

Twentieth Judicial District

Administrative Orders

through July 1, 2014

Hon. Ron SvatyDistrict Judge, Div. I
Hon. Steve Johnson.....District Judge, Div. II
Hon. Mike KeeleyChief District Judge, Div. III
Hon. Don AlvordMagistrate Judge, Rice County
Hon. Marty ClarkMagistrate Judge, Russell County
Hon. Timarie WaltersMagistrate Judge, Stafford County
Hon. Verle WilleyMagistrate Judge, Ellsworth County

ORDER

Now on this 15th day of August 2005, the District Court of the Twentieth Judicial District hereby adopts the attached administrative orders of the affairs of the district court and repeals all administrative orders previously published.

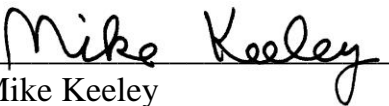

Mike Keeley
Chief Judge

TABLE OF CONTENTS

ADMINISTRATIVE ORDERS

Order 1	Clerk’s Responsibilities	1
Order 2	Surety Bonds	1
Order 3	Charges.....	1
Order 4	Child Support Enforcement.....	2
Order 5	Media Coordinator	2
Order 6	Alcohol and Drug Safety Action Program	2
Order 7	County Code Violations.....	3
Order 8	Order Relating to Indigent Defense.....	3-4
Order 9	Order Relating to Disclosure of Juvenile “Official” and “Social File”.....	4
Order 10	Order Relating to Unexcused Jurors	5
Order 11	Order Authorizing Clerk to Endorse Checks without Recourse	5
Order 12	Order Relating to Attorney Fees When Contract Attorney Appointed	5
Order 13	Order Relating to Appointing Authority Designee	5
Order 14	Order Relating to Appointing Freedom of Information Officer.....	5
Order 15	Order Relating to Traffic Matters with Six Year Old Suspensions.....	5
Order 16	Order Relating to Clerk’s Discretion to Refund Overpayments	6
Order 17	Order Relating to the Application of Receipts and Community Work Service	6
Order 18	Order Relating to Alcohol/Drug Evaluation Assessment to be Paid Directly to Provider.....	6
Order 19	Order Relating to Sureties and Bonding Criminal Defendants	6
Order 20	Order Relating to Authority of Clerks to Refer Cases to Collection Agency	6
Order 21	Order Relating to Observance of Calendar Year Holidays	6
Order 22	Order Relating to Receiving Administrative Court Bonds	7
Order 23	Order Relating to Juvenile Supervision Fees	7
Order 24	Order Relating to Judge Assignments.....	7-8
Order 25	Order Relating to Safety of Persons in Courtrooms and Areas of Court Operation	8-9

Administrative Orders
of the
Twentieth Judicial District

Order 1 Clerk's Responsibilities

The clerk of the district court is hereby designated fiscal officer for each county. Fiscal officer, duties include: maintaining accounts on all budgetary matters, monthly reporting of budget status to the court administrator and preparation and submission of vouchers or purchase orders to the respective boards of county commissioners.

Any clerk of the court, whose signature is registered with the Secretary of State, is authorized to use a facsimile signature stamp (rubber stamp) on any court related legal documents.

The clerk of the district court shall not accept a personal check from a payer who has previously given the clerk a worthless check.

Order 2 Surety Bonds

No person or agency shall be authorized to issue surety bonds in the Twentieth Judicial District until approved by the trial court administrator. Such authorization may be revoked without notice by the chief judge.

All surety bonding agencies wishing to engage clients in the Twentieth Judicial District Court must agree that all bonds written cover both pre- and post-conviction release.

Order 3 Charges

The copy charge per page for reproducing court records shall be the same charge per page as adopted by the board of county commissioners in each county. Any funds collected pursuant to this rule shall be remitted monthly to the county treasurer. Each clerk shall put in a conspicuous place the current copy charges for their office.

The clerk of the district court shall charge 50 cents per page for sending a facsimile transmission. There will be no charge for receiving any facsimile documents to be filed or processed by the court. Fees collected for facsimile charges shall be paid monthly into the county general fund.

