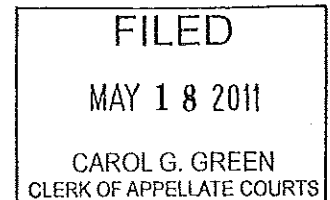


IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO DISTRICT COURTS

RULE 172



EXPEDITED JUDICIAL PROCESS; SUPPORT; VISITATION

Rule 172 is hereby amended, effective the date of this order:

- (a) ~~The chief judge in each district shall provide for an expedited judicial process which will increase effectiveness in support, visitation, and parentage proceedings by appointing one or more judges or court trustees to preside as hearing officers at summary hearings relating to the establishment, modification, or enforcement of support (pursuant to 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 enforcement of parent visitation rights.~~

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) ~~The hearing officer is authorized to:~~
- (1) ~~Take testimony and prepare written findings of fact and conclusions of law which shall constitute the summary record.~~

- ~~(2) Evaluate evidence and decide the most expeditious manner either to establish or to enforce court orders.~~
- ~~(3) Accept voluntary acknowledgment of support liability and stipulated agreements setting the amount of support to be paid.~~
- ~~(4) Accept voluntary acknowledgment of parentage.~~
- ~~(5) Enter orders, including default orders, as necessary; orders proposed by court trustees shall be approved by a judge before the order is issued.~~

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) District judges, district magistrate judges, and court trustees shall be considered qualified to serve as hearing officers at expedited judicial process hearings.~~

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 who has not been appointed as a judge pro tem under subsection (b) must be approved by a judge before the order is entered.

- (d) ~~If an obligor desires to contest an order of income withholding, the hearing officer shall set a hearing to permit the obligor to assert any affirmative defenses authorized by K.S.A. 23-4,110, and within 45 days of notice of delinquency to the obligor shall provide a decision on whether to withhold income.~~

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 45 days of notice of delinquency to the obligor, issue a decision on whether to withhold income.
- (e) ~~Any support or maintenance order entered after the effective date of this rule shall specify the payment period, e.g., monthly, weekly, and the date by which the first payment shall be made.~~

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 chief judges shall must monitor cases subject to expedited judicial process in order to ensure that any an action to establish, modify, or enforce a support obligations is completed— from time of filing to time of 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 chief judges shall must monitor cases subject to expedited judicial process in order to ensure that any an action to establish parentage or and a support obligations is completed— from time of filing to time of disposition— within the following time frames:~~
- (1) 75% in 270 days.
 - (2) 85% in 365 days.
 - (3) 90% in 455 days.

- (h) ~~Decisions of district magistrate judges or court trustees appointed pursuant to this rule shall be subject to review by a district judge on the motion of any party filed within 14 days after the order was entered.~~

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 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 18th day of May, 2011.

FOR THE COURT



Lawton R. Nuss
Chief Justice