

## FIFTEENTH JUDICIAL DISTRICT

### RULE NO. 1

Pursuant to K.S.A. 43-166, this Court adopts the following local rule concerning jury panels and summons:

1. The jury commissioner will draw, on order of the Court, a sufficient panel of jurors to serve for such period as is specified by the Court.
2. Jurors will be summoned by First Class mail and shall be required to answer a questionnaire regarding their qualifications, as provided by K.S.A. 43-161. Those not responding shall be personally summoned by the sheriff.
3. Jurors who have been summoned shall be required to report at a time and place specified upon notice, which notice may be by telephone or mail, at least one week in advance of the date when the juror is to appear.
4. The attached forms of questionnaires and summons have been approved by the jury commissioner and the Court, and shall be used under this rule.

### RULE NO. 2

This Court adopts the following local rule concerning Voir Dire examination of jurors:

1. Attorneys are expected to familiarize themselves with the factual information contained in the juror questionnaire returned by each member of a jury panel. Voir Dire examination will not be permitted to be unduly extended by asking questions designed to elicit the same information as contained in the juror questionnaires.

### RULE NO. 3

All pleadings, filed in Court, that require judicial action, shall have copies forwarded directly to the District Judge.

#### RULE NO. 4

In compliance with Supreme Court Rule 105, the following local court rules shall be adopted by the Fifteenth Judicial District:

1. Clerks of the District Court shall not prepare summonses, subpoenas, or executions in cases filed in the various courts. Attorneys at the time of filing initial pleadings in cases in the courts shall prepare a sufficient number of summonses to facilitate service of the required number of summonses on all defendants. Samples are available from the Clerks.
2. Clerks of the District Court shall no research judgments or liens.
3. Witnesses are to be notified of continuance by the attorney who subpoenaed them.
4. Pursuant to K.S.A. 60-201(b), when a Poverty Affidavit is filed the attorney for plaintiff shall certify that no attorney fees will be accepted until the docket fee, required by law has been paid, with the exception of referral from Kansas Legal Services Corporation.

#### RULE NO. 5

In compliance with K.S.A. 38-1301 et seq., the following local court rules shall be adopted by the Fifteenth Judicial District:

The Uniform Child Custody Jurisdiction Act provides that litigation concerning the custody of a child (custody, change of custody, visitation rights, etc.) may take place in any court in any state where the child and his/her family have the closest connection, so that significant evidence is readily available to the court where the hearing takes place.

The provisions of this law require each Clerk of the District Court to maintain a registry of uniform child custody jurisdiction actions.

By this local court rule, the appearance docket and its cross-index will serve as the registry, thus avoiding duplication of filing.

## RULE NO. 6

Ordinarily ex parte orders for support, restraint or other provision remedies will not be issued. Notice of an application for such remedies and a hearing in connection with the application must be given as required by Supreme Court Rule No. 131. If the matter is urgent, oral notice or notice for a period of time shorter than seven days may be acceptable. In an emergency, adequately supported by sworn oral testimony, this rule may be waived and an order issued ex parte, but in that event, a hearing will be held immediately upon request of the affected adverse party.

## RULE NO. 7

Re: Establishment of Court Trustee Program

1. The Office of the District Court Trustee as provided for in K.S.A. 23-494 and amendments thereto, is hereby established for the Fifteenth Judicial District, effective January 1, 1997.
2. The term "support" as used in this order shall refer to all temporary child support; child support and spousal maintenance.
3. The District Court Trustee shall be authorized and empowered to pursue all civil remedies available to establish and enforce payment of child support. The District Court Trustee shall also enforce, but not establish or modify, spousal maintenance orders. Any motion to modify the amount of support shall not be heard until notice has been given to the parties and their attorneys of record, if any.
4. The District Court Trustee shall have the following additional powers and duties:
  - a. To issue summonses, subpoenas duces tecum to obligors, obliges and other witnesses who poses knowledge or books and records relating to enforcement of support to appear in the Office of the District Court Trustees or before the district court for examination.
  - b. To administrator oaths and take sworn testimony on the record or by affidavit;

