

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on March 6, 1996 in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Michael Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Janice Brasher, Committee Secretary

Conferees appearing before the committee: Robert Wunsch, Legislative Liaison, KU Medical Center
Juliene Maska of the Kansas Attorney General's Office
Elwaine Pomeroy, Kansas Credit Attorneys' Association
Bruce Ward, Kansas Credit Attorneys' Association

Others attending: See attached list

The Chair called the meeting to order at 10:05 a.m.

A motion was made by Senator Bond, seconded by Senator Reynolds to approve the minutes of February 13, 14, and 16, 1996. The motion carried.

HB 2013--Victim of sex offense identification not a public record.

The Chair stated that on page 2, paragraph F concerning the confidentiality of victims of sex crime was amended into **HB 2033**. The Chair introduced Bob Wunsch, Legislative Liaison, KU Medical Center.

Mr. Wunsch proposed amendments to **HB 2013** that would omit (1) through (41) of K.S.A. 45-221 and add (42) concerning managed care contracts. The conferee stated that the proposed amendments would allow the KU Medical Center to better compete with other health care providers in obtaining HMO contracts by allowing for confidentiality in negotiating contracts. (Attachment 1)

A motion was made by Senator Feleciano, seconded by Senator Vancrum to delete language in **HB 2013** and amend to include language requested by Mr. Wunsch on behalf of KU Medical Center concerning disclosure of information on market research, market plans and details of contractual agreements, including but not limited to the financial terms and conditions of managed care or other third party contracts. The motion carried.

Juliene Maska of the Attorney General's office testified on behalf of the Attorney General and as the Statewide Victims' Rights Coordinator proposing amendments to **HB 2013**. The conferee requested an amendment that would include New Section 1 and Section 2 of **HB 3026** into **HB 2013**. The provisions in New Section 1 would require prosecutors to establish written policies relating to domestic violence. The provisions in Section 2 pertains to the seizure of weapons by law enforcement offices when responding to domestic violence crimes. (Attachment 2)

Ms Maska requested that provisions of **HB 3037** be amended into **HB 2013**. The conferee explained that **HB 3037** was amended into another bill which received no action. The conferee stated that the provisions in **HB 3037** concern the enforcement of protective orders. (Attachment 2)

The Committee members and conferee discussed issues concerning both **HB 3026** and **HB 3027** as well as related issues in **SB 347**. The Committee members and staff discussed the material proposed by Ms Maska and the amendment to **HB 2013** adopted by the Committee proposed by Mr. Wunsch on behalf of the KU Medical Center.

A motion was made by Senator Bond, seconded by Senator Petty to recommend **HB 2013** favorably as amended by the Committee per Mr. Wunsch's proposed amendment. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on March 6, 1996.

SB 707--Garnishment, notice and exemptions forms.

Mr. Pomeroy testified for the Kansas Credit Attorneys Association and Kansas Collectors Association, Inc. in support of **SB 707** and presented additional changes along with the suggestion that the Committee might consider a substitute bill due to the many changes. Mr. Pomeroy noted some corrections in the proposed balloon, on page 8, line 32 where "notice." should be inserted and also on line 25, page 21. The conferee noted additional corrections in the proposed balloon on page 22, line 9 after the period and lines 10 through 13 should be stricken.

The conferee stated that the effects of the changes proposed in the balloon would be that the sheriff or whoever is making the service of the order of garnishment would provide garnishment notice. The conferee stated that the association he represents would have no problem with the plaintiff serving the notice, however, there is a problem with timing, and in this sort of thing timing is important. The conferee stated that this balloon is an attempt to met the objections of the garnishees. (Attachment 3)

In response to a Committee member's question, Mr. Bruce Ward stated that currently there is no notice of garnishment given, however, there is a case before the appellate court that might affect garnishment notification.

The Committee members discussed with Mr. Ward and Mr. Pomeroy issues concerning the mechanics of the garnishment process and the timing problems connected with the plaintiff providing garnishment notice. There was discussion of the use of first class or certified mail in providing notice.

The Chair adjourned the meeting at 10:55 a.m.

The next meeting is scheduled for March 7, 1996.

45-221 (a) reads as follows: "(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) thru (41) omitted

(42) Market research, market plans, and details of contractual agreements, including but not limited to the financial terms and conditions of managed care or other third party contracts, developed or entered into by the University of Kansas Medical Center in the operation and management of the university hospital which the Chancellor of the University of Kansas or his designee determines would give an unfair advantage to competitors of the University of Kansas Medical Center.

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Attach 1



State of Kansas

Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

TESTIMONY OF
JULIENE A. MASKA
STATEWIDE VICTIMS' RIGHTS COORDINATOR
BEFORE SENATE JUDICIARY
RE: HOUSE BILL 2013

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
FAX: 296-6296

MARCH 6, 1996

Mr. Chairman and Members of Senate Judiciary:

On behalf of Attorney General Carla J. Stovall, I ask for your support of House Bill 2013 with these amendments. Attorney General Stovall has supported a domestic violence legislative package which includes a number of issues. There are two House Bills, 3026 and 3037, which address her proposals and I ask the Senate Judiciary Committee to include these in House Bill 2013.

New Section 1 of House Bill 3026 requires prosecutors to establish written policies relating to domestic violence. This is adopted from the National Council of Juvenile and Family Court Judges from "A Model State Code for Family Violence." Written policies can be of benefit to the prosecutor, law enforcement officers, court staff, and most importantly to victims and their families. On the Attorney General's Committee on Violence Against Women and Children are five prosecutors who state they have written policies they follow for crimes of domestic violence. The adoption of this model code suggestion would put into law a general practice for most prosecutors. It would also let communities know that domestic violence is a serious problem that will be addressed by the criminal justice system.

Section 2 of House Bill 3026 pertains to the seizure of weapons by law enforcement officers when responding to domestic violence crimes. While the House Judiciary Committee passed this bill with amendments, the bill was stricken from the House calendar. We are of the understanding that the seizure of weapons section could not be passed by the House so the Attorney General asked that it be deleted from the bill.

