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

**LOCAL COURT RULES FOR THE SIXTEENTH JUDICIAL
DISTRICT**

**HONORABLE VAN Z. HAMPTON
CHIEF DISTRICT JUDGE**

**HONORABLE E. LEIGH HOOD
DISTRICT JUDGE**

**HONORABLE SIDNEY R. THOMAS
DISTRICT JUDGE**

**HONORABLE PHILIP MOORE
CLARK COUNTY MAGISTRATE JUDGE**

**HONORABLE RUSTIN MARTIN
COMANCHE COUNTY MAGISTRATE JUDGE**

**HONORABLE JOEY DUNCAN
GRAY COUNTY MAGISTRATE JUDGE**

**HONORABLE ANN DIXSON
KIOWA COUNTY MAGISTRATE JUDGE**

**HONORABLE KEITH WHITNEY
MEADE COUNTY MAGISTRATE JUDGE**

TABLE OF CONTENTS

<i>Rule No.</i>	<i>Title</i>	<i>Page</i>
1.	Pretrial Conferences/Pretrial Questionnaire	3
2.	Continuances	9
3.	Domestic Relations Affidavits	10
4.	Ex Parte Orders	11
5.	Firearms	12
6.	Time for Trials for Chapter 61 Actions & Divorce Actions	13
7.	Domestic Relations Cases	14
8.	Limitation on Frequency of Garnishments	16
9.	Case Assignment in All Counties & Motion Days	17
10.	Jurisdiction of Magistrate Judges	19
11.	Interpreters	20
12.	Duty and Authority to Prepare Forms; Electronic Filing of Documents with the Clerk	21
13.	Application and Appointment of Counsel	23
14.	Panel of Attorneys for Indigent Defense	24
15.	Appointment of District Court Trustee; Mandatory Language in Custody and Support Orders	27
16.	CASA Program	29
17.	Certification of Pre-Sentence Alcohol & Drug Evaluators	36
18.	Bonding Agents	38
19.	Media in the Courtroom	39

PREAMBLE

Pursuant to Supreme Court Rule 105, the 16th Judicial District hereby adopts the following Local Court Rules. The purpose of these rules is to promote uniformity, efficiency and fairness in the administration of justice.

These rules are to be applied in all cases by the Judges, Clerks, attorneys and parties. Where questions arise regarding circumstances not covered in these Rules, then applicable statutes, Appellate Court decisions, Supreme Court Rules, regulations and judicial discretion shall govern the resolution of those questions.

This Judicial District has a reputation for mutual respect, cooperation and consistent justice. It is our intention that applying these rules will enhance that reputation. It is also our hope that all persons coming to the Courts in our District will leave with the belief that justice prevails here.



Van Z. Hampton
Chief Judge

LOCAL COURT RULE NO. 1

PRETRIAL CONFERENCES

This Judicial District adopts K.S.A. 60-216, Supreme Court Rule No. 140, and K.S.A. 22-3217 concerning Case Management and Pretrial Conference procedure. For Chapter 60 civil actions a Pretrial Questionnaire or Statement must be submitted at least **7 calendar days prior** to the final Pretrial Conference. A suggested Pretrial Questionnaire form is attached to this Rule and counsel may use it to prepare their Questionnaires in all Chapter 60 Civil Actions. In Chapter 60 actions appearances at the final Pretrial Conference may be by telephone or other electronic means if approved by the Presiding Judge.

- A. In Chapter 60 actions if the parties agree, and the court finds the Pretrial Questionnaires or Statements of the parties sufficient to allow preparation of a Pretrial Order, the court shall assign the preparation of the order. If a Pretrial Order cannot be prepared without a complete hearing, the following shall occur at the final Pretrial Conference:
- (1) Plaintiff will state concisely his factual contentions and the theory of his action.
 - (2) Defendant will state concisely his factual contentions and the theories of his defenses and claims for relief.
 - (3) The court will rule upon any proposed amendments.
 - (4) Court and counsel will confer as to matters not disputed and request will be made for admissions and stipulations.
 - (5) Names and addresses of witnesses (including Experts) who will be called at trial will be submitted in writing and counsel will be prepared to state the essence of their testimony.
 - (6) All exhibits which parties intend to use at the trial shall be made known to the court and opposing counsel and may be marked for identification and admitted into evidence.

- (7) The court will rule on any motions for dismissal, judgments on pleadings or summary judgments.
- (8) Counsel will state if a jury is requested, if a jury of less than twelve (12) will be accepted, and time required for trial.
- (9) A guardian *ad litem* will be appointed if advisable.
- (10) Limitations upon the number of expert and cumulative witnesses for each side will be considered and ruled upon.
- (11) The issues of fact will be stated by the court.
- (12) The questions of law will be stated and the court will rule thereon.