Administrative Orders

Order 4 Child Support Enforcement

Pursuant to Supreme Court Rule 172, the Twentieth Judicial District adopts expedited process for child support enforcement employing district magistrate judges as hearing officers. This rule authorizes magistrate judges to establish, modify and enforce orders of support and to enforce orders granting a parent visitation rights. Effective date of Rule 507 - October 31, 1985

Order 5 Media Coordinator

Pursuant to Supreme Court Order 1001, Section 9, Chuck Smith is appointed as media coordinator for the Twentieth Judicial District.

Order 6 Alcohol and Drug Safety Action Program

To be certified as an Alcohol Drug Safety Action Program provider by the Twentieth Judicial District such program shall meet the following standard.

An Alcohol and Drug Safety Action Program shall provide a presentence alcohol and drug investigation for any person who is convicted of a violation of K.S.A. 8-1567 and provide supervision and monitoring of all persons who are convicted of a violation of K.S.A. 8-1567 and whose sentences or terms of probation require an alcohol/drug education and/or treatment program.

Services:

1. The following services shall be provided by the program.
 - a. Testing - instruments must have proven validity and reliability with abusing populations.
 - b. Supervision/monitoring - the program must provide ongoing monitoring and supervision of the person during the period of education and/or treatment as the court may require.
 - c. Presentence Court Report - must contain history information and recommendations.
 - d. Final Report - must contain information on the offenders completion/noncompletion of treatment and/or education programs.
2. The evaluator of the test instruments must be qualified to administer, score and interpret each instrument.

Administrative Orders

Order 7 County Code Violations

K.S.A. 19-4705 provides in part the chief judge shall designate the district judge to whom county code violations shall be assigned for trial. In compliance with this statute the following designations which shall remain effective until further notice.

Barton County	Honorable Don Alvord
Ellsworth County	Honorable Verle Willey
Rice County	Honorable Don Alvord
Russell County	Honorable Marty Clark
Stafford County	Honorable Timarie Walters

Order 8 Orders Relating to Indigent Defense

Contract attorneys will first be appointed as counsel for indigent misdemeanor defendants. Thereafter appointments will be made on a rotation basis from the list of attorneys maintained in each county. Rates of compensation shall be established by the chief judge and posted in the office of the clerk of the district court.

Maximum driving time fee will be \$50.00 per day regardless of the number of cases in which the attorney participates and should be pro-rated among the total number of cases heard that day. Mileage expense at the state approved rate for actual miles traveled will be allowed. This policy will apply to both vouchers for district payment and for State Board of Indigent Defense Services payment.

In cases involving court appointed counsel for indigent persons, attorney fees will be approved by the court in amounts not greater than setout below. Variation from these limits may be made only by the trial judge prior to or at the conclusion of the hearing.

ADULT

Misdemeanor plea, diversion or dismissal	\$140.00
Misdemeanor probation violation hearing	\$70.00
Misdemeanor court trial	\$280.00
Misdemeanor jury trial	\$630.00

Administrative Orders

Order 8 continued

ADULT TRAFFIC RELATED

Driving under the influence plea, diversion or dismissal	\$140.00
Driving under the influence, court trial	\$280.00
Driving under the influence, jury trial	\$630.00
Traffic, plea or dismissal	\$105.00
Traffic, court trial	\$210.00

PROBATE

Mental & alcohol commitment, contested hearing	\$210.00
Mental & alcohol commitment, waivers	\$105.00

JUVENILE OFFENDER

Fee for each court appearance not exceeding one hour in length	\$75.00
Hourly rate for court appearances exceeding one hour in length	\$70.00
Hourly rate for preparation time if preparation time plus court time exceeds one hour	\$60.00
Fees for juvenile offender trial may not exceed \$750.00 including preparation time.	

CHILD IN NEED OF CARE

Fee for each court appearance not exceeding one hour in length	\$75.00
Fee for each additional hour if hearing exceeds 1 hour in length	\$70.00
Fee for preparation time for temporary custody hearings, adjudication hearings, review hearings and permanency hearings if preparation time and court time exceed 1 hour	\$60.00
Fees for child in need of care trials may not exceed \$500.00 including preparation time.	
Fees for parental severance hearings may not exceed \$750.00 including preparation time.	

Order 9 Orders Relating to Disclosure of Juvenile “Official” and “Social File”

Pursuant to K.S.A. 38-1506 and 38-1607 the clerk of the district court shall disclose to court services officers, community corrections officers, court appointed special advocates, and Juvenile Justice Authority case managers, a juvenile “official” and “social file” for which they are ordered by the court to provide services. Disclosure shall include allowing copies to be made.