House Bill 3037 does the following:

1. It creates a new crime entitled Violation of a Protective Order which makes it a misdemeanor to violate a variety of protective orders, including Kansas protection from

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abuse orders and protective orders from other states and Indian tribal courts;

2. It requires law enforcement agencies to adopt written policies regarding domestic violence calls that address procedures for officers to follow when handling protective orders issued by other state courts and Indian tribal courts, and provides immunity for adopting and/or enforcing such policies;

3. It amends the Protection From Abuse Act:

a. by providing that any district court has jurisdiction over proceedings regardless of the residence of the petitioner. Presently, one may file a petition only in the judicial district where the petitioner resides with the respondent;

b. by providing that violation of a Kansas protection from abuse order may constitute the crime of Violation of a Protective Order. Presently, violation of a protection from abuse order may constitute criminal trespass, assault or battery.

House Bill 3037 provides additional protection for victims of domestic violence who flee to Kansas from other states with protective orders that may be difficult to enforce under the current criminal trespass statute which specifically criminalizes violation of a Kansas protection from abuse order. The Federal Violence Against Women Act requires courts to enforce protective orders from other states and Indian tribal courts just as they would a protective order issued from their own state. Under the current Kansas trespass statute, violation of a foreign protective order may or may not be a violation pursuant to the section which prohibits a person from remaining on property in defiance of an order to leave communicated by a person. The creation of a new crime gives parity with Kansas protection from abuse orders to foreign protective orders by criminalizing their violation.

Another purpose of this proposed criminal statute is to criminalize violation of "no-contact" bond provisions. Currently, if a defendant violates a condition of bond that prohibits contact with the victim the only remedy is for the victim to contact the court and request that the bond be revoked. Law enforcement officers may not arrest because it is not a violation of any criminal statute to violate such a provision.

The Attorney General urges your support for incorporating these bills into House Bill 2013.

HOUSE BILL No. 3026

By Committee on Judiciary

2-13

10 AN ACT concerning criminal procedure; relating to lawful arrests and
11 searches; concerning policies adopted by prosecutors to handle do-
12 mestic violence situations; amending K.S.A. 22-2501 and repealing the
13 existing section.

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. On and after January 1, 1997, all prosecuting attor-
16 neys, as defined in K.S.A. 22-2202, and amendments thereto, if such
17 prosecuting attorney prosecute crimes relating to domestic violence, shall
18 adopt and put into effect written policies regarding the prosecution of
19 crimes related to domestic violence. Such written policies shall include,
20 but not be limited to, the effective prosecution of such crimes and the
21 protection and safety of victims and such victim's children from domestic
22 violence.

23 ~~Sec. 2. K.S.A. 22-2501 is hereby amended to read as follows: 22-~~
24 ~~2501. (a) When a lawful arrest is effected a law enforcement officer may~~
25 ~~reasonably search the person arrested and the area within such person's~~
26 ~~immediate presence for the purpose of-~~

27 ~~(a) (1) Protecting the officer or others from attack and may tem-~~
28 ~~porarily seize any weapon so discovered;~~

29 ~~(b) (2) preventing the person from escaping; or~~

30 ~~(c) (3) discovering the fruits, instrumentalities, or evidence of the any~~
31 ~~crime.~~

32 ~~(b) When a lawful arrest is effected pursuant to the domestic violence-~~
33 ~~call policy, established pursuant to K.S.A. 22-2307, and amendments~~
34 ~~thereto, a law enforcement officer-~~

35 ~~(1) Shall shall seize all weapons that are alleged to have been involved~~
36 ~~in or threatened to be used in the commission of a crime; and~~

37 ~~(2) may seize a weapon that is in plain view of the officer or was~~
38 ~~discovered pursuant to a consensual search as necessary to protect the~~
39 ~~officer or other persons from attack.~~

40 ~~Sec. 3. K.S.A. 22-2501 is hereby repealed.~~

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.
43

HOUSE BILL No. 3037

By Committee on Judiciary

2-14

9 AN ACT concerning protection from abuse; amending K.S.A. 22-2307,
10 22-2308, 60-3103, 60-3104, 60-3105 and 60-3107 and repealing the
11 existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Violation of a protective order is knowingly or
15 intentionally violating:

16 (1) A protection from abuse order issued pursuant to K.S.A. 60-3105,
17 60-3106 and 60-3107, and amendments thereto;

18 (2) a protective order issued by a court of any state or Indian tribe
19 that is consistent with the provisions of 18 U.S.C. 2265, and amendments
20 thereto;

21 (3) a restraining order issued pursuant to K.S.A. 38-1542, 38-1543,
22 38-1563 and 60-1607, and amendments thereto;

23 (4) an order issued as a condition of pretrial release, diversion, pro-
24 bation, suspended sentence or postrelease supervision that orders the
25 person to refrain from having any direct or indirect contact with another
26 person; or

27 (5) an order issued as a condition of release after conviction or as a
28 condition of a supersedeas bond pending disposition of an appeal, that
29 orders the person to refrain from having any direct or indirect contact
30 with another person.

31 (b) As used in this section, "order" includes any order issued by a
32 municipal or district court.

33 (c) Violation of a protective order is a class A person misdemeanor.

34 (d) This section shall be part of and supplemental to the Kansas crim-
35 inal code.

36 Sec. 2. K.S.A. 22-2307 is hereby amended to read as follows: 22-
37 2307. ~~On and after January 1, 1992:~~ (a) All law enforcement agencies in
38 this state shall adopt written policies regarding domestic violence calls as
39 provided in subsection (b). These policies shall be made available to all
40 officers of such agency.

41 (b) Such written policies shall include, but not be limited to, the fol-
42 lowing:

43 (1) A statement directing that the officers shall make an arrest w'

2-4
h-2

1 they have probable cause to believe that a crime is being committed or
2 has been committed. ~~This statement shall include K.S.A. 22-2401 and~~
3 ~~amendments thereto, which allows an officer to make an arrest;~~

4 (2) a statement defining domestic violence;

5 (3) a statement describing the dispatchers' responsibilities;

6 (4) a statement describing the responding officers' responsibilities
7 and procedures to follow when responding to a domestic violence call
8 and the suspect is at the scene;

9 (5) a statement regarding procedures when the suspect has left the
10 scene of the crime;

11 (6) procedures for both misdemeanor and felony cases;

12 (7) procedures for law enforcement officers to follow when handling
13 domestic violence calls involving court orders, including protection from
14 abuse orders and, restraining orders and a protective order issued by a
15 court of any state or Indian tribe;

16 (8) a statement that the law enforcement agency shall provide the
17 following information to victims, in writing:

18 (A) Availability of emergency and medical telephone numbers, if
19 needed;

20 (B) the law enforcement agency's report number;

21 (C) the address and telephone number of the prosecutor's office the
22 victim should contact to obtain information about victims' rights pursuant
23 to K.S.A. 74-7333 and 74-7335 and amendments thereto;

24 (D) the name and address of the crime victims' compensation board
25 and information about possible compensation benefits;

26 (E) advise the victim that the details of the crime may be made pub-
27 lic;

28 (F) advise the victim of such victims' rights under K.S.A. 74-7333 and
29 74-7335 and amendments thereto; and

30 (G) advise the victim of known available resources which may assist
31 the victim; and

32 (9) whether an arrest is made or not, a standard offense report shall
33 be completed on all such incidents and sent to the Kansas bureau of
34 investigation.