B. In all cases the following shall occur at the Final Pretrial Conference:

- (1) Any questions of admissibility or exclusion of evidence including Motions in Limine that have not been decided will be presented and the court will rule thereon.
- (2) Special “non-P.I.K.” or modified P.I.K. jury instructions will be stated and the court will rule thereon.
- (3) The possibility of settlement shall be explored.
 - (a) If a settlement conference is held, each party shall have someone who has authority to settle the case present.
 - (b) If an arbitrator or mediator is utilized, the parties shall share the cost associated with this service.
- (4) If the court authorizes the filing of briefs, the time of filing shall be specified.

- (5) Any procedures that may aid in the disposition of the case will be determined, including consolidation or severance of trials, or reference to a master.
- (6) If any witness is expected to require the service of an interpreter, the party or party's attorney calling the witness shall inform the Court of the need and shall confirm with the Court, and opposing counsel, the availability of an interpreter for trial.
- (7) In civil actions the court shall assign counsel to draft the order, and the Presiding Judge shall rule upon objections, and enter a final Pretrial Order prior to commencement of the trial.
- (8) In criminal prosecutions, pursuant to K.S.A. 22-3217, at the conclusion of any pretrial conference the Court shall prepare or assign preparation of the Order.

A suggested Pretrial Questionnaire form for Civil Actions is attached below.

IN THE DISTRICT COURT OF COUNTY, KANSAS

vs. Plaintiff,)
)
)
)
)
Defendant.)
)

CASE NO.

PRETRIAL QUESTIONNAIRE

(Instructions: This questionnaire must be completed by an attorney of record and copies must be delivered to the Clerk of the District Court, and all other counsel, at least one week prior to the Final Pretrial Conference. All questions must either be answered or indicated as not applicable. If the space provided is not sufficient for your answers, you may modify this document or type your own questionnaire and answers in accordance with this format.)

- 1. Present date:
2. The name of the party you represent:
3. Your name:
4. Requests for amendments to pleadings:
5. Theory of your claim, if any (including grounds of negligence, if applicable):
6. Theory of your defense, if any (including grounds of contributory negligence, and affirmative defenses if applicable):

7. Total amount of damages claimed:

8. Itemization of damages:

9. Other questions of fact:

10. Other questions of law:

11. Discovery

a) List discovery you have completed:

b) Please specify further discovery contemplated (If discovery is complete, state "none"):

c) If further discovery contemplated, state when same will be completed:

12. Motions

a) List motions you have pending:

b) List motions you intend to file prior to trial:

13. State any procedural problems which you have:

14. List all witnesses (including Experts) you intend to call at trial (Note: you must list all witnesses known to you at the present time, and be prepared at the Pretrial Conference to state a summary of expected testimony):

15. List all exhibits you intend to offer at trial:

16. Trial assignment

a) Should case receive priority setting, and if so, why? (If due to out-of-town witnesses, please specify).

b) Are you requesting court or jury trial?

c) If jury trial, would you stipulate to six-member jury?

d) What is estimated time for trial?

Signature

I hereby certify that a true and correct copy of the above and foregoing Pretrial Questionnaire was served upon opposing counsel by email, or by depositing a copy of the same in the United States mail, postage prepaid, on the _____ day of 20____, addressed to:

Signature

LOCAL COURT RULE NO. 2

CONTINUANCES

Continuances of trials or scheduled hearings shall be granted only upon a showing of good cause while complying with the following procedure:

- A) Motions for continuances of hearings and Bench trials shall be made in writing no less than two business days before the hearing or Bench Trial, specifying the grounds in support thereof, and a copy thereof shall be served upon the opposing party or counsel.
- B) If the motion for continuance is opposed the movant must present the motion at a hearing (which may be a telephone conference with the presiding judge and opposing counsel) scheduled by the moving party.
- C) Written orders granting the continuance will be prepared by the moving party.
- D) Continuances of hearings or Bench Trials by agreement of counsel will be effective if approved in writing by the court prior to the time set for the hearing or Bench Trial.
- E) A Motion for continuance of a jury trial shall be filed no less than three business days prior to the time set for trial, except where the court finds an emergency to exist.
- F) Counsel for the respective parties shall be responsible for notifying all subpoenaed witnesses if the continuance is granted.
- G) The court may assess costs caused by the continuance, upon the moving party or upon the party necessitating a continuance, if found to be justified by the circumstances and authorized by law.

