

# *Twenty-Sixth Judicial District of the State of Kansas*

## **LOCAL COURT RULES**

Hon. Bradley E. Ambrosier  
Hon. Clinton B. Peterson  
Hon. Linda P. Gilmore  
Hon. Margaret L. Alford  
Hon. Steve Santala  
Hon. Thomas A. Kemp  
Hon. Vernon L. Butt  
Hon. Paula J. Sosa

Chief District Judge, Div. I  
District Judge, Div. II  
District Judge, Div. III  
Magistrate Judge, MOI  
Magistrate Judge, MO2  
Magistrate Judge, MO3  
Magistrate Judge, MO4  
Magistrate Judge, MO5

## ORDER

Pursuant to Supreme Court Rule 105, the District Court of the Twenty-Sixth Judicial District hereby adopts the attached local rules for the administration of the affairs of the district court and repeals all local rules previously published. These rules are effective January 1, 2020, and upon filing with the Clerk of the Kansas Supreme Court.



Bradley E. Ambrosier  
Chief District Court Judge

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**Rule No. 101**

**ADOPTION OF RULES**

Local Court Rules adopted pursuant to Supreme Court Rule No. 105 shall be in writing, published by the court, and made available to counsel and any other interested party or person upon request. Rules promulgated as hereinafter provided shall be effective upon filing with the Clerk of the Kansas Supreme Court and shall remain in effect as long as they do not conflict with applicable statutes or rules legislated by the Kansas Supreme Court or are otherwise amended or repealed by this court.

**Rule No. 102**

**CHIEF JUDGE**

The chief judge shall perform those duties as provided in the Rules of the Kansas Supreme Court and the Kansas Statutes Annotated, as amended. In the absence of the chief judge, such duties shall be performed by the person designated by said chief judge.

**Rule No. 103**

**CLOSING OF CASES ON CLERK'S DOCKET**

The clerk shall not close any civil or domestic case on the appearance docket until a journal entry of final disposition on the case is filed in the office of the clerk.

When cases are settled or judgment is granted, a journal entry will be filed in the case within thirty (30) days from the date of settlement or judgment. If a journal entry is not filed within thirty (30) days, the court will dismiss the case.

**Rule No. 104**

**NAME OF JUDGE ON JOURNAL ENTRIES AND ORDERS**

All journal entries and orders shall show the name of the judge who heard the matter.

**Rule No. 105**

**CIVIL POST-TRIAL MOTIONS**

All post-trial motions will be heard at a date and time set by the judge who tried the case, unless otherwise ordered by the administrative judge.



**Rule No. 106**

**GUARDIAN AD LITEM and ATTORNEY FOR MINORS**

In domestic relations proceedings, the assigned judge, on the court's own motion or on the motion of one of the parties, may appoint an attorney as guardian ad litem to represent the interests of minor children. The guardian ad litem, as appointed, shall enter his or her appearance and shall be notified of all hearings, received subsequent pleadings, and actively participate in the action. Costs of the guardian ad litem shall be assessed as costs in the case to a party or to the county general fund where proper.

**Rule No. 107**

**REVIEW OF ELECTRONIC RECORD OF COURT PROCEEDINGS**

Counsel may review the electronic record of court proceedings only upon first obtaining the consent of the judge to whom the case is assigned. The judge may designate the time, place, and manner of review and shall designate a court employee to assist counsel and monitor the review. Under no circumstance shall the electronic record be taken from the court or the office of the judge of the district court.

**Rule No. 108**

**REMOVAL OF COURT FILES FROM COURTHOUSE**

Abstractors and attorneys of record whose place of business is within the district and who are in good standing shall be permitted to check out a court file with the clerk of the court upon execution of signed receipt as provided by the clerk. No file shall be held by an abstractor or attorney for more than seven (7) working days without the permission of the assigned judge or, in the absence of the assigned judge, the administrative judge.

Files shall be returned to the court no later than 5:00 p.m. the last work day before scheduled hearings on a case, even if the file has been checked out for less than seven (7) days.

Depositions filed with the clerk may only be checked out with permission of the judge assigned to the case or, in his absence, the administrative judge.

Files checked out shall not be entrusted to anyone other than the attorney, abstractor, or their employees. Said files shall not be removed from the county of the clerk's office without consent of the clerk or by order of the judge.

## **Rule No. 109**

### **DISCLOSURE OF INFORMATION ON AFFIDAVITS OR SWORN TESTIMONY** **PER K.S.A. 22-2302(2)**

In criminal proceedings and pursuant to K.S.A. 22-2302(2), a written order of the court is required before affidavits or sworn testimony supporting a complaint can be made available for examination to anyone other than the defendant or defendant's counsel. In light of the statutory requirements, this rule shall act as the Order of the Court permitting law enforcement officers, court services officers, and community corrections officers to examine such affidavits or sworn testimony without further written authority of the court. The clerks of the district court are accordingly authorized to assist the forenamed persons in releasing such information.

