witnesses were subpoenaed then the subpoenas shall continue in full force and effect to the continued hearing date.
- 504 HEARING – SCHEDULING CONTINUANCES OR DIFFERENT HEARING DATES: It is the responsibility of the party requesting the continuance to coordinate a new hearing date that is convenient to the other party and to the presiding judge. If the parties are unable to agree on an alternate date, the setting will be changed only upon order of the presiding judge after proper application for continuance has been made.
- 505 Repealed

## 6. CASE MANAGEMENT & PRETRIAL CONFERENCES

Rule #

601 - 603 Repealed

604 PRETRIAL QUESTIONNAIRES

Unless otherwise allowed by the presiding judge, when a pretrial conference is to be held each party shall file a pretrial questionnaire no later than seven (7) days before the pretrial conference. The parties shall use the appropriate pretrial questionnaire attached to the end of these local court rules.

## 7. CRIMINAL PROCEEDINGS

Rule #

- 701 WITHDRAWAL: In all criminal cases where counsel has been retained, no motion for leave to withdraw for nonpayment of fees will be heard following arraignment, unless replacement counsel has entered his or her appearance or unless extraordinary circumstances are shown.
- 702 Repealed
- 703 PRELIMINARY HEARINGS: In the event both the State and the defendant wish to waive their right to a preliminary hearing, both the prosecutor and defendant must either personally appear to enter such waiver in the presence of the presiding judge, or the

prosecutor, the defendant, and the defendant's attorney (if defendant is represented) must have personally signed a written waiver.

704 Repealed

705 REQUESTS FOR JURY TRIALS IN MISDEMEANOR CASES: All jury trials will be conducted by the chief judge. All requests for jury trial will be determined by the chief judge. Failure to timely request a jury trial will be deemed a waiver of trial by jury. If a misdemeanor defendant timely requests a jury trial, it is the defendant's responsibility to promptly contact the district judge's administrative assistant to get the trial scheduled. Failure to promptly schedule the trial date with the district judge's administrative assistant will be deemed a waiver of speedy trial.

706 Repealed

707 TRANSPORTING PRISONERS: The prosecuting attorney shall be responsible for requesting the custodian of the prisoner to bring the prisoner to court, and shall also be responsible for timely preparation of an order to transport, if necessary.

708 & 709 Repealed

710 PRISONER RESTRAINTS AT TRIALS, HEARINGS OR COURT APPEARANCES: Unless specifically ordered by the presiding judge, no visible restraints are to be used on a prisoner when the jury is present. At the discretion of the transporting officer, or as directed by the presiding judge, at hearings without a jury prisoners may be brought into the courtroom bound or shackled.

711 Repealed

712 PRESENCE OF LAW ENFORCEMENT: While a prisoner is in the courtroom at least one officer shall be present. When the jury is present the officer shall sit in the spectator section unless the judge orders otherwise.

713 - 716 Repealed

717 PROBATION OR BOND SUPERVISION: Within the 17<sup>th</sup> Judicial District the normal and standard conditions of probation or bond supervision shall be as set forth herein. The presiding judge may impose any conditions of supervision the judge deems appropriate. If, however, the order for supervision is silent regarding the conditions of supervision, or if the order for supervision states the defendant is subject to normal or standard conditions of supervision then the following apply.

1. All required conditions of probation set forth in K.S.A. 21-6607;
2. Obey all laws of the USA, KS, and all jurisdictions. Report any contact with law enforcement to the supervising officer within 72 hours;

3. Pay restitution, costs, and fees in the amount and manner ordered by the Court or required by the supervising officer. The term of probation shall automatically continue without further court order as long as the amount of restitution ordered remains unpaid;
4. If supervision is with court services then pay the supervision fee as set forth by statute. If supervision is with community corrections then pay all fees as set by Northwest Kansas Community Corrections;
5. Be subject to searches of the defendant's person, effects, vehicle, residence and property by the supervising officer or law enforcement based upon reasonable suspicion of defendant violating the conditions of supervision or criminal activity;
6. Be subject to random but reasonable tests for drug and alcohol consumption, at the offender's expense, as required by the supervising officer, any law enforcement officer, or judge. The offender shall stipulate that the written results of any such test shall be admissible at any hearing to revoke or modify supervision without the necessity of testimony of lab personnel or other foundation testimony;
7. Not possess or consume alcohol, liquor, beer or cereal malt beverage;
8. Not enter any place selling alcohol, liquor, beer or cereal malt beverage except a grocery or convenience store, or a restaurant that may serve alcohol but primarily serves food;
9. Not possess, consume, or traffic in any controlled substances, non-prescribed drugs, toxic vapors, or drug paraphernalia;
10. Not take any over the counter medication, drugs or substances that will elicit a positive drug or alcohol test;
11. Not abuse any prescription medication, over the counter medication, or any other substance whether or not it will elicit a positive drug or alcohol test;
12. Not submit a diluted or contaminated sample for testing for alcohol or drugs. A diluted or contaminated sample will be presumed to constitute a failed test;
13. Comply with all conditions established by the supervising officer;
14. Be truthful with the supervising officer in all matters;
15. Complete all programs deemed appropriate by the supervising officer and pay any costs of such programs;
16. Complete all community service work ordered by the Court or directed by the supervising officer;
17. Comply with all travel and curfew restrictions establish by the supervising officer;

