

MEMO TO THE BAR
CONCERNING CHANGES IN DOMESTIC RELATIONS CASES

To: Attorneys and individuals practicing in the Seventh Judicial District

From: Robert W. Fairchild, Chief Judge



With the retirement of Judge Jean Shepherd and the appointment of Judge Kay Huff, the domestic procedure will change in a number of ways, one of which is the modification of Local Court Rule 11. However, pending modification of Rule 11, the domestic bar should be aware of the following changes:

1. No longer will "divorce only" be the default rule. At the time of filing a divorce or paternity action, the clerk will give the petitioner a date and time to appear for a status docket. At the status docket, the court will grant divorces when the parties have signed agreed orders for child support, parenting time and division of debts and property or when the respondent is in default so long as the summons contains the following language:

Please take notice that a divorce hearing has been scheduled to be held on the ____ day of _____, 2011, at 9:00 a.m. or as soon thereafter as is convenient to the Court, before the Honorable _____, Judge of the District Court, Division ____, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas 66044.

If you do not file an answer as specified in the summons or appear in court on the above date, a default judgment may be entered against you as to all matters over which the court has jurisdiction.

If you have a settlement agreement, it may be presented to the court at that time. If you answer or appear in court and there are contested issues the court will set a status conference or a pre-trial conference and a future hearing date for all other issues. Otherwise, the court will determine on a case by case basis, which cases should be passed to another status docket and which should be set for a pre-trial conference and trial.

2. Division 2 will hold status conferences on Tuesdays from 9:00 a.m. to 11:00 a.m. and Division 3 will hold status conferences on Thursdays from 3:00 to 5:00.
3. From 11:00 a.m. to noon on Tuesdays, Division 2 will hear motions by proffer. Division 3 will hear motions by proffer on Monday afternoons at 4:00. Please call the administrative assistant of that division to set Monday and Tuesday proffer hearings. When attorneys anticipate a motion will

take more than thirty minutes and witnesses are required, they should call the administrative assistants for special settings.

4. The court will hold pre-trial conferences in contested divorces. Five days before the pre-trial, parties shall exchange pre-trial questionnaires. The court will direct the parties to prepare a pre-trial order that will govern the trial. The parties should exchange exhibits prior to the pre-trial conference. They should be prepared to stipulate to as many exhibits as possible at the pre-trial conference. Pre-trial orders take the place of Rule 11 findings of fact and conclusions of law.
5. Ross hearings will no longer be scheduled in every paternity case. The attorneys have an obligation to determine whether the case involves a "Ross" situation and, if so, prepare an order for appointment of a guardian ad litem and set the matter for hearing.
6. Motions to enforce parenting time and motions to enforce and modify child support will continue to be heard by the Pro Tem division. However, if other issues are involved, such as change of custody or modification of maintenance, the attorneys are to set the matter in the division that issued the original orders.