35 Sec. 3. K.S.A. 22-2308 is hereby amended to read as follows: 22-
36 2308. No law enforcement agency or employee of such agency acting
37 within the scope of employment shall be liable for damages resulting from
38 the adoption or enforcement of any policy adopted under this act, in-
39 cluding, but not limited to, the policy and procedure for law enforcement
40 officers to follow when handling a protective order issued by a court of
41 any state or Indian tribe, unless a duty of care, independent of such
42 policy, is owed to the specific individual injured.

43 Sec. 4. K.S.A. 60-3103 is hereby amended to read as follows: 60-

1 3103. The Any district court shall have jurisdiction over all procee
2 under ~~this the protection from abuse~~ act. The right of a person to ou
3 relief under ~~this the protection from abuse~~ act shall not be affected by
4 the person's leaving the residence or household to avoid further abuse.

5 Sec. 5. K.S.A. 60-3104 is hereby amended to read as follows: 60-
6 3104. (a) A person may seek relief under ~~this the protection from abuse~~
7 act or any parent of or adult residing with a minor child may seek relief
8 under this act on behalf of the minor child by filing a verified petition
9 with any district judge of the judicial district or with the clerk of the court;
10 alleging abuse by another with whom the person or child resides or for-
11 merly resided. No docket fee or fee for service of summons and petition
12 shall be required for proceedings under this act.

13 (b) A parent of or an adult residing with a minor child may seek relief
14 under the protection from abuse act on behalf of the minor child by filing
15 a verified petition with any district judge or with the clerk of the court
16 alleging abuse by another with whom the child resides or formerly re-
17 sided.

18 ~~(b)~~ (c) The clerk of the court shall supply the forms for the petition
19 and orders, which shall be prescribed by the supreme court.

20 ~~(c)~~ (d) Service of process served under this section shall be by per-
21 sonal service and not by certified mail return receipt requested. No docket
22 fee shall be required for proceedings under the protection from abuse act.

23 Sec. 6. K.S.A. 60-3105 is hereby amended to read as follows: 60-
24 3105. (a) When the court is unavailable, a verified petition, accompanied
25 by a proposed order, may be presented to any district judge of the judicial
26 district. The judge may grant relief in accordance with subsection (a)(1),
27 (2), (4) or (5) of K.S.A. 60-3107 and amendments thereto, or any com-
28 bination thereof, if the judge deems it necessary to protect the plaintiff
29 or minor child or children from abuse. An emergency order pursuant to
30 this subsection may be granted *ex parte*. Immediate and present danger
31 of abuse to the plaintiff or minor child or children shall constitute good
32 cause for the entry of the emergency order.

33 (b) An emergency order issued under subsection (a) shall expire when
34 the court is available or within 72 hours, whichever occurs first. At that
35 time, the plaintiff may seek a temporary order from the court.

36 (c) The judge shall note on the petition and any order granted, in-
37 cluding any documentation in support thereof, the filing date, together
38 with the judge's signature, and shall deliver them to the clerk of the court
39 on the next day of the resumption of business of the court.

40 Sec. 7. K.S.A. 60-3107 is hereby amended to read as follows: 60-
41 3107. (a) The court shall be empowered to approve any consent agree-
42 ment to bring about a cessation of abuse of the plaintiff or minor child
43 or grant any of the following orders:

1-2-5

1 (1) Restraining the parties from abusing, molesting or interfering
2 with the privacy or rights of each other or of any minor children of the
3 parties. Such order shall contain a statement that if such order is violated,
4 such violation may constitute assault as provided in K.S.A. 21-3408, and
5 amendments thereto, or battery as provided in K.S.A. 21-3412, and
6 amendments thereto, *and violation of a protective order as provided in*
7 *section 1, and amendments thereto.*

8 (2) Granting possession of the residence or household to a party to
9 the exclusion of the other party, and further restraining the party not
10 granted possession from entering or remaining upon or in such residence
11 or household, subject to the limitation of subsection (c). Such order shall
12 contain a statement that if such order is violated, such violation shall
13 constitute criminal trespass as provided in subsection (c) of K.S.A. 21-
14 3721, and amendments thereto, *and violation of a protective order as*
15 *provided in section 1, and amendments thereto.*

16 (3) Requiring a party to provide suitable, alternate housing for such
17 party's spouse and any minor children of the parties.

18 (4) Awarding temporary custody and establishing temporary visitation
19 rights with regard to minor children.

20 (5) Ordering a law enforcement officer to evict a party from the res-
21 idence or household.

22 (6) Ordering support payments by a party for the support of a party's
23 minor child or a party's spouse. Such support orders shall remain in effect
24 until modified or dismissed by the court or until expiration and shall be
25 for a fixed period of time not to exceed one year. On the motion of the
26 plaintiff, the court may extend the effect of such order for 12 months.

27 (7) Awarding costs and attorney fees to either party.

28 (8) Making provision for the possession of personal property of the
29 parties and ordering a law enforcement officer to assist in securing pos-
30 session of that property, if necessary.

31 (9) Requiring the ~~parties~~ *person against whom the order is issued* to
32 seek counseling to aid in the cessation of abuse.