18. Not leave the State of KS without permission of the supervising officer and sign any documents required by the supervising officer regarding travel outside of KS;
19. Report to the supervising officer as directed and allow him/her to visit you wherever you may be;
20. Sign a release of information form allowing the supervising officer access to any information the supervising officer may need to confirm the offender's compliance with the supervision conditions, including but not limited to employment, health, and treatment information;
21. Obtain permission from the supervising officer prior to any change of employment, residence or telephone number;
22. Obtain or maintain gainful employment or be actively enrolled as a full-time student;
23. Not engage in any disorder, fight, assaultive activity, violence or threats of violence of any kind;
24. Not act as a confidential informant for any law enforcement agency;
25. Pay all costs of medical/dental treatment incurred while you were or are an inmate in the county jail and reimburse \_\_\_\_\_ County for any such expenses.

All individuals subject to bond supervision by Court Services of the 17<sup>th</sup> Judicial District shall pay for any costs associated with the supervision in an amount that shall be established and may be periodically updated by the Chief Court Services Officer of the 17th Judicial District not to exceed the maximum fee allowed by K.S.A. 22-2802 for each week of such supervision.

All individuals subject to probation supervision by Court Services of the 17th Judicial District shall pay an alcohol / drug testing fee in an amount that shall be established and may be periodically updated by the Chief Court Services Officer of the 17th Judicial District. If probation supervision is extended the defendant shall pay an additional alcohol / drug testing fee.

All alcohol / drug testing fees shall be paid to the local Clerk of the District Court. At least quarterly such fees shall be remitted by the Clerk of the District Court for deposit to the Court Services / Drug Testing Fund administered by the County Treasurer in Norton County, Kansas.

- 718 APPOINTMENT OF ATTORNEY: When an attorney is being appointed to represent an indigent defendant in a felony criminal case, both the judge making the appointment and the attorney accepting the appointment shall ensure that the attorney is qualified under the Board of Indigent Defense Services (BIDS) regulations to accept the appointment.

The Chief judge shall annually update the list of qualified attorneys willing to take appointments in the district.

## 8. CIVIL JURY TRIALS

Rule #

- 801 REQUESTS FOR JURY TRIAL: All jury trials will be conducted by the chief judge. All requests for jury trial will be determined by the chief judge. Failure to timely request a jury trial will be deemed a waiver of trial by jury.

## 9. INTERPRETERS

Rule #

901 APPOINTMENT OF INTERPRETER:

- (a) The presiding judge shall appoint a qualified interpreter when required by K.S.A. 75-4351 et seq.
- (b) Any person in need of interpreter services shall make written request for an interpreter at least 3 days prior to any hearing, proceeding or trial at which such services are necessary. The notice shall contain the caption of the case, the date and time of the hearing, and shall specify the type of interpretation required.
- (c) The Language Access Coordinator (see Local Administrative Order No. 12) shall maintain a list of qualified interpreters. Upon receipt of the written notice, the presiding judge shall secure a qualified interpreter from the list of qualified interpreters.
- (d) Interpreters shall be paid for services and reimbursed for mileage at a rate determined by the presiding judge. Fees for interpreters paid by the state board of indigents defense services shall be in accordance with standards adopted by such board. Interpreter costs may be assessed to any party, person or entity as the Court deems appropriate, subject to any limitations provided by applicable law.

## 10. MOTION PRACTICE

Rule #

1001 - 1007 Repealed

- 1008 REQUEST FOR TRANSCRIPT: Whenever a request for an official transcript is made, the request must be delivered in writing to the stenographer who has responsibility to transcribe the proceedings. The official CSR in the 17<sup>th</sup> Judicial District is Susan K. Worcester, Official Court Reporter, P.O. Box 70, Hill City, KS 67642.

## 11. ATTORNEY RESPONSIBILITIES

Rule #

1101 CONTINUANCES: Each party shall be responsible to timely notify his/her witnesses of the continuance. If witnesses were subpoenaed then the subpoenas shall continue in full force and effect to the continued hearing date.

1102 POVERTY AFFIDAVITS: Review and approval of a poverty affidavit shall be made by the presiding judge.

If the party filing the poverty affidavit is represented by an attorney, the attorney shall certify that no attorney fees will be accepted until the docket fee has been paid. Exempted from this rule are referrals from Kansas Legal Services Corporation.

1103 ORDERS TO JUDGMENT DEBTORS: A judgment debtor should not be ordered to appear for a hearing in aid of execution more than once every three months. The presiding judge may waive this limitation upon a showing of good cause.