LOCAL COURT RULE NO. 3

DOMESTIC RELATIONS AFFIDAVITS

Supreme Court Rule No.139 is hereby adopted requiring a Domestic Relations Affidavit (DRA) containing factual statements to be filed in domestic relations cases. The DRA shall be filed with any motion for Interlocutory Orders where possession of property or payment of support is sought. In all contested divorce cases a complete and updated DRA shall be prepared and a copy furnished to the opposing party prior to trial, and the original submitted to the court at least 3 days prior to the trial. The final updated Affidavit to be submitted to the Court prior to trial in contested actions shall include or have attachments that plainly state:

- A) Cash, and assets equivalent to cash, of the parties, and ownership (joint or individual).
- B) Other personal property, including policies of insurance, stating the description, ownership (joint or individual) and actual or estimated value.
- C) Real property identified as to description, ownership (joint or individual) and actual or estimated value.
- D) Identification of property, if any, acquired by each of the parties prior to marriage or acquired during marriage by a will, gift or inheritance.
- E) Debts (joint or individual) with the balance owed and the rate at which payable, and, if secured, identify the encumbered property.
- F) **Proposed Division of Property and allocation of debts.**

LOCAL COURT RULE NO. 4

EX PARTE ORDERS

Ex parte orders issued under K.S.A. 23-2707 shall comply with that statute and Supreme Court Rule No.139 and Local Rule No. 7(A). If a Respondent files a motion to modify or vacate an ex parte interlocutory Order, the court shall hear that motion within 14 days after it is filed, unless the moving party consents to a later hearing. The ex parte orders shall remain in effect until the hearing, at which time the court may affirm, modify, or vacate the order.

The party and counsel who obtain an ex parte order will be required to adjust their schedule so that the Motion to Modify or Vacate the order can be heard within 14 days. Failure to cooperate in scheduling the hearing shall cause the ex parte order to expire 14 days after the date a Motion to Modify or Vacate said orders has been filed unless the moving party consents to an extension of the orders.

LOCAL COURT RULE NO. 5

FIREARMS

Law Enforcement Officers may appear with their sidearms in the courtroom as witnesses, but they shall not be allowed to carry firearms in the courtroom if they are a party in an action. No other person may wear or carry a concealed or visible firearm into the courtroom, unless authorized by the Presiding Judge or it is an unloaded firearm brought to be an exhibit in a case.

LOCAL COURT RULE NO. 6

TIME FOR TRIALS FOR CHAPTER 61 ACTIONS & DIVORCE ACTIONS

In Chapter 61 actions where an answer is filed, the case may be scheduled for trial by any party after the expiration of 45 days following the date the answer is filed (but the trial may be scheduled sooner if the parties agree).

In Chapter 61 cases if no action is taken to pursue the judgment sought in the Petition within 180 days after the Answer is filed, or when no answer is filed 180 days after the summons is served and Plaintiff has not requested a Default Judgment, the court will issue a Notice of Intent to Dismiss and thereafter if no action is taken within the time stated in the Notice the case shall be dismissed without prejudice with leave to re-file.

All divorce cases shall be deemed ready for trial upon the expiration of the 60 day waiting period. If an interlocutory orders hearing, pretrial conference or trial has not been scheduled within 90 days thereafter, the court will issue one 14 day notice of intent to dismiss and if no action is taken within the 14 days after the date of the Notice, said case shall be dismissed without prejudice with leave to re-file.

Continuances of any hearing or trial may be granted for good cause shown Pursuant to Rule No. 2.

LOCAL COURT RULE NO. 7

DOMESTIC RELATIONS CASES

- A) In Divorce cases, the **Petitioner must appear in person when applying for ex parte orders**. For the Final Divorce hearing, if the parties have agreed upon the resolution of all issues and have reduced that agreement to writing in the form of a Settlement Agreement and/or a signed Divorce Decree, the Presiding Judge may excuse the appearance of the parties and their attorneys and may approve the Decree without a hearing. In contested Divorces either party may request a Pretrial Conference but it is not required (all parties are required to comply with Rule 3).
- B) In domestic relations cases where the litigants have minor children together, and custody and parenting time is disputed, the parents are required to enroll in and successfully complete the Ford County Kids Count program entitled Cross Roads Parenting and Divorce, or another parenting class approved by the Court. Unless excused from attending for good cause shown, this class is required before attending mediation. Mediation is required before a contested custody or parenting time hearing may be scheduled, unless specifically excused by the presiding judge. Mediation may be provided by any qualified domestic relations mediator including the 16th District Court Services. An order for Mediation will be granted by the Court upon request by either parent, or counsel for a parent, if parenting class is completed. However if mediation is requested to be provided by a private mediator, not Court Services, the other party must consent. Ford County Kids Count can be contacted at 225-2331, and programs will be held at 2010 1st St., Dodge City, Kansas. This program is four hours in length. A more thorough class is available, but not required. It is entitled: Cooperative Parenting and Divorce. Costs of parenting classes will be borne by the participants.
- C) When a divorce or separate maintenance case involving a minor child or children, filed by a *pro se* litigant, results in an Order

