

IN THE SUPREME COURT OF THE STATE OF KANSAS  
ORDER

FILED

RULES RELATING TO DISTRICT COURTS

SEP 15 2011

Supreme Court Rule 172 is hereby amended, effective the date of this order.

CAROL G. GREEN  
CLERK OF APPELLATE COURTS

**RULE 172**  
**EXPEDITED JUDICIAL PROCESS; SUPPORT; VISITATION**

- (a) **Hearing Officer; Appointment.** To increase effectiveness in support, visitation, and parentage proceedings, the chief judge in each judicial district may appoint a judge of the district court, a court trustee, or an attorney licensed to practice law in the state of Kansas to preside as a hearing officer at a summary hearing on:
- (1) the establishment, modification, or enforcement of support (under the Kansas Parentage Act, K.S.A. 38-1110 *et seq.*; the Uniform Interstate Family Support Act, K.S.A. 23-9,101 *et seq.*; K.S.A. 39-718b; K.S.A. 39-755; K.S.A. 60-1610; K.S.A. 38-1542; K.S.A. 38-1543; K.S.A. 38-1563; and the Income Withholding Act, K.S.A. 23-4,105 *et seq.*); and
  - (2) the modification or enforcement of parent visitation rights and parenting time.
- (b) **Hearing Officer; Judge Pro Tem.** On approval by a judicial district's departmental justice, the chief judge of the district may appoint a hearing officer who is not a judge of the district court as a judge pro tem. A judge pro tem appointed under this provision has jurisdiction and full authority to preside over matters within the scope of this rule unless the order of appointment imposes limitations.
- (c) **Hearing Officer; Authority.** A hearing officer appointed under subsection (a) is authorized to:
- (1) take testimony;
  - (2) evaluate evidence and decide the most expeditious manner to establish, modify, or enforce a court order;
  - (3) accept voluntary acknowledgment of support liability and a stipulated agreement setting the amount of support to be paid;

- (4) accept voluntary acknowledgment of parentage;
  - (5) modify and enforce visitation or parenting time;
  - (6) prepare written findings of fact and conclusions of law; and
  - (7) issue an order, including a default order, but an order proposed by a court trustee hearing officer who is not a judge of the district court and has not been appointed as a judge pro tem under subsection (b) must be approved by a judge before the order is entered.
- (d) **Hearing to Contest Income Withholding Order.** If an obligor contests an income withholding order, a hearing officer appointed under subsection (a) must:
- (1) set a hearing at which the obligor may assert any affirmative defense authorized by K.S.A. 23-4,110; and
  - (2) within not later than 45 days of after notice of delinquency to the obligor, issue a decision on whether to withhold income.
- (e) **Support or Maintenance Order Requirements.** A support or maintenance order must specify the payment period, such as monthly or weekly, and the date by which the first payment must be made.
- (f) **Support Obligation; Time Frame.** The chief judge must monitor cases subject to expedited judicial process to ensure that an action to establish, modify, or enforce a support obligation is completed—from filing to disposition—within the following time frames:
- (1) 90% in 90 days.
  - (2) 98% in 180 days.
  - (3) 100% in 365 days.
- (g) **Parentage; Time Frame.** The chief judge must monitor cases subject to expedited judicial process to ensure that an action to establish parentage and a support obligation is completed—from filing to disposition—within the following time frames:
- (1) 75% in 270 days.

(2) 85% in 365 days.

(3) 90% in 455 days.

- (h) **Review of Hearing Officer Order.** An order of a hearing officer—other than a district judge—appointed under this rule is subject to review by a district judge on a party's motion filed within not later than 14 days after the order is entered. The district judge will review the transcript or a recording of the hearing and admitted exhibits and, applying an abuse of discretion standard, may affirm, reverse, or modify an order. If a transcript or recording is not available, the district judge will conduct a de novo proceeding.

BY ORDER OF THE COURT, this 15 day of September, 2011.

FOR THE COURT

A handwritten signature in black ink, appearing to read 'L. R. Nuss', written over a horizontal line.

Lawton R. Nuss  
Chief Justice