33 (b) If, within the period that an order of support issued pursuant to
34 subsection (a)(6) is in existence, a party files a petition for divorce, sep-
35 arate maintenance or annulment and an application for temporary sup-
36 port pursuant to K.S.A. 60-1601 *et seq.*, and amendments thereto, the
37 order of support shall continue in effect until an order is issued on the
38 application for temporary support or until such earlier time as ordered
39 by the court on motion of either party at any time for good cause shown.
40 If a party has previously commenced an action for divorce, separate main-
41 tenance or annulment prior to commencement of an action under ~~this~~
42 *the protection from abuse* act, the court may enter, pursuant to ~~this~~ *the*
43 *protection from abuse* act, an order inconsistent with the order previously

1 entered in the divorce, separate maintenance or annulment proc
2 If an inconsistent order is entered pursuant to ~~this the protection from~~
3 *abuse* act, the order previously entered in the other proceeding shall be
4 vacated upon motion in the proceeding pursuant to ~~this the protection~~
5 *from abuse* act.

6 (c) If the parties to an action under ~~this the protection from abuse~~ act
7 are not married to each other and one party owns the residence or house-
8 hold, the court shall not have the authority to grant possession of the
9 residence or household under subsection (a)(2) to the exclusion of the
10 party who owns it.

11 (d) Subject to the provisions of subsections (b) and (c), a ~~protection~~
12 *protective* order or approved consent agreement shall remain in effect
13 until modified or dismissed by the court and shall be for a fixed period
14 of time not to exceed one year, except that, on motion of the plaintiff,
15 such period may be extended for one additional year.

16 (e) The court may amend its order or agreement at any time upon
17 motion filed by either party.

18 (f) No order or agreement under ~~this the protection from abuse~~ act
19 shall in any manner affect title to any real property.

20 (g) If a person enters or remains on premises or property violating
21 an order issued pursuant to subsection (a)(2), such violation shall consti-
22 tute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and
23 amendments thereto, *and violation of a protective order as provided in*
24 *section 1, and amendments thereto.* If a person abuses, molests or inter-
25 feres with the privacy or rights of another violating an order issued pur-
26 suant to subsection (a)(1), such violation may constitute assault as pro-
27 vided in K.S.A. 21-3408, and amendments thereto, or battery as provided
28 in K.S.A. 21-3412, and amendments thereto, *and violation of a protective*
29 *order as provided in section 1, and amendments thereto.*

30 Sec. 8. K.S.A. 22-2307, 22-2308, 60-3103, 60-3104, 60-3105 and 60-
31 3107 are hereby repealed.

32 Sec. 9. This act shall take effect and be in force from and after its
33 publication in the statute book.

Handwritten initials and a checkmark in the left margin.

#3

SUGGESTED AMENDMENTS TO SENATE BILL 707
SENATE JUDICIARY COMMITTEE
MARCH 6, 1996

The Kansas Credit Attorneys Association and the Kansas Collectors Association, Inc., request amendments to Senate Bill 707. Attached are balloons indicating the changes requested on pages 4, 6, 8, 9, 16, 17, 18, 19, 21, and 22.

We would request that section 2 be stricken from the bill, and the forms which are contained in sections 4 and 5 also be stricken. We would request that two other forms be amended as indicated in the remaining pages of the balloons.

Because there would be so much stricken material, perhaps the committee would want to consider amending the bill by introducing a substitute bill.

Elwaine F. Pomeroy
For Kansas Credit Attorneys Association
And Kansas Collectors Association, Inc.

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1 thereof for any pay period or periods which end during the 30-day period
2 beginning the date the order is served shall be made in accordance with
3 the directions accompanying the garnishee's answer form served with the
4 order of garnishment.

5 (d) When an order of garnishment is issued for any purpose, the clerk
6 shall ~~attach to the order of garnishment to be served on the garnishee, a~~
7 notice of garnishment and exemption and an application for the defendant
8 to request a hearing. Such notice of garnishment and exemption and ap-
9 plication for hearing shall be substantially in the following form:

{include with}

(defendant's name)

(defendant's address)

(defendant's address)

10 NOTICE OF GARNISHMENT AND EXEMPTIONS

11 An Order of Garnishment against your account(s), wages, or other property has been
12 served on the above-named garnishee. Money held for you by the above-named garnishee
13 may be taken by the plaintiff to pay a judgment against you in this case. However, some
14 money is protected by law ("exempt") and cannot be taken to pay judgments. The following
15 is a list of funds that are exempt. By law, additional exemptions may also be available.

- 16 A. Social Security Benefits - 42 U.S.C. Sec. 407.
- 17 B. Supplemental Security Income - 42 U.S.C. Sec. 1383(d).
- 18 C. Veterans' Benefits - 38 U.S.C. Sec. 3101.
- 19 D. Railroad Retirement Act Pension and Annuity Payments - 45 U.S.C. Sec. 231(m).
- 20 E. United States Civil Service Retirement and Disability Pension Fund Payments - 5
21 U.S.C. Sec. 8346.
- 22 F. United States Civil Service Survivor Annuities - 5 U.S.C. Sec. 8346.
- 23 G. Wages of Seamen - 46 U.S.C. Sec. 601.
- 24 H. Furnishings, equipment and supplies, including food, fuel and clothing - K.S.A. 60-
25 2304(a) and amendments thereto.
- 26 I. Jewelry and personal ornaments having a value of not to exceed \$1,000 - K.S.A. 60-
27 2304(b) and amendments thereto.
- 28 J. One vehicle used for transportation to and from work, not to exceed \$20,000 in value
29 - K.S.A. 60-2304(c) and amendments thereto.
- 30 K. A burial plot or crypt or any cemetery lot exempt from process pursuant to K.S.A. 17-
31 1302 and amendments thereto.
- 32 L. The books, documents, furniture, instruments, tools, implements and equipment, the
33 breeding stock, seed grain or growing plants stock, or the other tangible means of
34 production regularly and reasonably necessary in carrying on the person's profession,
35 trade, business or occupation in an aggregate value not to exceed \$7,500 - K.S.A. 60-
36 2304(c) and amendments thereto.
- 37 M. Any personal property exempt from process pursuant to K.S.A. 36-202, 48-245 or 84-
38 2-326, and amendments thereto.
- 39 N. Other money received as pensioner of the United States within the last three months
40 - K.S.A. 60-2308(a) and amendments thereto.
- 41 O. Money from retirement plans qualified under sections 401(a), 403(a), 403(b), 408 or
42 409 of federal internal revenue code - K.S.A. 60-2308(b) and amendments thereto.