granting that party primary residential custody, the party who is granted primary residential custody is required to meet with the 16th Judicial District Court Trustee to calculate child support as soon as possible after the Order for custody is issued. In cases where the custody is divided or a shared custody arrangement is ordered, the Petitioner is required to meet with the Court Trustee to determine if child support is to be paid. The parties are to provide all documentation required by the Trustee.

- D) The Trustee is to submit a child support worksheet to the Court and prepare necessary documents and Orders for Wage Withholding as needed. The Court Trustee can be reached at 225-0579 with offices at 617 N. 2nd St., 2nd Floor, Dodge City, Kansas.

LOCAL COURT RULE NO. 8

LIMITATION ON FREQUENCY OF GARNISHMENTS

Except as provided in this rule, no more than two (2) garnishments shall be issued out of this court applicable to the same claim or claims and against the same judgment debtor in any thirty (30) day period.

A judge of this court may order an exception to this rule in any case in which the party seeking the garnishment shall in person or by an attorney:

- A) Certify that the garnishment is not for the purpose of harassment of the debtor; and
- B) State facts demonstrating to the satisfaction of the judge that there is reason to believe that the garnishee has property or credits of the debtor which are not exempt from execution.

LOCAL COURT RULE NO. 9

CASE ASSIGNMENTS IN ALL COUNTIES, and MOTION DAYS

FORD COUNTY:

Upon filing, all criminal, domestic, and civil cases, and all cases upon appeal from a Magistrate, will be assigned in numerical sequence to the three Divisions of the District Court and respective district judges: Division 1, Judge Thomas, Division 2, Judge Hood, and Division 3, Judge Hampton. In the interest of convenience, efficiency and judicial economy, when multiple cases are filed involving the same defendant in criminal cases, or the same parties in domestic or civil cases, the judge assigned to the lowest numbered case shall also preside over the subsequently filed cases.

ALL OTHER COUNTIES:

Criminal, domestic and civil cases will be assigned in numerical sequence to the three Divisions and respective District Judges in the same manner as the assignments in Ford County, beginning retroactively to January 1, 2014 and thereafter. Cases assigned prior to January 1, 2014 will continue in the Division of the District Court as originally assigned.

Motion days in Gray County and Meade County are to be conducted the 1st, 2nd, and 4th Tuesday (unless scheduling conflicts occur). Cases assigned to Judge Hood will be scheduled the 1st Tuesday; cases assigned to Judge Hampton will be scheduled the 2nd Tuesday; and cases assigned to Judge Thomas will be scheduled the 4th Tuesday. The hearings in Gray County shall begin at 9:30 a.m. and in Meade County at 1:30 pm. unless the presiding Judge gives notice to the participants of a different time.

Motion days in Comanche County and Kiowa County are to be conducted the 1st, 2nd, and 4th Wednesday (unless scheduling conflicts occur). Cases assigned to Judge Hood will be scheduled the 1st Wednesday; cases assigned to Judge Hampton will be scheduled the 2nd Wednesday; and cases assigned to Judge Thomas will be scheduled the 4th Wednesday. The hearings in Comanche County shall begin at 9:30 am and in Kiowa County at 1:30 p.m. unless the presiding Judge gives notice to the participants of a different time.

Motion days in Clark County are to be conducted the 1st, 2nd and 4th Thursday (unless scheduling conflicts occur). Cases assigned to Judge Hood will be scheduled the 1st Thursday; cases assigned to Judge Hampton will be scheduled the 2nd Tuesday and, cases assigned to Judge Thomas will be scheduled the 4th Thursday. The hearings in Clark County shall begin at 9:30 am. unless the presiding Judge gives notice to the participants of a different time.

LOCAL COURT RULE NO. 10

JURISDICTION OF MAGISTRATE JUDGES

Magistrate judges shall have jurisdiction and authority to preside over cases as provided in K.S.A. 20-302b except that for uncontested divorces the magistrates shall issue final orders only in those cases that do not involve minor children of the parties, or title to real estate.

