

IN THE SUPREME COURT OF THE STATE OF KANSAS

ADMINISTRATIVE ORDER NO. 241

Re: Court Closures and Involuntary Unpaid Leave of Nonjudicial Personnel

The fiscal year 2010 appropriations for the Kansas Judicial Branch are greatly below the amounts needed to maintain operations at normal levels. Among its efforts to cope with this crisis, the Kansas Supreme Court continued a hiring freeze which had begun in December 2008, eliminated temporary employee positions, instituted an emergency surcharge on filings pursuant to 2009 Senate Bill 66, and reduced expenditures where possible. However, because salaries make up approximately 98% of the Kansas Judicial Branch budget, these steps alone cannot bridge the gap between the amount appropriated and the amount necessary to operate the Kansas Judicial Branch. Accordingly, the Kansas Supreme Court orders:

1. Kansas district and appellate courts will be closed on April 9, 16, 23, and May 7, 2010. These closures apply to all court offices, including the offices of the clerks of the district court, the court services offices, the office of the Clerk of the Appellate Courts, the Reporter of Decisions, the Supreme Court Law Library, the Office of Judicial Administration, the Office of the Disciplinary Administrator, the Kansas Lawyers Assistance Program, the Kansas Continuing Legal Education Commission, and any other offices staffed by Kansas Judicial Branch personnel.
2. All Kansas Judicial Branch personnel (employees paid through the Kansas Judicial Branch except justices and judges) will be on involuntary unpaid leave on the closure dates stated in paragraph 1 unless otherwise approved in advance in writing by the Supreme Court. No employee will be allowed to take paid leave or holiday leave on any designated involuntary unpaid leave date. Employees in positions that are less than 1.0 full time equivalent shall be placed on involuntary unpaid leave for 20% of the hours in their normal work week for each day of unpaid leave imposed on full-time employees. The chief judge of any district may realign the remaining work days of such employee to accommodate court closures.
3. Except as approved in advance in writing by the Kansas Supreme Court, no Kansas Judicial Branch personnel who are on involuntary unpaid leave shall perform any work for the Kansas Judicial Branch on the closure dates stated in paragraph 1.
4. All exempt employees under the Fair Labor Standards Act will be considered hourly employees during any week in which involuntary unpaid leave is imposed. As such, those employees will be required to complete a State of Kansas time and leave document for those periods and will be restricted to working no more than the equivalent of 8 hours per day for the remaining days, *e.g.*, in a week containing 1 involuntary unpaid leave day, the employee is restricted to working no more than 32 hours in the remaining 4 work days.

5. During the periods the courts are closed, the only district court proceedings that may be conducted are those that involve the following critical functions:

Criminal

- Determining probable cause for arrests without a warrant
- Conducting first appearances, K.S.A. 22-2901
- Setting appearance bonds and conditions of release pending preliminary examination or trial, K.S.A. 2009 Supp. 22-2802
- Issuing warrants pursuant to K.S.A. 22-2302 (arrest); K.S.A. 2009 Supp. 22-3716 (violations of probation); K.S.A. 22-2502 (searches and seizures); K.S.A. 22-2816 (violation of supervised release program); K.S.A. 22-2805 (holding a material witness); and K.S.A. 20-342, 22-2911, 22-2912 (violation of diversion agreement)
- Issuing orders for wiretaps, K.S.A. 22-2516
- Conducting inquisitions, K.S.A. 22-3101, *et seq.*

Child in Need of Care (CINC)/Juvenile Offender

- Conducting juvenile detention hearings, K.S.A. 2009 Supp. 38-2343(a)
- Conducting temporary custody hearings, K.S.A. 2009 Supp. 38-2243(b)
- Issuing warrants for juvenile offenders, K.S.A. 2009 Supp. 38-2342
- Issuing ex parte orders for CINC, K.S.A. 2009 Supp. 38-2242(a)
- Issuing ex parte orders for violation of a valid court order in CINC proceedings, K.S.A. 2009 Supp. 38-2260(c)
- Conducting preliminary hearings on violation of a valid court order in CINC proceedings, K.S.A. 2009 Supp. 38-2260(d)
- Conducting evidentiary hearings on violation of a valid court order in CINC proceedings, K.S.A. 2009 Supp. 38-2260(e)

Care and Treatment

- Conducting probable cause hearings regarding the commitment of sexually violent predators, K.S.A. 59-29a05(b)
- Issuing ex parte emergency custody orders, K.S.A. 59-2958 (mental illness) and K.S.A. 59-29b58 (alcohol and substance abuse)
- Issuing temporary custody orders, K.S.A. 59-2959 (mental illness) and K.S.A. 59-29b59 (alcohol and substance abuse)

Protection from Abuse Orders

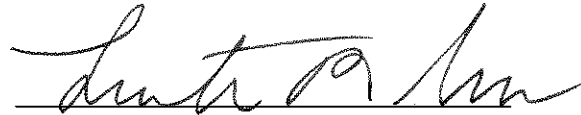
- Issuing protection from abuse emergency orders, K.S.A. 60-3105
- Issuing protection from stalking orders on an emergency basis, K.S.A. 2009 Supp. 60-31a06

Miscellaneous

- Conducting hearings and issuing orders for isolation or quarantine, K.S.A. 2009 Supp. 65-129c(d)(3), (5)
 - Considering petitions to waive notice under K.S.A. 65-6705 and Supreme Court Rule 173 (2009 Kan Ct. R. Annot. 249)
 - Issuing temporary orders for care and custody in adoption proceedings, K.S.A. 59-2131
 - Performing other functions of an emergency nature as approved by the departmental justice
6. The chief judge of each judicial district shall be responsible for implementing this administrative order. Each chief judge shall also:
- a. Ensure judicial coverage for the critical functions listed in paragraph 5;
 - b. Notify court users of the court closures, including using the media and web pages;
 - c. Ensure telephones other than those in judges' chambers are answered with a recorded message notifying the caller of the duration of the court closure;
 - d. Notify the bar and law enforcement agencies of how to contact a judge for performance of critical functions and to explain that judges will not process the receipt of any funds;
 - e. Ensure the courts' fax machines are operating and are maintained during the periods the clerks' offices and court services offices are closed;

- f. Notify the post office to hold mail or make other arrangements for secure mail storage;
 - g. Arrange with law enforcement agencies or other entities for supervision of those on house arrest or high-risk supervision;
 - h. Discuss procedures for obtaining protection from abuse and protection from stalking orders with community organizations and law enforcement agencies;
 - i. Ensure courts are secure during periods of involuntary unpaid leave.
7. In addition to the closure dates stated in paragraph 1 of this order, offices of the clerks of the district courts may be closed to the public for additional time periods to allow staff uninterrupted time in which to process the backlogs resulting from court closures. Any such additional closures must be requested by the chief judge of a district and approved in advance by the Office of Judicial Administration. The chief judge shall ensure the public is notified of the schedule.

BY ORDER OF THE COURT this 12th day of March, 2010.



LAWTON R. NUSS, Justice,
for ROBERT E. DAVIS, Chief Justice