Administrative Orders

Order 10 Order Relating to Unexcused Jurors

The clerk of the district court shall issue a summons to appear at the next scheduled regular motion day for any unexcused juror who was served a jury summons yet failed to report for jury duty.

Order 11 Order Authorizing Clerk to Endorse Checks without Recourse

Judgments paid to the clerk of the district court by check may be endorsed without recourse and forwarded to the recipient.

Order 12 Order Relating to Attorney Fees When Contract Attorney Appointed

When attorney fees are ordered reimbursed to any county, the amount shall be \$70.00 for cases in which the party is represented by a contract attorney, unless a different amount is ordered.

Order 13 Order Relating to Appointing Authority Designee

In the absence or unavailability of the chief judge, the district court administrator is hereby designated the appointing authority in all routine personnel matters.

Order 14 Order Relating to Appointing Freedom of Information Officer

Pursuant to K.S.A. 45-226 and Supreme Court Administrative Order No.156, Ron Keefover, Public Information Officer for the Office of Judicial Administration, is hereby appointed to serve as the district's Freedom of Information Officer.

Order 15 Order Relating to Traffic Matters with Six Year Old Suspensions

Whenever a defendant in a traffic matter has had his license suspended for more than six years, and the defendant has failed to pay the designated fine and costs to renew his license, the clerk of the court is directed to dismiss said case(s) and close out the account receivable.

Administrative Orders

Order 16 Order Relating Clerk’s Discretion to Refund Overpayments (enacted 2/4/04, amended 8/15/05, 3/23/12)

The Clerk of the District court shall have discretion to refund overpayments received by means other than in person in the amount of \$10.00 or less. Overpayments not refunded shall be paid to the Kansas Judicial Branch surcharge.

Order 17 Order Relating to the Application of Receipts and Community Work Service
(enacted 8/13/04)

The clerk of the district court shall apply payments to restitution first whenever a defendant or respondent is ordered or allowed by the court to perform community work service in lieu of paying court cost, fines, and fees.

Order 18 Alcohol and Drug Evaluation Assessment to be Paid Directly to Provider (enacted 8/15/05)

The Clerk of the District Court shall no longer receive monies for alcohol and drug evaluations assessed defendants pursuant to K.S.A. 8-1008(e). Programs certified to provide evaluations shall directly bill defendants ordered to submit to evaluations and defendants shall pay providers directly for such services.

Order 19 Sureties and Bonding Criminal Defendants (enacted 2/15/07, amended 7/1/14)

It is ordered any person requesting to be released as a surety for a criminal defendant shall, upon the return of the defendant to the jail in the county from which the defendant was bonded, either by the bondsman or law enforcement appear in front of a judge and request release from the bond.

It is further ordered a surety may only post a bond once for each case. If a defendant is revoked at the request of a bondsman, the bondsman cannot bond the defendant for additional costs. If the bondsman agrees to keep the defendant on the original bond or reinstates, and the Court approves, that is acceptable. While out on a bond, if a defendant picks up a new charge, any bondsman may bond out the defendant on the new charges. If the Court, at the request of the county attorney or on its own motion, revokes the bond then resets a bond, any bondsman may bond out the defendant without notice to the current bondsman.

Order 20 Authority of Clerks to Refer Cases to Collection Agency

The Clerk of the District Court may refer a criminal, juvenile, fish and game, or traffic case to a collection agency without a judge’s approval if the case meets the following criteria:

1. The defendant is not supervised by Court Services, Community Corrections, or Parole and is not in the custody of the Kansas Department of Corrections.
2. There is an outstanding balance of at least \$25.00.
3. There have been no payments on the case for at least 60 consecutive days.

Administrative Orders

Order 21 Observance of Calendar Year Holidays (enacted 10/18/07)

The District Court will observe the holidays as approved each year by the Chief Justice of the Kansas Supreme Court commencing calendar year 2008. Should a county courthouse be closed for a holiday *Order 21 continued* not observed by the District Court or for any reason, the District Court will also close.

Order 22 Receiving Administrative Court Bonds (enacted 10/1/08)

All administrative court bond moneys received from the county sheriff shall be converted to a cash bond in the amount of the money received and receipted in as a cash bond.