LOCAL COURT RULE NO. 11

INTERPRETERS

If a hearing is scheduled to be heard by any judge in the District Court, if any party's primary language is other than English, an interpreter will be provided for that party during the hearing. Any party or attorney who schedules a hearing shall at the time of scheduling notify the court of the need for an interpreter, and the language to be interpreted, so that it may be noted on the court's calendar and an interpreter may be secured.

Any qualified interpreter serving during a hearing shall be entitled to compensation at the rate of \$30.00 per hour for the time served during the hearing. Requests for payment must be submitted in a signed voucher, for approval by any Judge of the District Court.

In emergencies or in extraordinary circumstances the presiding judge may approve a higher rate of pay for interpreters if necessary to secure these services.

LOCAL COURT RULE NO. 12
DUTY AND AUTHORITY TO PREPARE FORMS;
ELECTRONIC FILING OF DOCUMENTS WITH THE CLERK

- A. All attorneys regularly practicing before any court in this judicial district shall prepare in accordance with the applicable statutes or Supreme Court Rules all forms necessary for initiating and filing an action, effecting service of process, compelling attendance of witnesses and production of documents or records. Attorneys shall also prepare financial affidavits, worksheets for calculation of child support, KPC forms, Income Withholding Orders and Orders or Journal Entries from hearings as assigned.
- B. In addition, Affidavits, Orders to Show Cause, Bench Warrants and Recall of Warrants, Writs of Execution, Garnishments and Satisfaction of Judgment, Dismissals, Releases and Reports (including reports of adoptions) shall be prepared by the initiating attorney.
- C. The County Attorneys and their Assistant County Attorneys in each county shall have authority to prepare a “Recall of Warrant”, and to deliver a copy of that document to the Sheriff, with the Original to be filed with the Clerk of the District Court, to recall a warrant that was issued from that county, without the need for judicial approval. Likewise, any civil attorney who has requested a Bench Warrant may recall that warrant in the interests of justice, without judicial approval.
- D. Each attorney practicing in the 16th Judicial District must register as a “Filing User” for Electronic Filing with the District Courts pursuant to K.S.A. 60-271 and Supreme Court Administrative Order Number 268. **Electronic Filing shall become mandatory in this District beginning April 1, 2016.** After January 1, 2017, the District Courts shall maintain only electronic Court files but shall continue to accept paper documents for filing Warrants with related Affidavits, Applications and Returns, and additional documents approved by the Chief Clerk and/or Chief Judge, on an *ad hoc* basis. The Clerks shall also retain original wills filed in a Probate Matter. All

other documents shall be subject to destruction after filing in accordance with Supreme Court Rule 108.

LOCAL COURT RULE NO. 13

APPLICATION FOR APPOINTMENT OF COUNSEL

All criminal defendants desiring the appointment of counsel may make application for determination of indigency and appointment of counsel only after they have completed an Affidavit of Financial Circumstances. Defendants who are represented by appointed counsel do not need to submit additional affidavits to request appointed counsel in subsequent cases filed while the prior case is pending.

REIMBURSEMENT TO ATTORNEYS

Attorneys providing services to indigent defendants must submit vouchers for reimbursement which include an itemized time sheet explaining in full detail all defense services, including subjects and purposes of research. **Vouchers should be submitted to the presiding judge so far as that is practical.** Vouchers submitted without a detailed time sheet will be returned for additional information. Compensation shall be paid at the rate established by S.B.I.D.S for felony representation, and at the rates approved by the county Commission of each county for C.I.N.C. case appointments, juvenile offenders, care and treatment respondents, Sexually violent predator respondents, and misdemeanor defendants.

Vouchers in felony cases that request payments in excess of the compensation provided in K.A.R. 105-5-6 and 105-5-7 shall be subject to the exceptional case provisions stated in K.A.R. 105-5-8. Likewise, in misdemeanor cases, where a voucher that is submitted appears to exceed a reasonable fee, the presiding judge may require the attorney to submit a Motion and proposed Order setting out the reasons that justify the finding of an exceptional case for compensation. In any case, judges have authority and may adjust the vouchers if it appears the work performed was not compensable or that the time and consequential fee claimed was unreasonable, for any entry or for an entire voucher.

Vouchers submitted for county payment of attorney fees must include a running total of all payments made in each case. Vouchers must be submitted within 30 days after termination of a case or diversion agreement and at least every 90 days during the pendency of a case.

LOCAL COURT RULE NO. 14
PANEL OF ATTORNEYS FOR INDIGENT DEFENSE

The Sixteenth Judicial District of Kansas shall maintain a Voluntary Panel of attorneys for Indigent Defense Services, to represent indigent persons before the various District Courts in this District. Only persons who are charged with a crime punishable by jail or prison are eligible for court appointed counsel. Witnesses in criminal cases are not eligible unless actually charged with a crime.