1 YOU MUST COMPLETE THE STEPS AND RETURN THE FORM TO THE CLERK
2 WITHIN 10 DAYS FROM THE DATE THE GARNISHEE MAILED OR DELIVERED
3 THIS NOTICE TO YOU.

THIS NOTICE WAS

- 4 1. On the attached "Claim for Exemption and Request for Hearing" form, check the box
- 5 next to the exemption or exemptions you claim.
- 6 2. Check whether you claim all money is exempt. If you do not claim that all money is
- 7 exempt, write in the amount you believe is exempt.
- 8 3. Sign your name in the space indicated on the form. Write the address where the clerk
- 9 can notify you of the hearing date and time.
- 10 4. Mail the Claim for Exemption and Request for Hearing to the clerk. You may include
- 11 copies of any information you have that the money is exempt, such as copies of documents
- 12 or letters from government agencies.

13 THE CLERK MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR
14 HEARING WITH 10 DAYS FROM THE DATE THE NOTICE WAS MAILED OR DE-
15 LIVERED TO YOU BY THE GARNISHEE. The court will set the matter for hearing and
16 notify you when you are to appeal in court. At the hearing in court, you will have to prove
17 that your money is exempt from garnishment. You may want to consult an attorney for
18 advice or assistance concerning the hearing.

19 If you do not request a hearing within 10 days from the date this notice was mailed or
20 delivered to you by the garnishee, but believe you are entitled to an exemption, you should
21 consult an attorney. The attorney may be able to assist you in claiming an exemption by
22 filing a motion with the court.

23 YOU MUST MAIL A COPY OF THE CLAIM FOR EXEMPTION AND REQUEST FOR
24 HEARING TO THE PLAINTIFF'S ATTORNEY.

25 CLAIM FOR EXEMPTION AND REQUEST FOR HEARING

26 1. Funds or property sought in garnishment are exempt from execution because they are
27 (check applicable box):

- 28 [] A. Social Security Benefits - 42 U.S.C. Sec. 407.
- 29 [] B. Supplemental Security Income - 42 U.S.C. Sec. 1383(d).
- 30 [] C. Veterans' Benefits - 38 U.S.C. Sec. 3101.
- 31 [] D. Railroad Retirement Act Pension and Annuity Payments - 45 U.S.C. Sec. 231(m)
- 32 and amendments thereto.
- 33 [] E. United States Civil Service Retirement and Disability Pension Fund Payments -
- 34 5 U.S.C. Sec. 8346.
- 35 [] F. United States Civil Service Survivor Annuities - 5 U.S.C. Sec. 8346.
- 36 [] G. Wages of Seamen - 46 U.S.C. Sec. 601.
- 37 [] H. Furnishings, equipment and supplies, including food, fuel and clothing - K.S.A.
- 38 60-2304(a) and amendments thereto.
- 39 [] I. Jewelry and personal ornaments having a value of not to exceed \$1,000 - K.S.A.
- 40 60-2304(b) and amendments thereto.
- 41 [] J. One vehicle used for transportation to and from work, not to exceed \$20,000 in
- 42 value - K.S.A. 60-2304(c) and amendments thereto.

- 1 CC. Any trust funds held in a cemetery merchandise trust and exempt from process
- 2 pursuant to K.S.A. 16-328 and amendments thereto.
- 3 DD. Any funds held in an account or trust established pursuant to a prearranged
- 4 funeral agreement, plan or contract and exempt from process pursuant to K.S.A.
- 5 16-310 and amendments thereto.
- 6 EE. Other _____
- 7 (please state)

- 8 2. Check one Box:
- 9 All funds or property are exempt, OR
- 10 I believe the following amount of money is exempt:
- 11 \$_____ (fill in amount of funds to be exempt)
- 12 3. Check if applicable:
- 13 I have attached copies of documents that show that my money is exempt.
- 14 4. If garnishment is for wages, this claim and request is filed for the pay period from
- 15 _____ through _____, inclusive.
- 16 5. I request that this matter be set for hearing.

17 _____

18 Signature

19 _____

20 _____

21 Address for mailing of

22 Court Hearing Notice

23 Address for mailing a copy of

24 claim to Plaintiff's Attorney:

25 You must mail the original to the Clerk of _____ County, at _____

26 Address

27 ~~If the garnishee is indebted to or holds any wages, property, funds,~~

28 ~~credits or other indebtedness belonging to the defendant, the garnishee~~

29 ~~shall immediately after the order of garnishment is served on the gar-~~

30 ~~nishee, mail by first-class mail a copy of the notice of garnishment and~~

(Immediately)
the person serving the order
of garnishment shall

31 exemption and application for hearing to the defendant at the last known

32 address of the defendant shown on the records of the garnishee at the

33 time the order of garnishment was served on the garnishee. If more than

34 one address is shown on the records of the garnishee at the time of service

35 of the order of garnishment, the garnishee shall discharge this duty by

36 mailing to any one of the addresses shown on the garnishee's records. In

37 lieu of mailing, the garnishee may hand-deliver a copy of the notice of

38 garnishment and exemption and application for hearing to the defendant.

39 The garnishee shall have no liability except for willful failure to mail or

40 hand-deliver the copy of the notice of garnishment and exemption and

41 application for hearing to the defendant. The Answer of Garnishee to be

42 filed by the garnishee pursuant to K.S.A. 60-718, and amendments

43 thereto, shall contain a statement indicating substantial compliance by the

3-4

1 ~~garnishee with this subsection.~~ The party requesting issuance of the order
of garnishment shall furnish to the clerk the last known address of
the defendant so that such address may be shown on the notice. The
return on service of the order of garnishment shall contain a statement
substantially in the following form:

"Mailing of Notice. I mailed a copy of the notice of garnishment
and exemption and application for hearing to the defendant at

_____ (address) _____ (city)
_____, on the following date: _____."

2 If the defendant wishes to claim an exemption and request a hearing
3 pursuant to the notice of garnishment and exemption and application for
4 hearing, any such claim shall be made within 10 days of the date of mail-
5 ing ~~or hand-delivery~~ of the notice of garnishment and exemption and
6 application for hearing ~~by the garnishee~~. Any claim for exemption and
7 request for hearing made after such time shall only be made by written
8 motion filed pursuant to K.S.A. 60-205, and amendments thereto. No
9 claim for exemption and request for hearing may be made after the ex-
10 piration of 10 days following the date the garnishee files its Answer pur-
11 suant to K.S.A. 60-718, and amendments thereto.