## **Rule No. 110**

### **REVIEWING OR COPYING CLOSED** **ADOPTION PROCEEDINGS**

All adoption proceedings judicially closed shall be sealed by the clerk of the district court. Access not allowed by state law shall be upon approval of the chief judge. In the absence of either the district magistrate or the district judge, the administrative judge may grant permission.

## **Rule No. 111**

### **MEDIA COORDINATOR**

Pursuant to Kansas Supreme Court Rule No. 1001, the chief clerk is hereby appointed media coordinator to work with the administrative judge, the trial judge, and the media in implementing the privilege conferred by Supreme Court Rule and amendments thereto.

Any request by the news media or educational television to photograph and/or record public proceedings in the district courts of this district shall be in writing, addressed to the attention of the media coordinator as herein designated. The media coordinator shall thereafter promptly confer with the trial judge in developing the conditions and procedures provided by the Supreme Court's Rule and as directed by the trial judge.

In the absence of the chief clerk, the administrative judge shall fulfill the functions designated herein.

Requests not made at least one week prior to the hearing may be rejected by the trial judge without further consideration.



### **Rule No. 112**

#### **INTERPRETERS**

Attorneys involved in hearings where their client or witnesses will need an interpreter shall give notice to the administrative judge's administrative assistant of the hearing date, time and duration as well as the type of interpreter skills needed.

Notice shall be given in a timely fashion. Interpreters will be used from a list approved by the chief judge.

### **Rule No. 113**

#### **TRANSCRIPTS**

All original transcripts of court proceedings shall be filed with the clerk of the district court in the county where the case is filed. Access to said transcripts shall be pursuant to state laws and court rules. In case of individual purchases of a transcript, a copy of said transcript shall be delivered to the buyer.

Requests for transcripts of court proceedings shall be submitted in writing to the presiding judge for approval. The presiding judge will enter approval or denial and file the original with the clerk of the district court in the county where the case is filed. This rule is not applicable to matters covered by Supreme Court Rule 3.03.

Upon receipt of a request for transcript, the clerk of the district court shall file the original and promptly provide a copy to each official court reporter and the administrative district judge's administrative assistant. A copy of the tape or disk shall also be provided to the administrative assistant, if the hearing was recorded. A copy of any request that is denied shall also be provided to the requesting party. The court reporter assigned to the transcript shall confirm that the transcript is to be prepared before transcription is done.

Requests not timely made may be denied. When a requesting party elects to withdraw the request, he or she shall be responsible for notifying the assigned reporter or transcriptionist prior to transcription. Notification after completion or partial completion of the transcript will not relieve the party of costs incurred to the point of notification.

### **Rule No. 114**

#### **FACSIMILE SIGNATURES**

Pursuant to Chapter 110 of the 1988 Session Laws of Kansas, the clerks of the district court are authorized to use a facsimile signature in lieu of the clerk's manual signature.

### **Rule No. 115**

#### **LIMITATION ON FREQUENCY OF GARNISHMENTS**

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

A judge of the courts of this district may order an exception to this rule in any case in which the party asking for the garnishment shall in person or attorney certify in writing:

- a. that the garnishment is not for the purpose of harassment of the debtors,  
and
- b. state facts demonstrating to the satisfaction of the judge that there is reason to believe the garnishee has property or credits of the debtor which are not exempt from execution.

Notwithstanding the above, in the event a wage garnishment is returned/answered showing that the judgment debtor is no longer employed and no wages were attached, the party may ask for issuance of one additional wage garnishment in that thirty (30) day period.

### **Rule No. 116**

#### **ATTORNEY FEE VOUCHERS**

In cases where costs are paid from county funds, court appointed attorneys shall submit their vouchers to the clerk of the district court every thirty (30) days, if possible, or within thirty (30) days after the case is terminated. All vouchers shall be submitted within sixty (60) days of the case closing. If vouchers are not submitted, within the sixty (60) days, they shall not be paid.

### **Rule No. 117**

#### **FORM PREPARATION BY COUNSEL OF RECORD**

Any attorneys regularly practicing before the courts of this Judicial District shall be responsible for preparing, in completed form and in accordance with applicable Statutes of the State of Kansas and Supreme Court Rules, all documents including, but not limited to, the following documents for filing with the Clerk of the Court:

Summons;  
Third Party Summons;  
Summons Notice by Mail - by Party;

Subpoena(s);  
Subpoena - Business Records (by Mail);  
Subpoena Duces Tecum;  
Subpoena Duces Tecum - Business Records;  
Praecipe for Execution;  
Writs of Execution;  
Request for Garnishment;  
Order of Garnishment;  
Answer of Garnishee;  
Subpoena - Juvenile;  
Child Support Enforcement pursuant to K.S.A. 23-4, 107 and K.S.A. 60-1613.