A judgment debtor who continues to make regular payments as agreed between the parties, or who is found to be disabled and otherwise unable to pay, shall not be required to return to court more frequently than yearly unless, upon motion and a showing of good cause, the presiding judge otherwise directs.

ORDER BACK PROCEDURE (K.S.A. 61-3605): Under the code of civil procedure for limited actions, courts are allowed to order a judgment debtor to return from time to time to furnish current information without the necessity of the judgment creditor repeatedly filing motions and serving process. The frequency of such "orders back" requiring the judgment debtor to personally appear should not be more frequently than once every three months. The presiding judge may waive this limitation upon a showing of good cause.

A judgment debtor who continues to make regular payments as agreed between the parties, or who is found to be disabled and otherwise unable to pay, shall not be required to return to court more frequently than yearly unless, upon motion and a showing of good cause, the presiding judge otherwise directs.

1104 EX PARTE ORDERS IN DOMESTIC RELATIONS ACTIONS: Except in extraordinary situations, no motion for ex parte orders in a domestic relations case shall be heard by any judge of the 17<sup>th</sup> Judicial District without notice being given to the party against whom the order is sought. Such notice of hearing shall be given in such manner and for such period of time as the judge shall determine to be reasonable under all of the circumstances. If, however, the presiding judge finds that the party seeking the ex parte order is in real and present danger of physical harm, or if other exigent circumstances exist, then the judge may enter an appropriate order ex parte to deal with the emergency and the matter shall be set for hearing with reasonable notice to the other party.



No ex parte order for temporary child support shall be issued unless the requesting party has complied with Kansas Supreme Court Rule 139 (requiring a domestic relations affidavit and child support worksheet.) If possible, actual rather than estimated income shall be used.

No ex parte temporary order for child support shall take effect prior to the expiration of 14 days from its entry. The obligor under said order shall be entitled to an evidentiary hearing thereon within 14 days of a request for hearing.

No ex parte orders shall be entered for spousal maintenance.

- 1105 COURT APPOINTMENT: When an attorney is being appointed to represent an indigent defendant in a felony criminal case, the attorney accepting the appointment shall ensure that the attorney is qualified under the Board of Indigent Defense Services (BIDS) regulations to accept the appointment.

When an attorney is being appointed as a guardian ad litem for a child in a child in need of care case, or a juvenile offender case, or a family law case, the attorney accepting the appointment shall ensure that the attorney meets the requirements of Supreme Court Rule 110A unless waived by the appointing judge for good cause.

To help the Clerk of the Court and County Commissioners better monitor the court appointed attorney fee budgets, all billings for court appointed attorneys to be paid by the county will be submitted to the clerk of the court monthly, the final billing will be submitted within 30 days of case termination, and any billing submitted after December 10 may be carried over to the following calendar year.

- 1106 SEQUESTRATION OF WITNESSES: In any case where witnesses are sequestered each attorney shall notify his/her witnesses as follows: 1) remain outside the courtroom for the entire course of proceedings; 2) do not discuss the case with others; 3) do not allow others to discuss the case with you; 4) do not listen to any others who may be discussing or attempting to discuss this case; 5) any violation or attempt to violate this order may subject the person to sanctions for contempt of court; 6) any violation or attempt to violate the sequestration order should be immediately reported to court personnel.
- 1107 RELEASE OF SUBPOENAED WITNESSES: Subpoenas are court orders subjecting the person served with penalty for contempt of court for failure to obey the subpoena. As a court order no party or attorney may unilaterally release the person from the requirements of the subpoena. If any party or attorney wishes to release the person from the requirements of the subpoena then he/she must notify all other parties or attorneys and if there is no objection then request release from the presiding judge. Absent good cause the presiding judge shall grant release upon request. Despite the above language, each party should subpoena his/her own witnesses and not rely upon subpoenas requested by other parties.

## 12. REQUIRED DISCLOSURES IN DOMESTIC RELATIONS CASES

Rule #

- 1201 DIVORCE OR SEPARATE MAINTENANCE PROCEEDINGS: Unless the presiding judge determines otherwise, no divorce decree or separate maintenance order shall be entered until all applicable documents are filed; ex: property settlement agreement, parenting plan, domestic relations affidavit, child support worksheets, Kansas Payment Center information form. If the case is bifurcated then no final property, parenting time, or support orders shall be entered until all applicable documents as stated above are completed and submitted to the court.

The failure of a party to file a Supreme Court Rule 139 domestic relations affidavit shall constitute a presumption that the Court may accept the content of the opposing party's Rule 139 domestic relations affidavit as true and uncontested.

In an effort to aid the parties during negotiation of their domestic relations case, the Chief Judge of the 17<sup>th</sup> Judicial District will generally follow the Johnson County Guidelines regarding both parenting and property issues, keeping in mind such are guidelines only, are not binding upon the Court, have not been adopted by the Court, and are not a substitute for critical analysis of each individual case. This statement is made only in an effort to provide some framework to help to the parties reach an agreed resolution.

