

Rules of the District Court
for the 28th Judicial District

Effective October 1, 2015
(Revised January 1, 2016)

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**Rule 1: The Promulgation of Local Court Rules
in the 28th Judicial District**

1. The following rules of the 28th Judicial District are hereby adopted effective October 1, 2015.
2. Prior court rules are hereby repealed.

Rule 2: Bench-Bar Committee

The 28th Judicial District will have an operating Bench-Bar Committee and will operate as follows:

1. The Bench-Bar Committee will be divided into three sub-sections: Civil, Criminal and Family Law. Each subsection shall have no less than three members. The President of the Saline-Ottawa County Bar Association shall also be on the Committee.
2. With the exception of the President of the Saline-Ottawa County Bar Association who will have a one year term, each committee member will serve a term of three years, with a maximum of two consecutive terms. Committee members can be reappointed after sitting out for a term. In the event that the President of the Saline-Ottawa County Bar Association is filling another position on the Committee at the time of his or her election, no additional Committee member need be appointed.
3. New Committee members will be appointed by the Chief Judge of the 28th Judicial District.
4. The Chief Judge will appoint the Chairperson of the committee. The Chairperson will also be responsible for the minutes of the meetings.
5. Minutes of the meetings will be archived and copies located in the County Law Library and with the *Court Administrator*.

Rule 3: Days of Court

1. Court days shall be designated as follows:
 - A. Saline County: Monday will be designated as a docket day of Court. If a docket day is a legal holiday, pending matters will be heard on the following Monday which is not a legal holiday.
 - B. Ottawa County: The second Tuesday of each month shall be designated as docket day of Court.
 - C. Magistrate Hearings in Ottawa County: Every Monday shall be docket days for matters such as domestic temporary orders, guardianship/conservatorships, adoptions, probate and other matters over which the Magistrate has jurisdiction or as scheduled with the Clerk of the Court.

In addition, the Magistrate will preside over a regular docket for criminal and traffic matters every Tuesday.
 - D. Dockets may be cancelled at the discretion of the presiding Judge. Counsel should contact chambers to confirm the setting of a hearing in the event of any questions.
2. Counsel shall be responsible for ascertaining the docket times set by the Judge to whom the case is assigned.
3. All motions shall be accompanied by a notice of the date and time of hearing in order to be taken up on the Court's docket. Notices for hearings shall be given as required by the Kansas Code of Civil Procedure. However, requests for emergency hearings may be made by counsel. In the event that the notice requirement is not met, the hearing is to be scheduled for the assigned Judge's next docket day.
4. Copies of any motions filed for hearing on any docket day must be delivered to the assigned Judge electronically or in chambers.
5. Evidence will not be heard in contested matters scheduled for docket day. The Court shall schedule a hearing date for any matters requiring an evidentiary hearing. All counsel shall be present and have their calendars available. In lieu of such joint appearance, counsel may jointly contact the office of the assigned Judge prior to the docket date to schedule an evidentiary hearing.

Rule 4: Motion to Dismiss or to Suppress Evidence or Confession

Except for good cause shown, motions to dismiss or to suppress evidence or confessions should be made in writing at least ten (10) days prior to time of trial and notice thereof shall be given, in writing by serving a copy of such motion upon the assigned prosecutor. Motions should be made with specificity, setting forth the reasons and any supporting case law.

Rule 5: Document Filed Under Seal

A party seeking permission to file a document “under seal” must prepare a motion setting forth the request along with a proposed order, and submit them for review to the judge in the case. The motion must state the reasons why counsel seeks to file “under seal” and set forth any other provisions relating to confidentiality of the documents counsel seeks to seal.

Rule 6: Appeals

After appealing a conviction from Municipal Court or District Magistrate, counsel for the appealing party shall place the case on the next docket day of the assigned Judge not less than 10 days after the notice of appeal is filed, and notify opposing counsel of the date and time of the hearing. The Defendant and counsel will appear before the assigned Judge of the District Court at that hearing.

Rule 7: 60 Day Hearings

When any new Domestic Relations case is filed, the Clerk of the Court shall set a “60 day” hearing on the assigned Judge’s docket and provide that information to the counsel for the Plaintiff/Petitioner.

Counsel for the Plaintiff/Petitioner shall provide formal notice of the 60 day Hearing to the opposing party and/or their counsel and file with the Clerk the documentation of providing said Notice to the opposing side.

Rule 8: Alternate Dispute Resolution

All contested issues in any Domestic Relations action shall be submitted to Alternate Dispute Resolution prior to the matter being tried to the Court, whether the action is an original one for divorce/paternity or whether the matter is brought subject to a Motion issued after the final Order.

Rule 9: Filings and Exchanges to be made Prior to Trial

In all contested matters, no less than seven days prior to trial, or contested hearing, or on some other schedule established by the Court, the following documents shall be exchanged between the parties with copies provided to the assigned judge:

- Copies of the proposed exhibits
- A proposed Witness & Exhibit List
- An updated Domestic Relations Affidavit and Child Support Worksheet
- A proposed division of property and debt, and if applicable, a proposed Parenting Plan.