All such forms presented to the clerk of the court for filing are subject to his or her review for completeness. Any form not meeting the statutory prerequisites or standards established by Supreme Court Rule may be returned by the clerk before filing.

### **Rule No. 118**

### **CONTINUANCES**

No continuance of a trial or scheduled hearing in a contested matter or where witnesses have been subpoenaed and/or a jury panel has been called shall be granted unless the following procedure is complied with:

1. Applications for continuances of hearings and trials shall be made in writing specifying the grounds in support thereof and a copy thereof shall be served upon the opposing party.
2. Written orders granting the continuance will be prepared by the moving party and shall be made available to the court at the time the application is heard.
3. Continuance by agreement of the parties will not be effective without approval in writing by the court more than seventy-two (72) hours prior to the time set for the hearing or trial unless the court finds that exceptional circumstances exist or that no one will be unduly inconvenienced by the continuance, including the court.
4. No application for continuances shall be considered by the court unless filed more than seventy-two (72) hours prior to the time set for hearing or trial, except where the court finds an emergency or exceptional circumstances exist or the court finds that no one will be unduly inconvenienced, including the court.
5. Each party shall be responsible for notifying their subpoenaed witnesses if the continuance is granted.



## **Rule No. 119**

### **EXTENDED JUVENILE JURISDICTION PROSECUTION**

In juvenile proceedings assigned to a limited jurisdiction judge in which a motion is filed pursuant to K.S.A. 38-1636, the presiding judge shall notify the administrative district judge of the district court who shall cause the case to be reassigned to a general jurisdiction judge for all further proceedings.

## **Rule No. 120**

### **CRIMINAL SENTENCING PROCEDURES**

In all criminal prosecutions for crimes occurring after July 1, 1993, the following procedures will be followed to implement the Sentencing Guidelines required by Chapter 21 of the Kansas Statutes:

1. Upon conviction of a felony offense by either plea or trial, the presiding judge shall set a date and time of sentencing or a date and time for a scheduling conference.
2. Immediately after conviction, if the defendant is free on bond, defense counsel shall escort the defendant to the court service officer to begin the presentence investigation process.
3. The court service officer shall deliver, in person, by mail, or by fax, a copy of the presentence report to the county attorney and the defense counsel at least ten (10) days prior to the date of sentencing.
4. If either the State or the defendant objects to the criminal history of the defendant contained in the presentence report, the objection must be in writing and filed with the court and served upon the opposing counsel and the court service officer who prepared the report within five (5) days of the date of sentencing. The objection must individually identify each conviction that is being contested. If a party fails to file an objection within five (5) days of the sentencing date, or fails to designate a particular conviction as being contested, then the criminal history contained in the presentence report shall be deemed admitted.
5. If an objection to the defendant's criminal history is filed, the court shall hold a hearing on the date set for sentencing or, only upon order of the court, continue the hearing date to give either party a reasonable time to obtain evidence to determine the criminal convictions of the defendant.
6. All motions for departure must be filed and served upon opposing counsel ten (10) days prior to the date of sentencing. All motions shall state with particularity the

aggravating or mitigating circumstances that are being relied upon. At the departure hearing only those mitigating or aggravating circumstances set forth in the motion may be argued to the court.

7. All notices of intention to depart by the court must be filed five (5) days prior to the date of sentencing. Such a notice by the court shall set forth with particularity the aggravating or mitigating circumstances the court intends to rely on. At the time of the departure hearing each party will be given an opportunity to address the court concerning the notice of intent to depart.
8. No party shall allege in a motion for departure or argue at the hearing “social factors”. All aggravating or mitigating circumstances raised shall be limited to those set forth by statute, be circumstances pertaining to the crime for which the defendant has been convicted, or pertaining to his past criminal history.
9. A departure hearing will be held at the time set for sentencing or at a later date only upon order of the court.
10. “Social factors” may only be raised or argued to the court when the issue of the terms of probation are being considered.
11. The ten (10) day limitation for the required filing of motions for departure or five (5) days for objection to criminal history as provided above shall be rigidly enforced. No extension of the limitations shall be allowed except for good cause shown.