12 If no claim for exemption and request for hearing is made pursuant to
13 this subsection within 10 days following the date the garnishee files its
14 Answer pursuant to K.S.A. 60-718, and amendments thereto, the court or
15 clerk shall issue an order to the garnishee to pay money or deliver other
16 property to the plaintiff. ~~The clerk shall not have the duty to determine~~
17 ~~whether the garnishee has complied with the mailing or hand-delivery~~
18 ~~requirement of this subsection (d). The clerk shall have no liability for~~
19 ~~any noncompliance by the garnishee with the mailing or hand-delivery~~
20 ~~requirement of this subsection (d).~~

21 If a claim is properly made pursuant to this subsection for exemption
22 and request for hearing, the court shall set the matter for hearing within
23 not less than three nor more than 10 days from receipt of the returned
24 application from the defendant or filing of defendant's motion. The clerk
25 shall give notice of the hearing to the plaintiff and defendant by first-class
26 mail. If the defendant proves that any assets are exempt from garnishment,
27 the court shall issue an order to the garnishee releasing such assets. If the
28 court finds that any assets are not exempt, it shall issue an order to pay
29 money or deliver other property to the plaintiff for the funds or property
30 found to be nonexempt.

31 Sec. 2. K.S.A. 60-718 is hereby amended to read as follows: 60-718.
32 (a) Within 10 days after service upon a garnishee of an order of garnish-
33 ment issued to attach any property, funds, credits or indebtedness be-
34 longing to or owing the defendant, other than earnings, the garnishee
35 shall file a verified answer thereto with the clerk of the court, stating the
36 facts with respect to the demands of the order. The answer of the gar-

1 after service has been made on the garnishee. Failure to serve the defen-
2 dant shall not relieve the garnishee from liability under the order.

3 (c) *Effect.* An order of garnishment issued for the purpose of attach-
4 ing any property, funds, credits or other indebtedness belonging to or
5 owing the judgment debtor, other than earnings, shall have the effect of
6 attaching (1) all such personal property of the defendant which is in the
7 possession or under the control of the garnishee, and all such credits and
8 indebtedness due from the garnishee to the defendant at the time of
9 service of the order and (2) all such personal property coming into the
10 possession or control of the garnishee and belonging to the defendant,
11 and all such credits and indebtedness becoming due to the defendant
12 between the time of the serving of the order of garnishment and the time
13 of the signing of the answer of the garnishee, except that where the gar-
14 nishee is an executor or administrator of an estate where the defendant
15 is or may become a legatee or distributee thereof, the order of garnish-
16 ment shall have the effect of attaching and creating a first and prior lien
17 upon any property or funds of such estate to which the defendant is
18 entitled upon distribution of the estate, and such garnishee shall be pro-
19 hibited from paying over to the defendant any of such property or funds
20 until so ordered by the court from which the order of garnishment was
21 issued.

22 An order of garnishment issued for the purpose of attaching earnings
23 of the defendant shall have the effect of attaching the nonexempt portion
24 of the defendant's earnings for any pay period or periods which end dur-
25 ing the 30-day period beginning the day in which the order is served.
26 Nonexempt earnings are earnings which are not exempt from wage gar-
27 nishment pursuant to K.S.A. 60-2310 and amendments thereto, and com-
28 putation thereof for any pay period or periods shall be made in accordance
29 with the directions accompanying the garnishee's answer form served
30 with the order of garnishment.

31 (d) *Administrative fee.* From income due the defendant, the gar-
32 nishee may withhold and retain to defray the garnishee's costs an admin-
33 istrative fee of \$10 for each pay period for which income is withheld, not
34 to exceed \$20 for each month for which income is withheld, whichever
35 is less. Such administrative fee shall be in addition to the amount required
36 to be withheld under the order for garnishment. If the addition of this
37 fee causes the total amount withheld to exceed the restrictions imposed
38 by subsection (b) of K.S.A. 60-2310, and amendments thereto, the fee
39 shall be deducted from the amount withheld.

40 (e) *When an order of garnishment is issued for any purpose, the clerk*
41 *shall attach to the order of garnishment to be served on the garnishee, a*
42 *notice of garnishment and exemption and an application for the defendant*
43 *to request a hearing. Such notice of garnishment and exemption and ap-*

(include with)

1 plication for hearing shall be substantially in the following form:

(defendant's name)

(defendant's address)

(defendant's address)

2 NOTICE OF GARNISHMENT AND EXEMPTIONS

3 An Order of Garnishment against your account(s), wages, or other property has been
4 served on the above-named garnishee. Money held for you by the above-named garnishee
5 may be taken by the plaintiff to pay a judgment against you in this case. However, some
6 money is protected by law ("exempt") and cannot be taken to pay judgments. The following
7 is a list of funds that are exempt. By law, additional exemptions may also be available.