The panels of volunteer attorneys eligible for assignment in each County in the District, for felonies, misdemeanors, juvenile offenders, children in need of care, and care and treatment cases shall be maintained and periodically updated in each county. The appointed attorneys shall be available to represent the various persons unless otherwise allowed to withdraw by the presiding Judge as provided by statute, rule or regulation.

In addition to the S.B.I.D.S. Regulations governing the operation of said panel, the following local rules shall apply:

- A) The qualifications stated in K.A.R. 105-3-2 will be utilized to determine eligibility of counsel to serve on cases covered by said regulation. It is understood that those qualifications may be waived by the Court as provided in the regulation (**except in off-grid or first degree murder cases but in those cases an attorney may request to be appointed as second chair in a case to obtain additional required experience**). Appointed attorneys are further advised that they may move to withdraw from an appointment when they are not qualified to represent the defendant due to the nature or severity of the charge(s) or for legal conflicts or due to incurable disputes or strategic differences with a defendant. All such requests must be timely and upon motion and order of the Court per Supreme Court Rule No. 117.

- B) Any attorney on the panel who is appointed to represent a defendant charged with an off-grid offense or a severity level 1, 2, or 3 non-drug, or a level 1 or 2 drug felony, which has been docketed for trial by jury, may, at his or her election, request to be excused temporarily from additional appointments. All such requests shall be made in writing to the Chief Judge.
- C) In cases meeting the criteria of an "exceptional case", as defined by K.A.R. 105-5-8, counsel shall present to the assigned judge an order setting forth specific findings which form the basis for a determination that the case is exceptional. Said order shall be accompanied by counsel's claim voucher and any other materials which may aid the Court in approving the order.
- D) An attorney whose name appears on the voluntary panel may elect to withdraw from such panel at any time during the period of his or her enlistment. All such requests must be in writing and submitted to the Chief Judge.
- E) An attorney whose name does not appear on the voluntary panel may elect to join such panel upon submission of a written request to the Chief Judge.
- F) In those counties in the District in which the panel of voluntary attorneys shall prove inadequate or no attorneys have enlisted, the district or magistrate judge of said county may solicit any qualified attorney in the same or different county to represent an indigent party.
- G) Rates of compensation by the hour for the attorneys accepting appointments in misdemeanor, juvenile or care and treatment and other non-felony cases shall be legislated by the various Boards of County Commissioners of the counties throughout the District. In the underserved counties in the 16th Judicial District (all counties other than Ford County), attorneys may be compensated by the hour for driving time in addition to mileage reimbursement.

- H) Minimum standards of representation are required for attorneys representing indigent clients. Attorneys are required to meet with their clients prior to any scheduled hearing, review the court file and available investigative reports, and arrive on time, prepared to proceed in any hearing when scheduled.

LOCAL COURT RULE NO. 15

APPOINTMENT OF DISTRICT COURT TRUSTEE; MANDATORY LANGUAGE IN CUSTODY AND SUPPORT ORDERS.

- A) The Office of the District Court Trustee as provided for in K.S.A. 20-377 and amendments thereto is hereby established for the 16th Judicial District. The Chief Judge shall appoint the District Court Trustee and the contract for Trustee Services shall be entered into on a bi-annual basis beginning November 1, 2014 and shall be renewed each two years thereafter with terms as agreed by the Trustee and the Chief Judge of the District.
- B) The District Court Trustee shall pursue all civil remedies which would be available to the obligee in establishing and enforcing payment of support and may also file motions for an increase or a decrease in the amount of support on behalf of any child. Any motion to modify the amount of support shall not be heard until notice has been given to the obligee, the obligor and their attorneys of record, if any.
- C) The District Court Trustee shall have the powers and duties set out in K.S.A. 20-379 and those granted by contract with the Trustee.
- D) Child Support and spousal maintenance obligees may apply for Trustee services regardless of financial circumstances.
- F) The Kansas Payment Center shall continue to collect, disburse, and receive payments for child support and maintenance, maintain complete, accurate and clear records of all payments and their disbursements, and furnish to the District Court Trustee the information necessary to carry out and enforce the duties, obligations, and responsibilities set out above.
- G) To defray the expenses of operation of the District Court Trustee's office, the amount of 4% of the funds collected from all non-Title

IV-D obligors for child support, unless exempted, shall be paid to Ford County to provide funds to pay the District Court Trustee.