### **Rule No. 121**

#### **SETTLEMENT CONFERENCES**

A settlement conference shall be held by order of the presiding judge in each case filed pursuant to K.S.A. Chapter 60 upon the following conditions:

1. When all parties are represented by an attorney; and,
2. When one or more attorneys to the litigation request a settlement conference; and/or,
3. When required by statute that a settlement conference be held; and/or,
4. When the presiding judge on the case determines that a settlement conference would be beneficial to resolve the litigation.

The settlement conference shall be conducted pursuant to the following procedure:

1. Within thirty (30) days of the order for settlement conference, the attorneys to the litigation shall schedule a time for the conference;
2. The conference shall be conducted by a judge who is not the presiding judge of the case;
3. The conference is limited to one hour;
4. No record shall be made of the statements or comments made by any participant during the conference;
5. Each real party in interest shall be personally present with their attorney. In the event that a real party in interest is a corporation having its principal place of business outside of the State of Kansas, the actual presence of the party may be waived in lieu of a telephone conference by order of the settlement judge;
6. The attorney participating in the conference shall be one of the attorneys who will be present at the trial of the case;
7. The conference shall be conducted only in the presence of the attorneys and the judge;
8. In the event the conference does not result in a resolution of all of the issues in the case, no statement or comment made in the attempt to obtain an offer of settlement or compromise made during the settlement conference shall be admissible at the time of trial.

If the settlement conference results in a settlement agreement, the conference judge may, upon request of the parties, approve the agreement on the record of the case.

#### **Rule No. 122**

#### **PRETRIAL CONFERENCE**

Attorneys for each of the parties shall prepare and file a pretrial questionnaire at least ten (10) days before the scheduled pretrial conference. At the pretrial hearing, attorneys shall be prepared to pre-mark and admit all exhibits and to enter into stipulations. Each attorney shall provide a copy of their questionnaire to the attorney for all other parties and the court in chambers at the time of filing.

Attorneys may, with the permission of the presiding judge, submit an agreed upon pretrial order.

In all domestic cases, a pretrial questionnaire shall be filed. The joint property and debt list shall be finalized and filed at the pretrial conference.



The parties shall be present for all pretrial conferences.

The pretrial conference will be conducted pursuant to Kansas Supreme Court Rule 140.

### **Rule No. 123**

#### **CHILD RELATED MEDIATION**

##### **A. VISITATION AND CUSTODY**

Unless otherwise ordered by the court, the district court shall not hold a final hearing upon the issue of parenting time and residential custody until the order for mediation has been complied with and the appointed mediator has reported the mediation was unsuccessful.

Upon the filing, by any party, of a motion of mediation concerning visitation which is not responded to in writing within ten (10) days of service upon the opposing party, the courts of the 26<sup>th</sup> Judicial District shall issue an order requiring mediation.

Any adverse party objecting to a motion for mediation shall respond in writing setting forth specific objections to said motion and shall serve same upon movant with ten (10) days of service of the motion for mediation concerning visitation.

If an objection is filed to a motion of mediation concerning visitation which sets forth specific objections by the opposing party, the court shall set the matter for hearing and the party raising such objections shall have the burden of proof to convince the court why no order for mediation should be issued.

##### **B. COURT'S GUIDELINES FOR MEDIATION**

All orders for mediation shall be served, along with a copy of Court's Guidelines for Mediation, in the form of Appendix A, attached hereto, by mail upon the opposing party or attorney of record.

##### **C. COST**

The cost of the mediation shall be divided equally between the parties unless otherwise ordered by the court. Payment arrangements shall be made directly with the mediator. Non-payment is subject to enforcement under the contempt powers of the court.

##### **D. ALTERNATE SELECTION OF MEDIATOR**

The parties shall have the right to jointly agree upon and select a mediator other than the one assigned by the court. However, if an agreement cannot be reached with regard to the alternate mediator, the one assigned shall be used.

The court may grant judgment against any party who fails or refuses to comply with an order for mediation. The presiding judge may waive mediation requirements for good cause shown.

## **Appendix A**

### **COURT ORDERED MEDIATION**

You and the other parent of your children are required by the court to attend mediation. Mediation is a process where a neutral professional assists parents in reaching their own agreements about custody and/or visitation. It has been shown to help parents focus on the needs of their children, communicate better about their children, have more control over the process, and feel more positive about the outcome of the divorce.

You may feel that mediation is a waste of your time because of failed efforts you and the other parent may have had in reaching agreements about your children. However, with the help of a mediator who is trained to assist parents to focus attention on what is in the best interest of the children, often lines of communication can be opened between the parties. The decision of what is in the best interest of your children is left up to you, the parents, instead of to a judge.

Although the mediator may be an attorney, he or she does not represent either of the parties in mediation. The mediator will not, under any circumstances, offer legal advice. Further, under Kansas law, a mediator cannot be subpoenaed or otherwise compelled to reveal any matter disclosed in setting up or conducting mediation.