- 8 A. Social Security Benefits - 42 U.S.C. Sec. 407.
- 9 B. Supplemental Security Income - 42 U.S.C. Sec. 1383(d).
- 10 C. Veterans' Benefits - 38 U.S.C. Sec. 3101.
- 11 D. Railroad Retirement Act Pension and Annuity Payments - 45 U.S.C. Sec. 231(m).
- 12 E. United States Civil Service Retirement and Disability Pension Fund Payments - 5
13 U.S.C. Sec. 8346.
- 14 F. United States Civil Service Survivor Annuities - 5 U.S.C. Sec. 8346.
- 15 G. Wages of Seamen - 46 U.S.C. Sec. 601.
- 16 H. Furnishings, equipment and supplies, including food, fuel and clothing - K.S.A. 60-
17 2304(a) and amendments thereto.
- 18 I. Jewelry and personal ornaments having a value of not to exceed \$1,000 - K.S.A. 60-
19 2304(b) and amendments thereto.
- 20 J. One vehicle used for transportation to and from work, not to exceed \$20,000 in value
21 - K.S.A. 60-2304(c) and amendments thereto.
- 22 K. A burial plot or crypt or any cemetery lot exempt from process pursuant to K.S.A. 17-
23 1302 and amendments thereto.
- 24 L. The books, documents, furniture, instruments, tools, implements and equipment, the
25 breeding stock, seed grain or growing plants stock, or the other tangible means of
26 production regularly and reasonably necessary in carrying on the person's profession,
27 trade, business or occupation in an aggregate value not to exceed \$7,500 - K.S.A. 60-
28 2304(e) and amendments thereto.
- 29 M. Any personal property exempt from process pursuant to K.S.A. 36-202, 48-245 or 84-
30 2-326, and amendments thereto.
- 31 N. Other money received as pensioner of the United States within the last three months
32 - K.S.A. 60-2308(a) and amendments thereto.
- 33 O. Money from retirement plans qualified under sections 401(a), 403(a), 403(b), 408 or
34 409 of federal internal revenue code - K.S.A. 60-2308(b) and amendments thereto.
- 35 P. Money held by S.R.S. or Clerk for child support or alimony - K.S.A. 60-2308(e) and
36 amendments thereto.
- 37 Q. Certain wages earned and paid outside of Kansas - K.S.A. 60-2309 and amendments
38 thereto.
- 39 R. Wages that exceed 25% of the aggregate disposable earnings or 30 times the federal
40 minimum hourly wage - K.S.A. 60-2310(b) and amendments thereto.
- 41 S. Illness exceeding two weeks within the last two months which prevents work - K.S.A.
42 60-2310(c) and amendments thereto.

- 1 T. Any pension, annuity, retirement, disability, death or other benefit exempt from process
- 2 pursuant to K.S.A. 12-111a, 12-5005, 13-1246a, 13-14,102, 13-14a10, 14-10a10, 20-
- 3 2618, 72-1768, 72-5526, 74-4923, 74-4978g, 74-49,105 or 74-49,106, and amendments
- 4 thereto.
- 5 U. Any public assistance benefits exempt pursuant to K.S.A. 39-717 and amendments
- 6 thereto.
- 7 V. Any workers compensation exempt from process pursuant to K.S.A. 44-514 and amend-
- 8 ments thereto.
- 9 W. Any unemployment benefits exempt from process pursuant to K.S.A. 44-718 and
- 10 amendments thereto.
- 11 X. Any partnership property exempt from process pursuant to K.S.A. 56-325 and amend-
- 12 ments thereto.
- 13 Y. Any crime victims compensation award exempt from process pursuant to K.S.A. 74-
- 14 7313 and amendments thereto.
- 15 Z. Any liquor license, club license or cereal malt beverage wholesaler's or distributor's
- 16 license exempt from process pursuant to K.S.A. 41-326, 41-2629 or 41-2714, and
- 17 amendments thereto.
- 18 AA. Any interest in any policy of insurance or beneficiary certificates upon a person's life
- 19 exempt from process pursuant to K.S.A. 40-414 and amendments thereto.
- 20 BB. Any fraternal benefit society benefit, charity, relief or aid exempt from process pursuant
- 21 to K.S.A. 40-711 and amendments thereto.
- 22 CC. Any trust funds held in a cemetery merchandise trust and exempt from process pur-
- 23 suant to K.S.A. 16-328 and amendments thereto.
- 24 DD. Any funds held in an account or trust established pursuant to a prearranged funeral
- 25 agreement, plan or contract and exempt from process pursuant to K.S.A. 16-310 and
- 26 amendments thereto.

27 The above exemptions generally do not apply to judgments and garnishments for alimony
 28 and child support. If you are a corporation, some of the above exemptions may not apply to
 29 you, and you may have other exemptions.

30 If an account is being garnished and the money in the account does not belong to you, or if
 31 you are aware of other reasons why money should not be taken to pay the judgment, you
 32 may want to consult an attorney. Because of the garnishment, the garnishee is required to
 33 withhold the amount of money claimed by the plaintiff. You may not now withdraw that
 34 money.

35 If you believe that you are entitled to an exemption, complete the following steps immediately.
 36 YOU MUST COMPLETE THE STEPS AND RETURN THE FORM TO THE CLERK
 37 WITHIN 10 DAYS FROM THE DATE THE GARNISHEE MAILED OR DELIVERED
 38 THIS NOTICE TO YOU.

THIS NOTICE WAS

- 39 1. On the attached "Claim for Exemption and Request for Hearing" form, check the box
- 40 next to the exemption or exemptions you claim.
- 41 2. Check whether you claim all money is exempt. If you do not claim that all money is
- 42 exempt, write in the amount you believe is exempt.
- 43 3. Sign your name in the space indicated on the form. Write the address where the clerk

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~~3-5~~

1 can notify you of the hearing date and time.
 2 4. Mail the Claim for Exemption and Request for Hearing to the clerk. You may include
 3 copies of any information you have that the money is exempt, such as copies of documents
 4 or letters from government agencies.

5 THE CLERK MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR
 6 HEARING WITH 10 DAYS FROM THE DATE THE NOTICE WAS MAILED OR ~~DE-~~
 7 ~~LIVERED~~ TO YOU BY THE GARNISHEE. The court will set the matter for hearing and
 8 notify you when you are to appeal in court. At the hearing in court, you will have to prove
 9 that your money is exempt from garnishment. You may want to consult an attorney for
 10 advice or assistance concerning the hearing.

11 If you do not request a hearing within 10 days from the date this notice was mailed or
 12 ~~delivered~~ to you by the garnishee, but believe you are entitled to an exemption, you should
 13 consult an attorney. The attorney may be able to assist you in claiming an exemption by
 14 filing a motion with the court.