Order 23 Juvenile Supervision Fees (enacted 6/28/11)

Pursuant to K.S.A. 21-4610a and Supreme Court Administrative Order No. 251 the Twentieth Judicial District sets juvenile supervision fees for cases filed on or after March 14, 2011, at \$60 for offenses which, if committed by an adult, would be classified as a misdemeanor and \$120 for offenses which, if committed by an adult, would be classified as a felony.

Order 24 Judge Assignments (enacted 1/1/13)

District Court Judge Assignments

Effective January 1, 2013, Barton County cases will be assigned in the following manner:
D01 – Judge Svaty; D02 – Judge Johnson; D03 – Judge Keeley

Civil – Assign 2/3 of all new cases to D03 and 1/3 to D02

Domestic – Assign all new cases, Domestic Docket days and PFA hearings to D02. Any judge may hear uncontested divorces and PFA temporary orders.

Limited and Small Claims Appeals - Assign 2/3 of all new cases to D03 and 1/3 to D02

Criminal – Assign all new felony cases and Criminal Motion Days to D01. All Sentencing and scheduled pleas will be set and heard by D01. Unscheduled pleas may be heard by any judge.

Juvenile Appeals – Assign 1/3 of all new cases to D01, 1/3 to D02 and 1/3 to D03

Municipal Appeals – Assign all new cases to D01

Traffic and DUI Appeals – Assign all new cases to D01

Probate and G&C – Assign all to D03

Administrative Orders

Order 24 continued

District Magistrate Assignments

Monday – Judge Willey will hear traffic, misdemeanors, pretrials, etc.

Tuesday & 3rd Friday – Judge Clark, CINC & Juvenile offenders

Wednesday – Judge Walters, Limited actions and Small Claims

Thursday – Judge Alvord, preliminary hearings, 1st appearances, pleas, etc.

All judges shall hear care and treatment cases and 1st appearances as requested and needed.

All cases pending January 1, 2013, will be reassigned to the newly assigned judge pursuant to the above order. The current magistrate judges' assignments and duties have been modified and those re-assignments have been provided to those magistrates.

Order 25 Safety of Persons in Courtrooms and Areas of Court Operation (enacted 7/1/13)

1. The issue of safety in the Judicial Branch of Government is important, not only to all employees of the Judicial Branch of the State of Kansas, but also to all persons who are summoned to a Courtroom or Court areas of operation, or those who appear for professional or personal reasons.
2. An integral part of any Court's duty to administer justice and fairly adjudicate disputes is to insure that all parties have the opportunity to advance their cause in an atmosphere of safety, decorum and fairness. It is fundamental that a trial Court is vested with the discretion to provide for security within a Courtroom or any Court areas of operation, and to take measures to promote the safety of Court officers and employees, parties, and the public in conducting the business of the Judicial Branch wherever it may occur.
3. A Court's inherent power is that belonging to it by virtue of being one of three separate branches of government. Inherent authority is limited to matters reasonably necessary for proper functioning of the judiciary, and the orderly and efficient exercise of the administration of justice. It is within the inherent power and discretion of a Court to impose additional security measures to provide for the safety of the public and persons in a Courtroom or Court areas of operation.
4. For the purposes of this Administrative Order, "Courtroom or any Court areas of operation" means those areas in any building, which are used for Court proceedings, or to conduct Court-related business, including, but not limited to: Courtrooms, ancillary Courtrooms, jury rooms, judge's chambers, office of the Clerk of the District Court, Court Reporter, Court Services, Court Trustee, Court-Appointed Special Advocate, Citizen Review Boards, and any other offices and areas used for official Court business; together with waiting areas, corridors, and hallways adjacent thereto.

Administrative Orders

5. Except as otherwise provided within this Administrative Order, all persons are prohibited from carrying or possessing any weapon, including a firearm or any explosive device, in the Courtroom or any Court areas of operation of the 20th Judicial District of Kansas.
6. Nothing herein shall limit the authority of a Judge of the District Court to authorize or restrict a law enforcement officer or security officer from possessing and carrying a firearm in a Courtroom or Court areas of operation in the performance of their official duty.
7. Appropriate notice of this weapon restriction shall be posted in all Courtrooms and Court areas of operation of the Judicial District. This Administrative Order may be enforced by the contempt power of the Court.
8. This Administrative Order shall be effective on and after July 1, 2013.