- 1202 VITAL STATISTICS WORKSHEET: The vital statistics worksheet shall be completed on-line by plaintiff's attorney within 24 hours of the divorce being granted.
- 1203 POST-DIVORCE PROCEEDING: Any party moving to change custody, residential placement, or parenting time shall submit a proposed parenting plan with the motion.
- 1204 CHANGE OF CIRCUMSTANCES: While a matter is pending, counsel are under a continuing duty to the court and opposing counsel to promptly amend or supplement affidavits, statements, plans or work sheets if a change of circumstances occurs.
- 1205 REQUIREMENTS FOR JOURNAL ENTRIES OR DECREES:

All Journal Entries or Decrees shall contain the following. Even if such Journal Entry or Decree does not contain the following then the appropriate sections of this rule shall be incorporated therein and shall be the order of the Court:

- A. All Journal Entries or Decrees of divorce or separate maintenance shall contain the following:

"IT IS FURTHER ORDERED that any designation previously made by either party that names the other as a beneficiary of any individual or group life insurance or annuity policy, trust instrument, transfer-on-death account, or payable-on-death account, is terminated and may be renewed only by designation

made after entry of this decree. Both parties shall make any necessary changes to beneficiary designations by filing the changes according to the terms of the policy, trust, or account."

B. All Journal Entries or Decrees that provide for legal custody, residency, or parenting time shall contain the following:

"IT IS FURTHER ORDERED that any parent entitled to legal custody or residency of or parenting time with a child shall give written notice to the other parent not less than 30 days prior to: 1) changing the residence of the child; or 2) removing the child from this state for a period of time exceeding 90 days. Such notice shall be sent by restricted mail, return receipt requested, to the last known address of the other parent."

"IT IS FURTHER ORDERED that each parent is to refrain from engaging in conduct or conversation with or in the presence of the child which is intended to, or which tends to, alienate the affection of the child toward the other parent."

C. All Journal Entries or Decrees that provide for child support shall contain the following:

"IT IS FURTHER ORDERED that all support payments shall be made payable to the order of the Kansas Payment Center, P.O. Box 758599, Topeka, Kansas 66675-8599; and that each party shall inform the Clerk of the District Court and all other parties, in writing, of any change of name, residence, and employer with business address within seven (7) days after such change."

"IT IS FURTHER ORDERED that an Income Withholding Order shall be issued without further notice to the parties, specifying an amount sufficient to satisfy the order of child support and to defray any arrearage. The Income Withholding Order shall be issued regardless of whether a payor can be identified."

"IT IS FURTHER ORDERED that all necessary medical expenses for the child not covered by health insurance shall be assessed to the parties according to their proportionate share of combined income for child support."

"IT IS FURTHER ORDERED that the parent (Parent A) receiving a bill for necessary medical expenses for the child not covered by health insurance (unreimbursed expense) shall submit a copy of the bill showing the final insurance payment to the other parent (Parent B) within 30 days of receipt. Parent B shall then have 30 days to review the bill and notify Parent A if Parent B has an objection to paying his/her proportionate share of the unreimbursed expense. If there is no objection Parent B shall then have 30 days to reimburse Parent A or to directly pay the provider for Parent B's share of the unreimbursed expense. A motion for reimbursement of uninsured medical expenses must be filed no later

than one year after Parent A receives the bill showing the final insurance payment.”

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

“IT IS THE CONTINUING ORDER of this court that upon receipt of a written request for financial information, a parent shall have 30 days within which to provide the requested information in writing to the other parent. Refusal to provide the requested information may make the non-complying parent responsible for the costs and expenses, including attorney fees, incurred in obtaining the requested information.”

#### 1206 ADDITIONAL REQUIREMENTS FOR CHILD SUPPORT ORDERS:

Every support order shall specify the payment period and the date or dates of the month on which the payment shall become due. If not otherwise specified the payment shall be due the last day of the month.

All child support orders shall provide for level periodic payment of support, unless otherwise ordered by the court. Allowances shall be made for abatements or temporary reductions in child support as a result of each case’s custody and visitation order. Annual child support shall be determined by finding the monthly child support under the Child Support Guidelines and then multiplying by 12. Any abatements or temporary reductions shall be subtracted from the annual child support. The result shall then be divided by 12 months to arrive at monthly child support.

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

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

Time Spent with Noncustodial Parent. The monthly support is \$300.00 minus \$50.00 = \$250.00.

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

1207 PARENTING PLANS: All counsel and self-represented litigants shall use temporary and permanent parenting plans as developed by the Kansas Supreme Court Parenting Plan Committee. Legal forms can be obtained at the Kansas Judicial Council website: [www.kansasjudicialcouncil.org](http://www.kansasjudicialcouncil.org)

1208 HOLIDAY PARENTING TIME SCHEDULE:

The following schedule will generally be followed by the Court when dividing holidays in structured visitation orders. The parents may agree on an arrangement which is more suitable to the needs of the parents and their children.

