

Temporary Rule

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION BY A SELF-REPRESENTED LITIGANT IN AN APPELLATE COURT

- (a) **Purpose.** The Kansas Supreme Court adopts the following temporary rule to protect personally identifiable information when a self-represented litigant files a document in the Kansas Supreme Court or Court of Appeals.

- (b) **Definitions.**
 - (1) “Clerk” means a clerk of the Kansas appellate courts.
 - (2) “Document” means any paper filing, including the filings necessary to docket an appeal or initiate an appellate case.
 - (3) “Sealed” means that access to a case or document is limited by statute, Supreme Court rule, or court order.
 - (4) “Self-represented litigant” means a person not represented by an attorney authorized to practice law before the appellate courts.

- (c) **Filing Under Seal; Request to Seal Document.**
 - (1) If a self-represented litigant files a document under a seal order previously entered by a court, the self-represented litigant must certify that the order exists and attach a copy of the order.
 - (2) If a self-represented litigant believes at the time of filing that an appellate court should seal a document not covered by an existing seal order, the self-represented litigant must file a motion to seal that includes a general description of the document. The self-represented litigant must certify that the motion complies with subsection (d) of this rule, which protects personally identifiable information.
 - (3) A self-represented litigant may file a motion to seal a document already in the case file. The self-represented litigant must identify in the motion the document to seal. A court employee will remove the document from public view until the court rules on the motion to seal. But a court employee is not required to search for a document that the self-represented litigant does not describe in detail in the motion to seal.

- (4) A case or document may be sealed only by a court order that is case or document specific or as required by a statute or Supreme Court rule.
- (d) **Obligation to Redact Personally Identifiable Information.** A self-represented litigant must comply with the requirements of [Supreme Court Rules 7.043](#) and [24](#) regarding the protection of personally identifiable information and is subject to sanctions for failure to comply under [Rule 24\(f\)](#).
- (e) **Certification.** A self-represented litigant must include a certification of the following information with each document the self-represented litigant files:
- (1) the self-represented litigant has signed the document and provided the self-represented litigant's name, address, telephone number, email address if available, and fax number if available; and
 - (2) the self-represented litigant has reviewed the document and is submitting it under seal or certifying that it complies with subsection (d).
- (f) **Certification Form.** A form to assist the self-represented litigant with certification is available in the Office of the Clerk of the Appellate Courts and at www.kscourts.gov.
- (g) **Self-Represented Litigant's Responsibility.** The responsibility for correctly filing a document with an appellate court rests with the self-represented litigant. A court employee is not required to review a document that a self-represented litigant files to ensure that the self-represented litigant appropriately designated a case, document, or information.
- (h) **Clerk Processing.**
- (1) **Document Review.** Upon receipt of a document filed by a self-represented litigant, a clerk is authorized to return the document only for the following reasons:
 - (A) the document is illegible;
 - (B) the document does not leave a margin large enough to add a file stamp;
 - (C) the document does not have the correct county designation, case number, or case caption;¹

- (D) the self-represented litigant has not paid the applicable fee or submitted a poverty affidavit with the document and no poverty affidavit is already on file in the case; or
 - (E) the self-represented litigant failed to include the necessary information or required documents for docketing an appeal or initiating an appellate case.
- (2) **Processing Timeline.** A clerk must process a document for filing as quickly as possible but not more than four business hours after the clerk receives the document for filing.
 - (3) **Document Return.** If a clerk determines that a document must be returned for any reason listed in subsection (h)(1), the clerk must designate the reason for its return.
 - (4) **Document Approval.** If a clerk does not return a document under subsection (h)(1), the clerk will approve the document for filing. The clerk may flag the document for further review as authorized by standard operating procedures adopted by the judicial administrator.
- (i) **Noncompliance.** If a document filed by a self-represented litigant does not comply with this rule, an appellate court may order that a court employee remove the document from public view until the court rules on the document's noncompliance.
 - (j) **Application.** This rule does not affect the application of constitutional provisions, statutes, or rules regarding confidential information or access to public information.
 - (k) **Conflict.** This rule should be read in conjunction with other applicable rules and statutes, including the prison mailbox rule.² But this rule controls if any provision of a Supreme Court rule conflicts with this rule.

¹ The return reason listed in subsection (h)(1)(C) applies to a document filed in an existing case where the clerk must match the county designation, the names of the parties in the case caption, and the case number with those of the existing case.

² See *Wahl v. State*, 301 Kan. 610, 615 (2015).