In court-ordered mediation of custody and visitation issues, mediators are required to report child abuse and to treat all other matters as confidential. However, privilege is not established for information about a crime committed during the mediation or the expressed intent to commit a crime in the future.

If an agreement is reached at the conclusion of the mediation, a written memorandum of agreement is prepared for both parents to sign. The attorney for one of the parents will put the mediation agreement into the form of a court order and each attorney will approve it. It will then be submitted to the court. At that point, the mediation agreement becomes an order of the court.

As parents you are asked to enter mediation in good faith and with a genuine willingness to resolve the difficult issue facing the family.

If you cannot agree to a workable solution after good faith efforts have been made at mediation, your attorneys will be notified that you are at impasse. At that point, unless your attorneys are able to reach some agreement, a full evidentiary hearing will be set.

Although the mediator will be actively involved in the process of helping you discuss possible visitation/custody arrangements, you must approach mediation with the intent of reaching an



agreement which will be best for your children. As parents, you are in the best position to make that determination.

Mediation is not marriage counseling. You and the other parent are divorced but you both should remain as fully involved in your children's lives as possible. It is your responsibility to contact the mediator assigned to your case to set up the first appointment within five (5) working days. The cost of the mediation will be divided equally between the parents, unless the court specifically orders otherwise. Payment arrangements are to be made directly with the mediator.

You and the other parent may agree to submit other issues relating to your case, such as property division issues, to mediation. However, arrangements for payment of costs for additional mediation shall be made by the parents with the mediator. The decision to submit other issues must be by mutual agreement and is strictly voluntary.

#### **Rule No. 124**

#### **PREPARATION OF COURT PLEADINGS AFFECTING MORE THAN ONE CASE**

It is required by the court that all attorneys shall prepare and have signed an original pleading for each case file except only as to cases consolidated by order of the court.

#### **Rule No. 125**

#### **ELECTRONIC FILING**

Effective October 1, 2015, all licensed attorneys must submit all new cases and documents within new or existing cases for filing with the District Courts of the 26<sup>th</sup> Judicial District of 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.



**Rule No. 126**

**ASSIGNMENT OF DISTRICT JUDGES**  
**FOR THE TERM OF JANUARY 1, 2020 TO DECEMBER 31, 2020**

126.1) Division No. 1:

The Hon. Bradley E. Ambrosier, Chief District Court Judge, Division No. 1, is hereby assigned:

1. All odd numbered Chapter 60 cases in Seward County.
2. All Chapter 60 cases in Grant, Haskell, and Stevens Counties.
3. All appeals from District Magistrate Judges of Limited Civil or Small Claims decisions in Grant, Haskell, and Stevens Counties.
4. All Adoptions in the District.
5. All Domestic cases in Grant, Haskell, and Stevens Counties.
6. All matters involving bonds or bonding companies and/or their agents in the District.
7. Any other matters as may from time to time arise by assignment from the Chief Judge or Order of the Kansas Supreme Court, and any matter within the Twenty-Sixth Judicial District in the absence of the regularly assigned judge.

126.2) Division No. 2:

The Hon. Clinton B. Peterson, District Court Judge, Division No. 2, is hereby assigned:

1. All Felony cases in the District.
2. All Juvenile Certifications as an Adult, Extended Juvenile Jurisdiction Prosecutions and Appeals from District Magistrate Judges of criminal or juvenile offender decisions in Haskell, Grant, Morton, Seward, Stanton, and Stevens Counties. All appeals from Municipal Court in Haskell, Grant, Morton, Seward, Stanton, and Stevens Counties.
3. All Probate cases in Seward County.
4. Any other matters as may from time to time arise by assignment from the Chief Judge or Order of the Kansas Supreme Court, and any matter within the Twenty-Sixth Judicial District in the absence of the regularly assigned judge.

126.3) Division No. 3:

The Hon. Linda P. Gilmore, District Court Judge, Division No. 3, is hereby assigned:

1. All even numbered Chapter 60 cases in Seward County.
2. All Chapter 60 cases in Morton and Stanton Counties.
3. All Domestic cases in Seward County; including PFA/PFS cases, all Domestic cases in Morton and Stanton Counties; excluding PFA/PFS cases.
4. All appeals from District Magistrate Judges in Child in Need of Care cases in all counties.
5. All appeals from District Magistrate Judges of Limited Civil or Small Claims decisions in Morton, Stanton and Seward Counties.
6. All appeals from District Magistrate Judges of PFA/PFS cases in all counties.
7. All appeals from District Magistrate Judges of Probate cases in all counties.
8. Any other matters as may from time to time arise by assignment from the Chief Judge or Order of the Kansas Supreme Court, and any matter within the Twenty-Sixth Judicial District in the absence of the regularly assigned judge.