- H) Each order for maintenance or support entered in this district shall include the following provisions unless alternative language is specifically ordered:
- 1) All child support or maintenance payments shall be made payable to the order of the Kansas Payment Center, P.O. Box 758599 Topeka, KS 66675-8599, except where direct payments to the obligee are authorized for good cause shown, and each party shall inform the Clerk of the District Court, or the District Court Trustee if involved, in writing, of any change of name, residence, and employer with business address within seven (7) days after such change.
 - 2) Pursuant to K.S.A. 23-3103 unless direct payments are allowed, withholding of income to enforce the order of support shall take effect immediately by way of a separate Income Withholding Order to be prepared by or for the obligee and the same shall be served on the obligor's employer.
 - 3) Every Income Withholding Order shall specify the payment period and the date or dates of the month on which the payments shall become due and all qualified cases which are not Title IV-D shall be distributed as follows: 4% to the District Court Trustee fund and the balance to the payee.
 - 4) The residence address of each party shall be included in any final order of support or maintenance.
- I) In all cases which the District Court Trustee appears as counsel of record, the Trustee shall act as independent counsel and not as the legal representative of any party.

LOCAL COURT RULE NO. 16

CASA PROGRAM

In the 16th Judicial District of Kansas, pursuant to K.S.A 38-2206 a Court Appointed Special Advocate Program (CASA) is established. When appointed by the Court, any CASA representative shall investigate those facts and circumstances affecting the welfare of a child for whom appointed, and advocate the best interests of the child and assist the Court in obtaining for said child the most permanent, safe, and homelike placement possible.

The CASA program, "Children Worth Saving, Inc.," is recognized as the only program available for appointment in this District and the CASA program shall be administered by the District Court and subject to the rules, regulations, and standards set forth in Supreme Court Rule No. 110 and the following local policies and procedures:

- A) The presiding Judge may appoint CASA for any child that is alleged to be, or has been adjudicated, a child in need of care or a juvenile offender when justified, and the Court may appoint CASA for a child that is involved in a domestic relations dispute when it appears necessary to preserve the best interest of the child. The Order of Appointment shall comply with Exhibit A attached hereto.
- B) The Clerk of the District Court shall file the Order of Appointment in the pending proceedings and provide file-stamped copies of said Order to the Ford County Attorney; guardian *ad Litem*; counsel for the parents or the parents, to CASA; DCF; and any other party or agency as designated in the Order.
- C) Upon receipt of a copy of the Order of Appointment, Children Worth Saving, Inc., through its director, shall select an appropriate and qualified volunteer and file with the Clerk of the District Court a Notice of Assignment designating the name of said volunteer. Children Worth Saving, Inc. shall thereafter direct copies of said Notice of Assignment to the Ford County Attorney; guardian *ad Litem*; counsel for the parents if counsel is appointed or directly to

the parent or parents, if pro se; to the CASA volunteer; DCF; and any other party or agency as reflected on the Order of Appointment. The Notice of Assignment shall comply with Exhibit B attached hereto.

- D) Upon designating the assigned CASA volunteer, the CASA Director shall prepare and cause to be executed before the Clerk of the District Court or Deputy Clerk an oath subscribed by the volunteer, which oath shall be filed with the Clerk of the District Court in said proceedings. The form of said oath shall comply with Exhibit C attached hereto.
- E) In the event an alternate or substitute CASA volunteer becomes necessary, the Director of CASA shall comply with the provisions of paragraphs C and D above as it applies to the alternate or substitute volunteer.
- F) The director of Children Worth Saving, Inc. shall be entitled to complete access to all juvenile court files, including the social file, in which a CASA 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 CASA but does not permit the removal of the original court file from the clerk's office.
- G) In the event a grievance or conflict should arise concerning the Children Worth Saving, Inc. program, such grievance or conflict shall be stated in writing and presented to the Chief Judge for resolution. Any conflict or grievance concerning a specific volunteer shall be referred to the CASA program Director and the Presiding Judge assigned to the case for resolution.
- H) The presiding Judge may, at any time during the pendency of a matter, issue an order terminating the appointment of the CASA. An order of termination shall substantially comply with Exhibit D attached hereto.

- I) A CASA volunteer, once appointed, shall be given notice of all court hearings involving the child or children and shall receive copies of all orders, journal entries, pleadings, reports, and evaluations from the party or agency that filed the Original in the District Court.

- J) A CASA volunteer with Children Worth Saving, Inc. must voluntarily submit to a drug screening test upon the request of the director of Children Worth Saving, Inc., within the allotted time requested, and at the expense of Children Worth Saving, Inc.

EXHIBIT A

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF: _____)
)
)
 _____)

Case No. ___JC ___

a minor child.

