

**LOCAL COURT RULES OF THE 17th JUDICIAL DISTRICT**

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

(REVISED AS OF 3/1/2023)

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## 1. PREFATORY RULES

- 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 Judicial District are hereby repealed.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- 104 Repealed
- 105 APPLICATION: These rules apply unless specifically superseded by statute, Supreme Court rule, or an exception is made by the presiding judge.
- 106 - 108 Repealed

## 2. COURTROOM DECORUM, SAFETY & PROCEDURES

- 201 - 208 Repealed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 weapon of any kind 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.

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

301 – 302 Repealed

## 4. CLERK'S OFFICE

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, not by the Clerks of the District Court. The party shall prepare enough copies to facilitate service of the required number on all parties or persons.

403 SERVICE OF PROCESS: Where service is by return receipt delivery the service shall be affected by the party rather than requesting the sheriff affect service by return receipt delivery.

404 PUBLICATION COSTS: In all cases, the party shall pay publication costs directly to the newspaper(s).

405 WITNESS FEES: Except in criminal cases, all witness fees and mileage shall be paid by the party directly to the witness.

406 – 414 Repealed

## 5. COORDINATION OF COURT ACTIVITIES

501 – 505 Repealed

## 6. CASE MANAGEMENT & PRETRIAL CONFERENCES

601 - 604 Repealed

## 7. CRIMINAL PROCEEDINGS

701 WITHDRAWAL: In 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 enter such waiver on the record, or the prosecutor, the defendant, and the defendant's attorney (if defendant is represented) must sign a written waiver.

704 - 706 Repealed

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

708 - 716 Repealed

717A PROBATION SUPERVISION: The presiding judge may impose any conditions of probation the judge deems appropriate. If, however, the order for probation is silent regarding the conditions of probation, or if the order for probation states the defendant is subject to normal or standard conditions of probation, 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.
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 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.

- 717B BOND SUPERVISION: All persons subject to bond supervision by Court Services of the 17<sup>th</sup> Judicial District shall pay for any costs associated with the bond supervision in an amount that shall be established by and may be periodically updated by the Chief Court Services Officer of the 17<sup>th</sup> Judicial District, which shall not exceed the maximum fee allowed by K.S.A. 22-2802 for each week of bond supervision.

Conditions of bond will be as set by the presiding judge.

- 718 Repealed

## 8. CIVIL JURY TRIALS

- 801 Repealed

## 9. INTERPRETERS

- 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.

## 10. MOTION PRACTICE

1001 - 1008 Repealed

## 11. ATTORNEY RESPONSIBILITIES

1101A SCHEDULING HEARINGS: Unless an ex parte or emergency hearing is allowed, it is the responsibility of the parties to coordinate hearing dates that are convenient to the other party. No matters are to be noticed for hearing without first coordinating the date with the presiding judge.

1101B 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.

1101C HEARING – SCHEDULING CONTINUANCES OR DIFFERENT HEARING DATES: Continuances are allowed, or not allowed, at the discretion of the presiding judge, but it is the responsibility of the party requesting the continuance to coordinate a new hearing date that is convenient to the other party and the presiding judge.

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.

1103 ORDER BACK PROCEDURE: 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, or the presiding judge directs otherwise.

1104 Repealed

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 unless waived by the appointing judge for good cause.

When an attorney is being appointed as a guardian ad litem, 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.

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

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. DOMESTIC PROCEEDINGS

### 1201A TEMPORARY ORDERS:

- Prior to final orders being issued:

Temporary orders after filing the case and before final orders are issued will normally be handled by the magistrate judge, as will motions to modify those temporary orders.

- After final orders have been issued:

Motions to modify final orders, and requests for temporary orders pending the final hearing of the motion, will normally be handled by the district judge if the final orders had been issued by the district judge.

1201B EX PARTE ORDERS: Except in extraordinary situations, no motion for ex parte orders in a domestic relations case shall be heard 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 the circumstances. If, however, the presiding judge finds there is a 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.

1202 VITAL STATISTICS WORKSHEET: The vital statistics worksheet shall be completed on-line by petitioner's attorney within 24 hours of the divorce being granted. A self-represented petitioner shall complete a vital statistics worksheet at the time of filing the petition and the worksheet shall be held by the Clerk of the Court until the divorce is final or dismissed.

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 Repealed

### 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 regarding division of property 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 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."

1206 - 1207 Repealed

1208 HOLIDAY PARENTING TIME SCHEDULE:

The following schedule will generally be ordered when dividing holidays. The parents may agree on an arrangement which is more suitable to the needs of the parents and their children, or the presiding judge may order otherwise.

## 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>Christmas:</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>Christmas:</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 - 1605 Repealed

### 17. CASA

Rule #

1701 – 1704 Repealed



## 18. MISCELLANEOUS

Rule #

1801 - 1802 Repealed

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

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 1<sup>st</sup> day of March, 2023.



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