

## **Local Court Rules for the 27th Judicial District**

**RULE No. 1.** Prefatory Rule. These district court rules supersede all other district court rules of the 27th Judicial District. These rules are designed to reduce uncertainty, to provide for uniformity and to expedite litigation so far as uniformity and dispatch will aid the administration of justice. They are authorized by K.S.A. 60-267 and Kansas Supreme Court Rule 105 and should be read in conjunction with related statutes and "Rules of the Supreme Court relating to District Courts." K.S.A. 60-2702. New or revised rules will be promulgated from time to time as necessary. The clerk of the court and in the county law library will maintain current copies of the rules for reference of counsel. Nothing herein is intended to contravene any statute or Supreme Court rule.

**RULE No. 2.** Required Days of Court. Pursuant to Rule 103 of the Rules Relating to District Courts, all days of the month except holidays, Saturdays and Sundays are court days. Holidays shall be those days designated by the Supreme Court of the State of Kansas and those days the Board of County Commissioners of Reno County closes the Reno County Courthouse. Unless otherwise ordered, court will be in session from 8:00 a.m. until 12:00 noon and then from 1:00 p.m. until 5:00 p.m. on required days of court.

**RULE No. 3.** Arraignment Day. For the purpose of K.S.A. 22-3205 and K.S.A. 22-3206, the first Monday in each month is designated Arraignment Day. If said date shall be a holiday, or the courthouse is closed that day, then Arraignment Day shall be the next day thereafter.

### **RULE No. 4.** Domestic Relations Cases.

(a) No orders in divorce, annulment or separate maintenance cases will be issued ex parte except: (1) restraining orders; (2) temporary custody, temporary support, and temporary maintenance; (3) dwelling and occupancy orders upon sufficient showing of need by verified motion or petition.

(b) Support payments shall be made through the Kansas Payment Center unless otherwise ordered by the court. Kansas Payment Center information sheets shall be filed contemporaneously with any order, final or temporary, regarding child support or maintenance payments.

### **RULE No. 5.** Assignment of Cases.

(a) The district magistrate judge shall preside over Position I cases assigned to Position I to include traffic cases, criminal cases that charge misdemeanors only, cases that charge cigarette and tobacco infractions, cases filed pursuant to K.S.A. 61-2701 et. seq. (small claims), K.S.A. 60-3101 et. seq. (protection from abuse), K.S.A. 60-31a01 et. seq. (protection from stalking), first appearances following arrest, limited action civil cases wherein Division IV has a conflict, and such other cases as determined and periodically assigned by the chief judge.

(b) All felony criminal cases shall initially be assigned to Division III for preliminary hearing. If the case is not disposed of in Division III, odd numbered cases shall be assigned to Division I and even numbered cases shall be assigned to Division II.

(c) Civil cases filed pursuant to K.S.A. Chapter 60 shall be divided equally between Divisions I and II with odd numbered cases assigned to Division I and even numbered cases assigned to Division II. Cases filed pursuant to K.S.A. Chapters 61, 59 and 38 shall be assigned to Division IV.

(d) Department of Correction inmate's filings shall be assigned to Division II.

(e) Requests for ex parte orders will be submitted to the assigned judge. If the assigned judge is unavailable, ex parte orders may be issued by any other judge of the district court. The assigned judge shall control the trial and pre-trial dockets of cases assigned.

(f) Post sentencing proceedings in criminal cases shall be heard by the sentencing court.

**RULE No. 6. Motions.**

(a) Motions shall be heard by the judge assigned to the case. Motions shall be heard each Friday in Divisions I, II and III. Motions must be on file by Thursday at 5:00 p.m. to be heard the following Friday. Motions in Division IV and Position I will be heard as scheduled by the court.

(b) Motions will be set in as expeditious manner as possible with counsel summarizing the proposed testimony.

(c) Motions to increase or decrease child support will be accompanied by the form required by Rule 139 at the time of filing. Opposing counsel will, as soon as possible thereafter, file a Form 139 with the court and send a copy of the same to counsel for the movant.