## LOCAL COURT RULE #1208

### HOLIDAY PARENTING TIME SCHEDULE FOR CHILDREN WHO TRAVEL 90 MILES OR LESS ONE WAY:

	<u>FATHER</u>	<u>MOTHER</u>
<u>Labor Day:</u> From Friday at 6:00 pm until Monday at 6:00 pm	Even years	Odd years
<u>Halloween:</u> Evening at 6:00 pm until 9:00 pm	Even years	Odd years
<u>Thanksgiving:</u> From Wednesday at 6:00 pm until Sunday at 6:00 pm	Odd years	Even years
<u>Winter Break:</u> 1 <sup>st</sup> half from 6:00 pm the day school is dismissed for vacation until 6:00 pm of the day that is the midpoint of the break (includes all of Christmas Eve & Day)	Even years	Odd years
2 <sup>nd</sup> half from 6:00 pm of the day that is the midpoint of the break until 6:00 pm of the day before school resumes	Odd years	Even years
<u>Spring Break:</u> From 6:00 pm day school is dismissed until 6:00 pm of the day before school resumes	Odd years	Even years
<u>Easter:</u> From Friday at 6:00 pm to Sunday at 6:00 pm	Even years	Odd years
<u>Memorial Day:</u> From Friday at 6:00 pm to Monday at 6:00 pm	Odd years	Even years
<u>4<sup>th</sup> of July:</u> From 6:00 pm July 3 to 9:00 am July 5	Even years	Odd years
<u>Child's Birthday:</u> (parents should take into consideration school schedules and try to arrange for the child to have some time with each parent)	Odd years	Even years
<u>Summer Break:</u> Summer break will be determined on a case by case basis.		

Conflict Between Weekend and Holiday: Where there is a conflict between a weekend and a holiday, the holiday schedule shall apply. There will be no adjustment for "missed" weekends due to interruption by the holiday parenting time schedule, however the parents are encouraged to compensate for missed parenting time so that the non-custodial parent will not go for three weekends without seeing the child.

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

**LOCAL COURT RULE #1208**

**HOLIDAY PARENTING TIME SCHEDULE FOR CHILDREN WHO TRAVEL MORE THAN 90 MILES ONE WAY:**

	<b><u>FATHER</u></b>	<b><u>MOTHER</u></b>
<u>Thanksgiving:</u> From Wednesday at 6:00 pm until Sunday at 6:00 pm	Odd years	Even years
<u>Winter Break:</u> From 6:00 pm the day school is dismissed for vacation until 6:00 pm of the evening before school starts	Even years	Odd years
<u>Spring Break:</u> From 6:00 pm day school is dismissed until 6:00 pm evening before school starts	Odd years	Even years

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

Conflict Between Weekend and Holiday: Where there is a conflict between a weekend and a holiday, the holiday schedule shall apply. There will be no adjustment for "missed" weekends due to interruption by the holiday parenting time schedule, however the parents are encouraged to compensate for missed parenting time so that the non-custodial parent will not go for three weekends without seeing the child.

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

### 13. JURY PROCEDURES

Rule #

1301 Repealed

1302 JURY COMMISSIONER: Pursuant to K.S.A. 43-157(b), the clerk of the court is appointed to serve as the jury commissioner.

1303 - 1306 Repealed

### 14. UNIFORM CHILD CUSTODY JURISDICTION & ENFORCEMENT ACT

Rule #

1401 Repealed

### 15. EXTENDED JURISDICTION IN JUVENILE CASES

Rule #

1501 EXTENDED JURISDICTION IN JUVENILE CASES: K.S.A. 38-2347 requires each court to adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in such court's jurisdiction. Within the 17th Judicial District, any magistrate judge shall have authority to authorize the prosecution of a juvenile offender as an adult or designate a juvenile offender proceeding as an extended jurisdiction juvenile prosecution. The magistrate judge shall immediately notify the chief judge that the case has been authorized to be prosecuted as an adult prosecution or as an extended jurisdiction juvenile prosecution. The chief judge shall then assign the case to an appropriate judge for further proceedings.

### 16. COURT TRUSTEE

Rule #

1601 Repealed

1602 Repealed

1603 Repealed

1604 Repealed

1605 TERMINATION OF COURT TRUSTEE PROGRAM:

- (a) As allowed by K.S.A. 20-375 et. seq., the office of the District Court Trustee for the 17<sup>th</sup> Judicial District was established effective January 1, 1995.