ORDER APPOINTING CASA

NOW on this _____ day of _____, 20____, it appears to the court that the best interests of the minor child(ren) would be served by appointing a Court Appointed Special Advocate.

IT IS THEREFORE ORDERED that Children Worth Saving, Inc., shall be appointed to the named child(ren) until further order of this Court.

IT IS SO ORDERED.

DISTRICT MAGISTRATE JUDGE

COPY TO:

_____, County Attorney
Children Worth Saving, Inc.
Guardian *ad Litem*
Counsel for Parent(s)
SRS
Other: _____

EXHIBIT B

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF: _____)
)
)

Case No. ___JC ___

a minor child.

**NOTICE OF ASSIGNMENT
OF CASA VOLUNTEERS**

Notice is hereby given that _____, a duly qualified and certified volunteer of Children Worth Saving, Inc., has been assigned to the above-named child(ren) pursuant to an order of the Court appointing CASA in this matter.

This volunteer may be contacted at the CASA office, _____,
_____.

Telephone _____.

Dated: _____, _____.

_____, DIRECTOR
CHILDREN WORTH SAVING, INC.

ORIGINAL - Filed, _____ County District Court

COPY TO:

_____, County Attorney

Children Worth Saving, Inc.

Guardian *ad Litem*

Counsel for Parent(s)

SRS

Other: _____

EXHIBIT D

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:)
)
_____)

Case No. ___JC ___

a minor child.

**ORDER TERMINATING
CASA APPOINTMENT**

NOW on this _____ day of _____, 20____, it appears to the Court that the Order previously issued by this Court appointed Children Worth Saving, Inc. shall be terminated for good cause shown.

IT IS THEREFORE ORDERED that the Appointment of Children Worth Saving, Inc. Shall be terminated forthwith.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

COPY TO:

_____, County Attorney
Children Worth Saving, Inc.
Guardian ad Litem
Counsel for Parent(s)
SRS
Other: _____

LOCAL COURT RULE NO. 17

CERTIFICATION OF PRE-SENTENCE ALCOHOL AND DRUG EVALUATORS

With the assistance, advice, and counsel of a task force composed of prosecutors, court services, treatment facilities, and judges, the Court has promulgated the following criteria which must be complied with by any individual or agency asking for certification to perform pre-sentence alcohol and drug evaluations for the Court:

- A) The individual or agency must be an active member of the Kansas Alcohol/Drug Counselors Association.
- B) All evaluations must be completed by persons within the 16th Judicial District.
- C) The agency or individual must provide at least three letters of support from members of professional or government organizations for whom they have provided services.
- D) No individual seeking certification may have pending criminal charges nor severe traffic charges. Any felony convictions must have been expunged.
- E) The evaluator must be a non-abuser of either drugs or alcohol but may be a recovering person who has been in recovery for a minimum of three (3) years.
- F) The individual or agency performing the evaluation must have bilingual capability or an available translator to deal with non-English speaking clients.
- G) An evaluation report format should be attached to the application for certification. The minimum standards for such format should be as follows:

- 1) One or more written tests that are performed and identified by name.
 - 2) An oral interview which would cover the social history of the client, his age, employment, his history of abuse, and marital status.
 - 3) Conclusion and recommendations.
- H) All persons or agencies seeking certification should agree to assess the statutory fee of \$125.00 for each evaluation.
- I) All persons or agencies seeking certification should agree to provide a written evaluation within 14 days after referral from the Court.

LOCAL COURT RULE NO. 18

BONDING AGENTS

Persons who post appearance bonds for individuals arrested in the Sixteenth Judicial District must provide sufficient justification and approval of sureties as required by K.S.A. 22-2806. Bondsmen who choose to self-insure shall prove financial security sufficient to cover outstanding bonds and are required to describe by affidavit the property which is dedicated as surety for bonds. It is required that the bonding agent have sole ownership of unencumbered property that is valued at three times the highest amount of the requested bonding authority, so that if multiple bonds are forfeited, the bonding agent will be able to honor and cover said bonds.

Every self-insured bonding agent, except insurance company agents, are required before January 1 of each year to resubmit an affidavit described above and be approved by the Chief Judge in order to continue bonding in this district. There is no limit on the number of bonds an approved bonding agent can issue in this judicial district, only that their maximum bond amount cannot be exceeded in any one case.

LOCAL COURT RULE NO. 19

MEDIA IN THE COURTROOM

Supreme Court Rules 1001 and 1002 shall be enforced in all courtrooms in the 16th Judicial District whereby any media representative or any other individual must obtain permission from the Presiding Judge prior to using cameras or electronic communication devices during any court proceeding.