Entered on the 3<sup>rd</sup> day of October, 2019.

Honorable Bradley E. Ambrosier  
Chief District Court Judge

**Rule No. 127**

**ASSIGNMENT OF DISTRICT MAGISTRATE JUDGES**  
**TO SEWARD COUNTY**  
**JANUARY 1, 2020 TO DECEMBER 31, 2020**

1) Magistrate Judge, MO1:

The Hon. Margaret L. Alford, District Magistrate Judge, is hereby assigned:

1. Each Tuesday of each week, commencing January 7, 2020. The Judge shall be present in Seward County between the hours of 9:00 a.m. and 4:00 p.m. for all JC and JV cases.
2. Each Wednesday of each week, commencing January 8, 2020. The Judge shall be present in Seward County between the hours of 4:00 p.m. and 5:00 p.m. for Truancy Court.
3. Each Magistrate Judge shall ascertain if there are prisoners in jail that need a first appearance. Any other matters as may from time to time arise by assignment from the Chief Judge to any matter within the Twenty-Sixth Judicial District.

2) Magistrate Judge, MO2:

The Hon. Steve Santala, District Magistrate Judge, is hereby assigned:

1. Each Thursday of each week, commencing January 2, 2020. The Judge shall be present in Seward County between the hours of 9:00 a.m. and 4:00 p.m. for all traffic first appearances, traffic trials, small claims trials and any matter of general jurisdiction.
2. Each Magistrate Judge shall ascertain if there are prisoners in jail that need a first appearance. Any other matters as may from time to time arise by assignment from the Chief Judge to any matter within the Twenty-Sixth Judicial District.

3) Magistrate Judge, MO3:

The Hon. Tom Kemp, District Magistrate Judge, is hereby assigned:

1. Each Wednesday of each week, commencing January 8, 2020. The Judge shall be present in Seward County between the hours of 9:00 a.m. and 4:00 p.m. presiding over all Chapter 61 cases.



2. Each Magistrate Judge shall ascertain if there are prisoners in jail that need a first appearance. Any other matters as may from time to time arise by assignment from the Chief Judge to any matter within the Twenty-Sixth Judicial District.

4) Magistrate Judge, MO4:

The Hon. Vernon L. Butt, District Magistrate Judge, is hereby assigned:

1. Each Monday of each week, commencing January 6, 2020. The Judge shall be present in Seward County between the hours of 9:00 a.m. and 4:00 p.m. for all criminal schedulings, all misdemeanor criminal trials, and all care and treatment proceedings.
2. Each Magistrate Judge shall ascertain if there are prisoners in jail that need a first appearance. Any other matters as may from time to time arise by assignment from the Chief Judge to any matter within the Twenty-Sixth Judicial District.

5) Magistrate Judge, MO5:

The Hon. Paula J. Sosa, District Magistrate Judge, is hereby assigned:

1. Each Wednesday of each week, commencing January 8, 2020. The Judge shall be present in Seward County between the hours of 9:00 a.m. and 4:00 p.m. for all preliminary hearings, both adult and juvenile felonies.
2. Each Magistrate Judge shall ascertain if there are prisoners in jail that need a first appearance. Any other matters as may from time to time arise by assignment from the Chief Judge to any matter within the Twenty-Sixth Judicial District.

Entered on the 3<sup>rd</sup> day of October, 2019.

Honorable Bradley E. Ambrosier  
Chief District Judge

**IN THE DISTRICT COURTS OF  
STANTON, GRANT, HASKELL, MORTON, STEVENS  
AND SEWARD COUNTY, KANSAS  
TWENTY-SIXTH JUDICIAL DISTRICT**

**In the Matter of the Appointment of    )  
H. Kent Hollins, Esq., and                )  
Kendall M. McVay, Esq., as the         )  
Co-District Court Trustees for the     )  
Twenty-Sixth Judicial District.        )**

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**Rule No. 128**

**ADMINISTRATIVE ORDER**

The Chief Judge of the Twenty-Sixth Judicial District consisting of Stanton, Grant, Haskell, Morton, Stevens, and Seward County District Courts, hereby enters this Administrative Order appointing H. Kent Hollins and Kendall M. McVay as Co-District Court Trustees for the Twenty-Sixth Judicial District, pursuant to the provisions of K.S.A. 20-377 *et seq.*, as amended.