- (b) The chief judge has elected to terminate the Court Trustee program effective at midnight on December 31, 2019.
- (c) The powers and authority previously granted to the Court Trustee are therefore terminated effective at midnight on December 31, 2019, however the Court Trustee will continue to have authority to submit vouchers for payment of final expenses incurred in closing the Court Trustee Program, even if such expenses are incurred and such vouchers are submitted after December 31, 2019.
- (d) When the Court Trustee program was established, the chief judge required a 4% fee be added to all orders of child support (unless specifically exempted) and spousal maintenance cases that require enforcement, to defray the expenses of the Court Trustee program.
- (e) Effective immediately, no new orders of support will include the 4% fee.
- (f) Existing orders of support will not automatically be modified, however effective at midnight on December 31, 2019, the Kansas Payment Center shall no longer forward the 4% fee to the Court Trustee Program of the 17th Judicial District but shall forward the full amount of the support received to the payee.
- (g) Effective January 1, 2020, final expenses of the Court Trustee Program will be paid as soon as reasonably practicable. As allowed by K.S.A. 20-380(d), any remaining funds in the Court Trustee operations fund will be used for district court operations as may be authorized from time to time by the chief judge.

## 17. CASA

### Rule #

1701 ORGANIZATION: As permitted by Supreme Court Rule 110, CASA of the 17<sup>th</sup> Judicial District, Inc. shall serve as an umbrella organization for all of the CASA efforts in this district. The representatives shall be appointed by the board of county commissioners for each county.

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

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

1702 PROGRAM RESPONSIBILITIES:

A. CASA will:

1. recruit, screen, train, and supervise volunteers to be appointed and who shall be expected to perform the duties enumerated in paragraph (a) of Supreme Court Rule 110;
2. pass program certification procedures as mandated by the Office of Judicial Administration;
3. meet standards as mandated by the Office of Judicial Administration;
4. inform Judges of the District when there are certified volunteers available for appointment;
5. match individual volunteers to cases, evaluate the performance of volunteers and make recommendations concerning removal of individual CASA's from cases;
6. immediately notify the appropriate DCF social worker, CSO, or law enforcement official, if the CASA program becomes aware of a situation that constitutes an immediate concern or endangerment of the child(ren).

B. CASA shall ensure that the CASA program volunteers serving in the program administered by CASA shall be responsible as follows:

1. it shall be the primary duty of the CASA program volunteers to personally investigate and become acquainted with the facts, conditions, and circumstances affecting the welfare of the child for whom appointed; to advocate for the best interest of the child; and assist the Court in obtaining for the child the most permanent, safe, and home-like placement possible. A CASA program volunteer, additionally, should:
  - a. visit the child as often as is necessary to monitor and observe the child's safety and to observe whether or not the child's essential needs are being met;
  - b. attend court hearings pertaining to the child or obtain a qualified substitute approved by the judge;
  - c. participate in staffings with, but not limited to, DCF, schools, and to the extent possible, other meetings pertaining to the child's welfare;
  - d. participate in the development of a written plan for reintegration and/or modification of a plan already in place;

e. submit a written report to the Court prior to each regularly scheduled court hearing describing the child's present circumstances and needs;

f. do on behalf of the child all other such tasks as are directed by the CASA executive director and the standards relating to the CASA program;

g. fulfill all applicable requirements of Supreme Court Rule 110.

C. The 17th Judicial District agrees to do the following:

1. provide routine photocopying services at no charge to CASA;

2. pay for, as limited by budget constraints, faxing and postage necessary for the CASA staff and volunteers to perform their duties;

3. record the appointment of each CASA program volunteer in the records of the case in which a volunteer is appointed and supply the CASA program with file-stamped copies of such order of appointment;

4. grant the executive director of CASA complete access to all juvenile court files, including the social file, in which a CASA program volunteer has been assigned. The volunteer assigned upon filing of the oath shall also have complete access to the file of the juvenile assigned. The authority granted under this provision shall permit the copying of said file in the office of the Clerk of the District Court by the CASA executive director and/or volunteer, but does not permit the removal of the original court file from the Clerk's office;

5. accept the CASA program volunteer's report into the legal/social file and recognize the volunteer at court hearings, giving him/her the opportunity to speak on the record;

6. make available to the CASA program copies of all orders, journal entries, pleadings, reports and evaluations from the party or agency causing the same to be filed in the District Court;

7. provide the CASA program with sufficient office space, at no monetary charge, with room available to properly operate the CASA program and room for CASA volunteers to complete mandated reports to the Court and the CASA program.

#### 1703 CASA ASSIGNMENTS:

The 17th Judicial District judges will assign and remove the CASA program to and from cases as follows:

1. The presiding judge will order the appointment of the CASA program for child in need of care, juvenile offender, or domestic cases if the presiding judge views such an

assignment is warranted and the CASA Executive Director is in agreement with the appointment;

2. Appointments may be made at any stage of the court process where deemed appropriate by the presiding judge;

3. If an order of appointment is warranted, the presiding judge will appoint the CASA program to a case by court order. The presiding judge may accept referrals from Guardians Ad Litem, Court Services Officers, DCF, parents' attorneys, or the County Attorney requesting the appointment of the CASA program to a specific case;

4. The presiding judge will notify the CASA Executive Director of the CASA appointment. If it is determined that an appropriate match is available, then the CASA Executive Director and/or his/her designee will assign a specific volunteer who has executed an oath to the court;

5. Any attorney mailing notices of hearings relating to that case must send a copy of the notice of hearing to the CASA Executive Director who shall be responsible to notify the CASA volunteer. The address of the CASA Executive Director is as follows:

Tony A. Miller, Executive Director  
CASA of the 17<sup>th</sup> Judicial District, Inc.  
P.O. Box 160  
Osborne KS 67473

If there is a question about the name or address of the Executive Director or volunteer, the presiding judge should be contacted;

6. The presiding judge shall remove the CASA program by court order from cases where the program services are no longer necessary. The CASA volunteer's involvement will automatically be terminated when the case has been terminated by the Court.