The Witness & Exhibit List, updated Domestic Relations Affidavit and Child Support Worksheet, proposed Division of Property and Debt, and if applicable, a proposed Parenting Plan shall also be filed with the Clerk of the Court.

Rule 10: Parenting After Divorce Classes

Parties to any Domestic Relations action which involves children shall be required to attend a Parenting After Divorce Class which addresses the effects of divorce on children and appropriate methods of co-parenting after separation.

No Decree of Divorce or Final Order shall be entered in any Domestic Relations action until the Petitioner has provided documentation of attendance of this class. Parties who fail to complete the class within a time frame ordered by the Court may be subject to a citation of contempt action brought upon the Court's own motion.

At any time during a Domestic Relations action, the Court may order or a party may request the parties attend the class again or attend a more intensive class.

Rule 11: Divorce Decrees and Vital Statistics Information

No journal entry of Divorce or Decree of Divorce shall be accepted by the Clerk of the Court for filing without an accompanying completed Department of Vital Statistics form.

Rule 12: Records Retention Schedule

(Revised 1-1-2016)

The 28th Judicial District has developed the following retention schedule, to allow destruction of certain records in conjunction with Supreme Court Rule 108. Destruction of these records may be done without further court order or notice.

Category	Department	Record Type	Retention Period
Personnel	Court Administrator	Applications	3 yrs.
Personnel	Court Administrator	Interviews & Testing Materials	3 yrs.
Personnel	Court Administrator	Supervisory/Personnel Files	4 yrs. After Termination

Statistic & Extracts	CSO	OJA-51	1 yr.
Statistic & Extracts	Clerk's Office	Caseload Statistics	3 mo.
Statistic & Extracts	Clerk's Office	DMV Extracts	1 mo.

Court-Related Items	Clerk's Office	Transcript Request Correspondence and Transmittal Notes	1 yr.
Court-Related Items	Clerk's Office	Marriage License Worksheets	1 yr.
Court-Related Items	Clerk's Office	Courtroom Notes	1 yr.
Court-Related Items	Clerk's Office	Case Cover Sheet	1 yr.

Administrative Items	Court Administrator	Copies of Vouchers	2 yrs.
Administrative Items	Court Administrator	General Correspondence	2 yrs.

Judge's Office	Judges	Recusal Form	
Judge's Office	Judges	Expense Vouchers Copies	18 mos.

Court Files	Clerk's Office	Criminal	See Below
Court Files	Clerk's Office	Juvenile & CINC	See Below
Court Files	Clerk's Office	Probate	See Below
Court Files	Clerk's Office	Traffic Citation	See Below
Court Files	Clerk's Office	Limited Civil, Small Claims Case Files	See Below
Court Files	Clerk's Office	Miscellaneous Civil Documents	See Below

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Court Files – Criminal:

Effective 1-1-16 all Criminal filings may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR108.

Court Files - Juvenile & CINC:

Effective 1-1-16 all Juvenile and CINC filings may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR108.

Court Files – Probate, Guardian & Conservatorship, Adoptions, Care& Treatment:

Effective 1-1-16, all Probate filings may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR108.

Court Files -Traffic Citation:

Effective 7-1-14, all traffic complaints/citations/pleadings will be imaged upon filing. The paper copies may be destroyed immediately after scanning.

In the event a copy of the citation is needed after the paper copy is destroyed, the digital copy will suffice.

Court Files – Limited Civil and Small Claims Files:

Effective 7-1-14, all limited civil and small claims documents may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR 108.

Court Files – Miscellaneous Civil Files:

Effective 7-1-14, all liens, statutory bonds, appointment of process servers, coroners reports, and state tax warrants may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR 108.

Effective 4-1-15, all Property Tax and miscellaneous/Civil may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR 108.

Court Files – Domestic:

Effective 4-1-15, all Domestic filings may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR 108.

Court Files – Civil:

Effective 4-1-15, all Civil Filings may be destroyed without microfilming provided the document has been imaged. The digital records shall be maintained in accordance with SCR 108

Rule 13: Withdrawal of a Civil/Limited Warrant (Saline County only)

1. In Civil and Limited Cases where a warrant has been issued for a litigant and the attorney of record wishes to withdraw the warrant, they shall email the Saline County Sherriff's office at warrants@salinesheriff.org and included the full name (first, middle & last) of the litigant and their case number and advise the sheriff's office to withdraw the warrant.
2. The Sheriff's Office will then notify the attorney of record regarding the validation process.

Rule 14: Electronic Filing

Effective January 1, 2016, all licensed attorneys must submit all new cases and documents within new or existing cases for filing with the District Court of Saline & Ottawa County, Kansas, utilizing the Kansas Courts Electronic Filing system. Attorneys utilizing the system should acquaint themselves with and follow Kansas Supreme Court Order No. 268. All local rules presently in effect continue to apply to all cases and documents filed through the e-filing system.