

IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO DISTRICT COURTS

RULE 109A

THERAPEUTIC OR PROBLEM-SOLVING COURTS


New Supreme Court Rule 109A is hereby adopted, effective the date of this order:

(a) Each judicial district is hereby authorized to establish a specially designed court calendar for criminal or juvenile cases, the purposes of which are to achieve a reduction in recidivism and to increase the likelihood of successful rehabilitation through early, continuous, and intense judicial supervision. Such therapeutic or problem-solving procedures may target offenders with a mental illness or with drug, alcohol, or other addictions. Procedures may include treatment, mandatory periodic testing for prohibited drugs and other substances, community supervision, and the use of appropriate sanctions and incentives, all as allowed by law.

(b) A judge presiding over such a court calendar may initiate, permit, or consider ex parte communications with probation officers, case managers, treatment providers, or other members of the problem-solving court team at team meetings, or by written documents provided to all members of the problem-solving court team. A judge who has received any such ex parte communication regarding the defendant or juvenile may preside over any subsequent proceeding if the judge discloses the existence and, if known, the nature of the ex parte communication to the defendant and the State and both the defendant and the State consent to the judge hearing the matter.

BY ORDER OF THE COURT, this 28th day of January, 2009.

FOR THE COURT


ROBERT E. DAVIS, Chief Justice