#### 1704 PROBLEM RESOLUTION:

1. individual - if any concerns arise about the performance of a direct provider, a member of the CASA staff, or a CASA volunteer, such concerns should be relayed to the CASA executive director if the concerns cannot be resolved directly with the individual;

2. general - if any general concerns arise, they should be brought to the CASA program executive director and the presiding judge. A meeting to discuss general concerns may be called by any of those parties;

3. autonomy - it is understood that the CASA program must remain autonomous in their recommendations to the Court in order to advocate for the best interest of the child.

## 18. MISCELLANEOUS

Rule #

1801 Repealed

1802 MEDIA COORDINATOR UNDER KANSAS SUPREME COURT RULE 1001: Pursuant to Supreme Court Rule 1001, the Chief Judge shall appoint a media coordinator whose powers and responsibilities are set forth in said rule. The Chief Judge shall do so by Administrative Order, which shall be on file in the offices of each of the Clerks of the District Court of this district and may be amended from time to time as deemed necessary by the Chief Judge.

1803 PENALTIES AND REMEDIES FOR VIOLATION OF LOCAL RULES: The presiding judge may impose any penalty or remedy for violation of these rules as the presiding judge deems appropriate under the circumstances.

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

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

BY ORDER OF THE COURT this 2nd day of December, 2019.

A handwritten signature in cursive script, reading "Preston A. Pratt". The signature is written in dark ink and is positioned above a horizontal line.

Preston A. Pratt, Chief Judge  
17<sup>th</sup> Judicial District

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

JOE DOE,

Plaintiff

vs.

Case No. 2017-CV-09

JANE DOE COMPANY,

Defendant

**CIVIL PRETRIAL QUESTIONNAIRE**

1. Date questionnaire completed:
2. Date of pretrial hearing:
3. Date of trial:
4. The name of the party you represent:
5. Your Name.
6. Provide a concise statement of your factual contentions:
7. Provide a concise statement of your theory of the case:
8. List the issues that need to be determined at trial:
9. List proposed amendments to the pleadings.
10. List all undisputed matters, and list all requested admissions or stipulations.
11. List the name and address of all witnesses you plan to call at trial and state the essence of each witness' testimony. Absent a showing of good cause, manifest injustice or substantial prejudice to the rights of a party, witnesses not identified will not be allowed at trial.

Name & Address:	Essence of testimony:
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12. List all exhibits you plan to use at trial. Absent a showing of good cause, manifest injustice or substantial prejudice to the rights of a party, exhibits not identified and exchanged will not be allowed at trial. (Copies of the exhibits are to be marked for identification and exchanged with the other party.)

List all exhibits you suggest be admitted prior to trial.

13. List all pending motions on which the court needs to rule.
14. State whether a jury is requested and whether you will accept a jury of less than twelve (12) jurors.
15. Please estimate the time required for trial.
16. Should a guardian ad litem be appointed? If yes, who do you suggest as the guardian ad litem?
17. Specifically identify issues regarding the number of expert and cumulative witnesses, and state suggested orders regarding such expert and cumulative witnesses.
18. List the issues of fact that you wish to be stated by the Court.
19. List the questions of law that you wish to be stated by the Court. Identify which need to be ruled on at the pretrial hearing.
20. List the evidentiary issues that you wish to be stated by the Court. Identify which need to be ruled on at the pretrial hearing.
21. List issues regarding jury instructions. Identify which need to be ruled on at the pretrial hearing.
22. List prior attempts at settlement, and suggestions for future attempts at settlement.
23. Do you request the filing of briefs? If yes then identify the nature of the brief and the suggested time to file briefs.
24. List all procedures you are willing to explore that may aid in the disposition of the case, 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.

Submitted By:

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

STATE OF KANSAS,  
Plaintiff

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant

**CRIMINAL PRETRIAL QUESTIONNAIRE**

1. Date questionnaire completed:
2. Date of Pretrial hearing:
3. Date of Trial:
4. Name of the party you represent:
5. Your name:
6. Pending Charges:
7. Does the State propose any amendments to the complaint/information? If yes, what?
8. Has the State given notice pursuant to K.S.A. 22-3437 of its intent to admit reports concerning forensic examinations?  
  
Does the Defendant object and, if so, has he given notice of his intent to object to the admission?  
  
Does this matter need to be ruled on at the pretrial hearing?
9. Has the Defendant sought discovery and inspection under K.S.A. 22-3213(a)(2) or (b)?  
  