(d) Motions will be set on the appropriate Friday motion docket unless a request for special setting is requested. Motions requiring testimony will require special settings.

(e) Motions filed after Thursday at 5:00 p.m. will not be set the following Friday unless the assigned judge specifically allows the setting for good cause shown.

**RULE No. 7.** In all orders filed pursuant to K.S.A. 60-1601 et. seq. involving issues of custody of minor children shall contain the following language:

Both petitioner and respondent are ordered to immediately contact the Divorced Parents Workshop at Horizons Mental Health Center and arrange to attend the same. Each parent shall be responsible for the payment of his or her own fee to be paid at the time of the workshop.

**RULE No. 8.** Withdrawal of Attorney. Ten days following final judgment in divorce, separate maintenance or annulment actions and domestic relations cases, counsel involved will cease to be such counsel of record.

**RULE No. 9.** Jury Instructions. Unless otherwise ordered by the assigned trial judge, any request for jury instructions shall be presented in writing to the court and served upon each adverse party no later than the opening of trial and before the taking of evidence. Additionally, the proposed instructions shall be electronically transmitted (e-mail) to the court or provided on disk or CD, Microsoft Word compatible, to the court no later than the opening of trial. However, the court may receive additional requests relating to questions arising during the trial at any time prior to the giving of final instructions.

Jury instructions based upon statutes or case law shall include the citation of authority at the end of the requested instruction. Pattern jury instructions shall include the proper P.I.K. 3d citation.

Requested instructions altering pattern jury instructions shall indicate thereon the requested alterations.

**RULE No. 10.** On the first working day of each month, the Reno County District Attorney shall certify in writing to the assigned trial judge all felony cases that are not scheduled for trial wherein the elapsed speedy trial time has reached, or will within that month reach:

- (a) 70 days for in-jail cases; and/or
- (b) 160 days for on-bond or multiple case defendants.
- (c) When any criminal case is scheduled for trial or continued for trial, the district attorney shall review the speedy time elapsed and advise the assigned trial judge forthwith if the beginning trial date is not within the speedy trial provisions of K.S.A. 22-3402.

**RULE No. 11.** The Reno County District Attorney shall provide to the magistrate judge every Thursday a listing of all persons confined in the Reno County Jail awaiting the filing of criminal charges; said list to include the confinement date of such person.

**RULE No. 12.** In any criminal trial resulting in a guilty verdict, trial counsel is responsible for filing a notice of appeal. If appointed appellate counsel is required, trial counsel is further ordered to file a request for appointment of the chief appellate defender and to supply a copy of such request to the court reporter of the court hearing the trial.

**RULE No. 13.** To satisfy the requirements of K.S.A. 60-1610(b)(3) and the dictates of Kansas Court of Appeals in *In Re Marriage of Kirk*, a short summary affidavit will be required in uncontested divorce actions to allow a finding by the court the agreement is valid, just and equitable. Testimony may be given in lieu of the required affidavit.

**RULE No. 14.** No post divorce motion to modify child custody or visitation shall be heard in the district court unless the parties have attempted resolution through mediation.

Parties involved in a custody or visitation dispute at the time of the initial divorce filing shall submit said issues to mediation.

The court has available to the parties a domestic mediator retained by the court to act in these cases. If the parties wish, they may retain any qualified mediator they choose. The chief judge's administrative assistant shall maintain a list of mediators in the area certified by the Kansas Supreme Court and make the list available to counsel. The court may waive the requirement for mediation for good cause shown upon written application by either party.

The fee for the court retained mediator is based upon the income of the parties and is available through the office of the administrative assistant to the chief judge.

**RULE No. 15.** A local fund is hereby created under the authority of K.S.A. 2004 Supp. 20-369. A fee of \$60.00 is imposed against any defendant for crimes involving a family or household member as provided in K.S.A. 2003 Supp. 21-3412a, and amendments thereto, and deposited in the local fund. Expenditures shall be determined by the chief judge and shall be paid to local programs within Reno County that enhance a coordinated community justice response to the issue of domestic violence.

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