**WHEREUPON**, the Court finds that H. Kent Hollins and Kendall M. McVay are qualified attorneys who are licensed to practice law in the State of Kansas. The Judges of the District Court have decided that Mr. Hollins and Mr. McVay should be appointed to serve as the Co-District Court Trustees for the Twenty-Sixth Judicial District in order to maximize the amount of support collected for the benefit of minor children and obligees in Stanton, Grant, Haskell, Morton, Stevens, and Seward Counties of Kansas.

**THEREFORE, THE COURT ENTERS THE FOLLOWING ORDER:**

1. H. Kent Hollins and Kendall M. McVay are hereby appointed to serve as Co-District Court Trustees for the Twenty-Sixth Judicial District, serving Stanton, Grant, Haskell, Morton, Stevens, and Seward County, commencing immediately, pursuant to the terms of

K.S.A. 20-377, *et seq.* The Co-District Court Trustees may delegate legal work to Deputy Court Trustees, subject to the approval of the Twenty-Sixth Judicial District Court.

2. The Co-District Court Trustees shall monitor, enforce, and collect all non IV-D support orders, in the Twenty-Sixth Judicial District pursuant to K.S.A. 20-378, K.S.A. 20-379, and the Local Court Rules of the 26<sup>th</sup> Judicial District.

3. The Co-District Court Trustees shall obtain and operate an office, at their own expense.

4. The Co-District Court Trustees shall employ all of the support staff necessary for the performance of their duties at their own expense. The District Court shall share neither responsibility nor liability for the Co-Trustee's employees and/or independent contractors.

5. The Co-District Court Trustees shall serve at the pleasure of the Chief Judge of the Twenty-Sixth Judicial District who may terminate their appointment at any time. Notwithstanding, unless otherwise ordered by the Chief Judge, this appointment shall remain in effect for a period of three (3) years and terminating on December 31, 2020. Enforcement of support pursuant to this order is to begin January 1, 2018.

6. The Co-District Court Trustees shall provide such reports in regard to Trustee operations and collections as may be required by the Chief Judge and Stanton, Grant, Haskell, Morton, Stevens, and Seward County District Courts.

7. As their fee, the Co-District Court Trustees shall be paid 5% of all current support collected by the Trustees on non IV-D cases in the Twenty-Sixth Judicial District. Provided however, that on any case filed prior to January 1, 2018, the payee shall have the right, after notice, to opt-out of the trustee service, in which case no fee shall be charged. Said election shall be in writing. On any case where the payee does not opt-out a fee shall be charged.



8. In addition, the Co-District Court Trustees shall be paid 5% of all arrearages, including interest and court costs, collected by the Trustees on non IV-D cases in the Twenty-Sixth Judicial District.

9. The Co-District Court Trustees, as well as any Deputy Court Trustee who are not employed by the Co-District Court Trustees, shall maintain legal malpractice insurance and such other insurance as necessary to adequately cover any potential claims which may arise during the term of their appointment.

10. The Co-District Court Trustees shall indemnify and hold the Twenty-Sixth Judicial District and the District Courts of Stanton, Grant, Haskell, Morton, Stevens, and Seward County harmless for any claims and/or losses related to their services as Co-District Court Trustees.

11. The Co-District Court Trustees shall have all of the duties and all of the powers set forth in K.S.A. 20-377 *et seq.*, as amended.

12. The Co-District Court Trustee's duties pursuant to this Order shall be on behalf of and in the interest of the minor child or children of the parties in each case or obligee of maintenance. Neither the Co-District Court Trustees nor their employees shall have an attorney-client relationship with or owe a duty to the support obligor or obligee.

**IT IS SO ORDERED.**

Entered on the 1<sup>st</sup> day of November, 2017.

Honorable Bradley E. Ambrosier  
Chief Judge of the Twenty-Sixth Judicial District  
Stanton, Grant, Haskell, Morton,  
Stevens, and Seward County

**IN THE DISTRICT COURTS OF  
STANTON, GRANT, HASKELL, MORTON, STEVENS  
AND SEWARD COUNTY, KANSAS  
TWENTY-SIXTH JUDICIAL DISTRICT**

**In the Matter of the Enforcement Fee )  
for District Court Trustee for the )  
Twenty-Sixth Judicial District. )**

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**Rule No. 129**

**ADMINISTRATIVE ORDER**

The Chief Judge of the Twenty-Sixth Judicial District consisting of Stanton, Grant, Haskell, Morton, Stevens, and Seward County District Courts, hereby enters this Administrative Order addressing the division of the Court Trustee fee for the Twenty-Sixth Judicial District, as assessed pursuant to Local Rule 128, entered November 1, 2017.