- c. To appoint special process servers as required to carry out the District Court Trustee's responsibilities under this section;
  - d. To enter into stipulations, acknowledgments, agreements and journal entries, subject to approval of the court;
  - e. If an obligor desires to contest an order of income withholding, the District Court Trustee shall set a hearing to permit the obligor to assert any affirmative defenses authorized by K.S.A. 23-4100;
  - f. To act as "prosecuting attorney" in Uniform Reciprocal Enforcement of Support Act cases pursuant to K.S.A. 23-451-et seq.
5. Written requests made by the parties in a support case, to be exempted from monitoring and enforcement by the District Court Trustee, shall be sent to the Administrative Judge or the District Court Trustee. The Administrative Judge shall make a good cause determination whether a support case should be exempted from the District Court Trustee program and therefore removed from the District Court Trustee office. The Administrative Judge shall send written notification of the determination to the parties and their attorneys. The Administrative Judge may grant the exemption if the following good cause criterion are applicable in the case:
- a. A written agreement signed by all interested parties or their attorneys. Interested parties include obligors, obliges, guardian ad litem, District Court Trustees, and the Department of Social and Rehabilitation Services.
  - b. A high degree of probability that the support payments will be made in compliance with court order. The factors considered and the rationale for granting good cause shall be documented on the record. Factors indicating such probability include, but are not limited to:
    - 1. An automatic withdrawal authorization to the obligor's bank or
    - 2. The existence of a military allotment, or
    - 3. An automatic payment form another source such as a trust fund or escrow account, or

4. The posting of a performance bond equal to the amount of support ordered for six months or more, or
    5. Whether or not the obligor has an income withholding order which has been served on an employer or payor and the income withholding order is being monitored and modified by a private attorney,
    6. The obligor's payment history, or
    7. Any other factor considered by the Court to be indicative of the obligor's ability and willingness to comply with the court order.
  - c. A history exists of the obligor having made or the obligee having accepted direct payments in conflict with an order of the Court and K.S.A. 60-1610(a)(1) within the past twelve (12) months.
6. The Kansas Payment Center shall receive and disburse payments for support, and maintain complete, accurate and clear records of all payments and their disbursements, and furnish to the District Court Trustee on such forms as are provided, the information to carry out and enforce the duties, obligations, and responsibilities as required above.
7. To defray the expenses of operating the District Court Trustee's office, a 3% fee shall be charged on the funds collected from all obligors for support initiated by orders of the district court dated on or after January 1, 1997, or by orders issued after that date which modify orders issued prior to January 1, 1997, unless good cause is claimed by one of the parties and determined to be valid by the Administrative Judge. All such amounts collected shall be withheld from support payments made through the Kansas Payments Center and shall be paid to the court trustee operations fund of the county where collected. The court trustee fee of 3% will not be withheld in Title IV-D cases or other cases agreed upon in the federal reimbursement contract between the Office of Judicial Administration (OJA) and the Kansas Department of Social and Rehabilitation Services (SRS).
8. Mandatory Language in Support Orders. Each order for support entered in this district after the effective date of this rule shall include the following provisions,

except that provision 9(b) shall NOT be used in cases where Income Withholding is not ordered for good cause:

- a. “IT IS FURTHER ORDERED that all support payments shall be made payable to the order of the Kansas Payment Center; and that each party shall inform the Clerk of the District Court and all other parties, in writing, of a change of name, residence, and employer with business address with seven (7) days after such change.”
  - b. “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.”
9. The District Court Trustee shall be responsible for insuring that the income withholding order is served on the appropriate employer at the time the income withholding order is issued and for monitoring the income withholding order and initiating the request to serve the income withholding order on future employers, unless the case has been exempted from the court trustee program services. If the case is NOT under the jurisdiction of the District Court Trustee, the attorney of record for the obligee shall be responsible for insuring that the income withholding order is served on the appropriate employer at the time the income withholding order is issued and initiating the request to serve the income withholding order on future employers. If there is no attorney of record for the obligee, the obligee shall be responsible for initiating appropriate pro se action, applying for court trustee program services, or retaining private counsel should the support payments cease.
  10. Every support order shall specify the payment period and the date or dates of the month on which the payment shall become due.
  11. 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 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 between \$3,600.00 and \$3,000.00 equals \$600.00. Six hundred dollars (\$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 equals \$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 months reduction to \$100.00 equals \$3,000.00 (\$2,700.00 + \$300.00). The difference is between \$3,600.00 and \$3,000.00 equals \$600.00. Six hundred dollars (\$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 equals \$250.00.

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

#### RULE NO. 8

This rule is in consideration of K.S.A. 38-1636 concerning extended jurisdiction in juvenile cases within the Fifteenth Judicial District.

When a District Magistrate Judge either authorizes the prosecution of a respondent as an adult in a juvenile offender case pursuant to K.S.A. 1636(f)(1) or designates any juvenile offender case an extended jurisdiction juvenile prosecution pursuant to K.S.A. 38-1636(f)(2), the proceedings shall be transferred forthwith to the Administrative Judge for assignment and scheduling in due course within the adult criminal process. The respondent shall be entitled to the full protection of the Kansas Code of Criminal Procedure.

The District Judge shall schedule pretrial and such further hearings as necessary to facilitate trial by jury and timely prosecution of the pending charges. Upon conviction the District Judge shall impose sentence in accordance with K.S.A. 38-1663 and K.S.A. 38-16,126 and other appropriate statutes.