Has the Defendant permitted the prosecution discovery under K.S.A. 22-3212(c)?
10. Does the Defendant intend to set forth any defenses or objections based on defects in the institution of the prosecution or in the complaint, information or indictment? If yes, what?
11. Is the Defendant claiming immunity under K.S.A. 21-5231? If yes, is a hearing on the claim necessary prior to trial?
12. Is the Defendant claiming an alibi? If yes, has notice been given under K.S.A. 22-3218?

13. Is the Defendant claiming lack of mental state? If yes, has notice been given under K.S.A. 22-3219?

14. Are there any concerns regarding Defendant's competency to stand trial?

15. Have appropriate arrangements been made to have civilian clothing for the defendant?

16. Are any special security procedures necessary? If yes, what?

17. List all pending motions on which the Court needs to rule.

18. List all undisputed matters, and each party shall state any admissions or stipulations that party is willing to make.

19. The State will list the name and address of all witnesses it intends to call at trial and will list the essence of each witness' testimony. Have all intended witnesses been endorsed?

Name & Address:

Essence of Testimony:

20. The State will list all exhibits it intends to present at trial. Absent a showing of good cause, manifest injustice or substantial prejudice to the rights of a party, exhibits not identified and exchanged will not be allowed at trial.

Copies of the exhibits are to be marked for identification and exchanged with the defendant.

List all exhibits you suggest be admitted prior to trial.

21. Please estimate the time required for trial:

22. List the questions of law which the Court needs to rule on at the pretrial hearing.

23. List the evidentiary issues which the Court needs to rule on at the pretrial hearing.

24. List the issues regarding jury instructions which the Court needs to rule on at the pretrial hearing.

25. Do you request the filing of briefs? If yes then identify the nature of the brief and the suggested time to file briefs.

Submitted By:

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

In the Matter of the Marriage of:

JOHN DOE,

Petitioner

and

Case No. 2017-DM-00

JANE DOE,

Respondent

**DOMESTIC PRETRIAL QUESTIONNAIRE**

1. Date questionnaire completed:
2. Date of pretrial hearing:
3. Date of trial:
4. The name of the party you represent:
5. Your Name.
6. Provide a concise statement of your factual contentions:
7. Provide a concise statement of your theory of the case:
8. List the issues to be determined at trial:
9. List proposed amendments to the pleadings.
10. List all undisputed matters, and list all requested admissions or stipulations.
11. List the name and address of all witnesses you plan to call at trial and state the essence of each witness' testimony. Absent a showing of good cause, manifest injustice or substantial prejudice to the rights of a party, witnesses not identified will not be allowed at trial.

Name & Address:

Essence of testimony:

12. List all exhibits you plan to use at trial. Absent a showing of good cause, manifest injustice or substantial prejudice to the rights of a party, exhibits not identified and exchanged will not be allowed at trial. (Copies of the exhibits are to be marked for identification and exchanged with the other party.)

List all exhibits you suggest be admitted prior to trial.

13. List all pending motions on which the court needs to rule.
14. Please estimate the time required for trial.
15. Should a guardian ad litem be appointed? If yes, who do you suggest as the guardian ad litem?
16. Specifically identify issues regarding the number of expert and cumulative witnesses, and state suggested orders regarding such expert and cumulative witnesses.
17. List the issues of fact that you wish to be stated by the Court.
18. List the questions of law that you wish to be stated by the Court. Identify which need to be ruled on at the pretrial hearing.
19. List the evidentiary issues that you wish to be stated by the Court. Identify which need to be ruled on at the pretrial hearing.
20. List prior attempts at settlement, and suggestions for future attempts at settlement.
21. Do you request the filing of briefs? If yes then identify the nature of the brief and the suggested time to file briefs.
22. List all procedures you are willing to explore that may aid in the disposition of the case, including consolidated or split trials, reference to a master.

Submitted By:

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

ADMINISTRATIVE ORDER NO. 1  
(Rescinded)

**FILED**

**DEC - 2 2019**

**DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS**

RE: Appointment of Court Trustee

On 9/26/2013 Jill A. Elliott was appointed as Court Trustee, however the Court Trustee Program within the 17th Judicial District is being discontinued effective at midnight on 12/31/2019.

Administrative Order No. 1 (appointing Ms. Elliott as Court Trustee) is therefore rescinded effective at midnight on 12/31/2019. The powers and authority previously granted to the Court Trustee are therefore terminated effective at midnight on 12/31/2019, however Ms. Elliott will continue to have authority to submit vouchers for payment of final expenses incurred in closing the Court Trustee Program, even if such expenses are incurred and such vouchers are submitted after 12/31/2019.

As allowed by K.S.A. 20-380(d), after all final expenses are paid then any remaining funds in the Court Trustee operations fund will be used for district court operations as may be authorized from time to time by the Chief Judge.

Dated this 2nd day of December, 2019.



Hon. Preston A. Pratt, Chief Judge  
17<sup>th</sup> Judicial District