**WHEREUPON**, the Court finds that an administrative order is needed to address how the 5% fee is assessed on all cases that are enforced by the District Court Trustees. Orders entered prior to January 1, 2018, do not have the fee assessed, and accordingly without action, the fee would come out of the obligees funds, which the Court finds not in the best interest of the children of the 26<sup>th</sup> Judicial District. The Judges of the District Court have decided that the fee shall be split equally between the parties for all cases enforced by the District Court Trustees in Stanton, Grant, Haskell, Morton, Stevens and Seward Counties of Kansas.

**THEREFORE, THE COURT ENTERS THE FOLLOWING ORDER:**

1. Child support cases that are enforced by the District Court Trustee shall have a fee of 5.0% as set by Rule 128. The fee shall be shared equally by both parties, obligor and obligee. The amount shown on line F.3. of the Child Support Worksheet should be multiplied by 2.5%. This fee will be added on line F.4. to the total monthly support obligation. This shall be completed on all child support worksheets entered on and after January 1, 2018.

2. Maintenance cases that are enforced by the District Court Trustee shall have a fee of 5.0% as set by Rule 128. The fee shall be shared equally by both parties, obligor and obligee. The total amount of maintenance ordered should be multiplied by 2.5%. This fee will be added to all maintenance orders entered on and after January 1, 2018.

3. Any orders of support that were entered prior to January 1, 2018, that are or become enforced by the District Court Trustees, shall automatically have the fee set forth in paragraph 1 and 2 above at the time they are assigned to the District Court Trustee pursuant to Rule 128. The District Court Trustees shall file any income withholding orders necessary to reflect the same.

4. This order is effective January 1, 2018.

**IT IS SO ORDERED.**

Entered on the 29<sup>th</sup> day of December, 2017.

Honorable Bradley E. Ambrosier  
Chief Judge of the Twenty-Sixth Judicial District  
Stanton, Grant, Haskell, Morton,  
Stevens, and Seward County



CERTIFICATE OF SERVICE

I, Mellisa Johnson, Administrative Assistant, hereby certify that I mailed a true and correct copy of the Local Court Rules of the 26<sup>th</sup> Judicial District by U.S. Mail, postage prepaid, on the 18<sup>th</sup> day of November 2019, to:

Mr. Douglas T. Shima  
Clerk of the Kansas Supreme Court  
Kansas Judicial Center  
301 S.W. 10<sup>th</sup> Avenue – Room 374  
Topeka, KS 66612-1507

  
Mellisa Johnson  
Administrative Assistant

### CERTIFICATE OF SERVICE

I, Mellisa Johnson, Administrative Assistant, hereby certify that I emailed a true and correct copy of the Local Court Rules of the 26<sup>th</sup> Judicial District on the 18<sup>th</sup> day of November 2019, to:

Honorable Bradley E. Ambrosier  
Chief District Court Judge  
P.O. Box 825  
Elkhart, KS 67950

Honorable Clinton B. Peterson  
District Court Judge  
415 N. Washington  
Liberal, KS 67901

Honorable Margaret L. Alford  
District Magistrate Judge  
108 S. Glenn  
Ulysses, KS 67880

Honorable Thomas A. Kemp  
District Magistrate Judge  
P. O. Box 825  
Elkhart, KS 67950-0825

Ms. Bonnie Parks  
Chief Clerk of the District Court  
P.O. Box 913  
Johnson, KS 67855

Ms. Kelsee Burnett  
Clerk of the District Court  
200 E. 6<sup>th</sup> Street  
Hugoton, KS 67951

Ms. Reid Borchetta  
Clerk of the District Court  
108 S. Glenn  
Ulysses, KS 67880

Lawyers of the 26<sup>th</sup> Judicial District

Honorable Linda P. Gilmore  
District Court Judge  
200 E. 6<sup>th</sup> Street  
Hugoton, KS 67951

Honorable Paula J. Sosa  
District Magistrate Judge  
200 E. 6<sup>th</sup> Street  
Hugoton, KS 67951

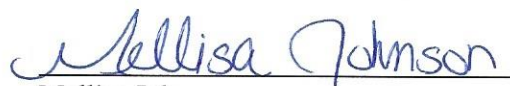
Honorable Steve Santala  
District Magistrate Judge  
P. O. Box 146  
Sublette, KS 67877-0146

Honorable Vernon L. Butt  
District Magistrate Judge  
P. O. Box 913  
Johnson, KS 67855-0913

Ms. Koleen Nosekabel  
Clerk of the District Court  
415 N. Washington, Suite 103  
Liberal, KS 67901

Ms. Matti Rich  
Clerk of the District Court  
P.O. Box 825  
Elkhart, KS 67950

Ms. Donna Odneal  
Clerk of the District Court  
P.O. Box 146  
Sublette, KS 67877

  
Mellisa Johnson  
Administrative Assistant