15 YOU MUST MAIL A COPY OF THE CLAIM FOR EXEMPTION AND REQUEST FOR
 16 HEARING TO THE PLAINTIFF'S ATTORNEY.

17 CLAIM FOR EXEMPTION AND REQUEST FOR HEARING

18 1. Funds or property sought in garnishment are exempt from execution because they are
 19 (check applicable box):

- 20 [] A. Social Security Benefits - 42 U.S.C. Sec. 407.
 21 [] B. Supplemental Security Income - 42 U.S.C. Sec. 1383(d).
 22 [] C. Veterans' Benefits - 38 U.S.C. Sec. 3101.
 23 [] D. Railroad Retirement Act Pension and Annuity Payments - 45 U.S.C. Sec. 231(m)
 24 and amendments thereto.
 25 [] E. United States Civil Service Retirement and Disability Pension Fund Payments -
 26 5 U.S.C. Sec. 8346.
 27 [] F. United States Civil Service Survivor Annuities - 5 U.S.C. Sec. 8346.
 28 [] G. Wages of Seamen - 46 U.S.C. Sec. 601.
 29 [] H. Furnishings, equipment and supplies, including food, fuel and clothing - K.S.A.
 30 60-2304(a) and amendments thereto.
 31 [] I. Jewelry and personal ornaments having a value of not to exceed \$1,000 - K.S.A.
 32 60-2304(b) and amendments thereto.
 33 [] J. One vehicle used for transportation to and from work, not to exceed \$20,000 in
 34 value - K.S.A. 60-2304(c) and amendments thereto.
 35 [] K. A burial plot or crypt or any cemetery lot exempt from process pursuant to K.S.A.
 36 17-1302 and amendments thereto.
 37 [] L. The books, documents, furniture, instruments, tools, implements and equipment,
 38 the breeding stock, seed grain or growing plants stock, or the other tangible means
 39 of production regularly and reasonably necessary in carrying on the person's
 40 profession, trade, business or occupation in an aggregate value not to exceed
 41 \$7,500 - K.S.A. 60-2304(e) and amendments thereto.
 42 [] M. Any personal property exempt from process pursuant to K.S.A. 36-202, 48-245
 43 or 84-2-326, and amendments thereto.

- 1 2. Check one Box:
- 2 [] All funds or property are exempt, OR
- 3 [] I believe the following amount of money is exempt:
- 4 \$_____ (fill in amount of funds to be exempt)
- 5 3. Check if applicable:
- 6 [] I have attached copies of documents that show that my money is exempt.
- 7 [] 4. If garnishment is for wages, this claim and request is filed for the pay period from
- 8 _____ through _____, inclusive.
- 9 5. I request that this matter be set for hearing.

Signature

Address for mailing of
Court Hearing Notice

Address for mailing a copy of
claim to Plaintiff's Attorney:

You must mail the original to the Clerk of _____ County, at _____

Address

~~If the garnishee is indebted to or holds any wages, property, funds, credits or other indebtedness belonging to the defendant, the garnishee shall immediately after the order of garnishment is served on the garnishee, mail by first-class mail a copy of the notice of garnishment and exemption and application for hearing to the defendant at the last known address of the defendant shown on the records of the garnishee at the time the order of garnishment was served on the garnishee. If more than one address is shown on the records of the garnishee at the time of service of the order of garnishment, the garnishee shall discharge this duty by mailing to any one of the addresses shown on the garnishee's records. In lieu of mailing, the garnishee may hand-deliver a copy of the notice of garnishment and exemption and application for hearing to the defendant. The garnishee shall have no liability except for willful failure to mail or hand deliver the copy of the notice of garnishment and exemption and application for hearing to the defendant. The Answer of Garnishee to be filed by the garnishee pursuant to K.S.A. 60-718, and amendments thereto, shall contain a statement indicating substantial compliance by the garnishee with this subsection. The party requesting~~

Immediately
the person serving the order
of garnishment shall

issuance of the order of garnishment shall furnish to the clerk the last known address of the defendant so that such address may be shown on the notice. The return on service of the order of garnishment shall contain a statement indicating compliance with this subsection.

38 If the defendant wishes to claim an exemption and request a hearing
39 pursuant to the notice of garnishment and exemption and application for
40 hearing, any such claim shall be made within 10 days of the date of mail-
41 ing ~~or hand delivery~~ of the notice of garnishment and exemption and
42 application for hearing ~~by the garnishee~~. Any claim for exemption and
43 request for hearing made after such time shall only be made by written

1 motion filed pursuant to K.S.A. 60-205, and amendments thereto. No
2 claim for exemption and request for hearing may be made after the ex-
3 piration of 10 days following the date the garnishee files its Answer pur-
4 suant to K.S.A. 60-718, and amendments thereto.

(61-2006)

5 If no claim for exemption and request for hearing is made pursuant to
6 this subsection within 10 days following the date the garnishee files its
7 Answer pursuant to K.S.A. 60-718, and amendments thereto, the court or
8 clerk shall issue an order to the garnishee to pay money or deliver other
9 property to the plaintiff. The clerk shall not have the duty to determine
10 whether the garnishee has complied with the mailing or hand-delivery
11 requirement of this subsection (d). The clerk shall have no liability for
12 any noncompliance by the garnishee with the mailing or hand-delivery
13 requirement of this subsection (d).

(61-2006)

14 If a claim is properly made pursuant to this subsection for exemption
15 and request for hearing, the court shall set the matter for hearing within
16 not less than three nor more than 10 days from receipt of the returned
17 application from the defendant or filing of defendant's motion. The clerk
18 shall give notice of the hearing to the plaintiff and defendant by first-class
19 mail. If the defendant proves that any assets are exempt from garnishment,
20 the court shall issue an order to the garnishee releasing such assets. If the
21 court finds that any assets are not exempt, it shall issue an order to pay
22 money or deliver other property to the plaintiff for the funds or property
23 found to be nonexempt.

24 Sec. 4. Form No. 8, as provided in the appendix of forms following
25 K.S.A. 61-2605 is hereby amended to read as follows:

26 **Form No. 8: GARNISHEE'S ANSWER TO**
27 **ACCOMPANY ORDER OF GARNISHMENT**
28 **IN FORM No. 7**
29 **(Caption of Case)**
30 **ANSWER OF GARNISHEE**

31 State of Kansas

32 ss.

33 County of _____

34 _____, being first duly sworn, say that on the _____ day of _____,
35 19____, I was served with an order of garnishment in the above entitled action, that I have
36 not delivered to the defendant, _____, any money, personal property, goods, chat-
37 tels, stocks, rights, credits nor evidence of indebtedness belonging to the defendant, other
38 than earnings, since receiving said order of garnishment, and that the following is a true
39 and correct statement:

40 (1) (Money or Indebtedness Due) I hold money or am indebted to the defendant, other
41 than for earnings due and owing defendant, as of the date of this answer, in the following
42 manner and amounts: _____

43 (2) (Personal Property in Possession) I have possession of personal property, goods,

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Form No 7: ORDER OF GARNISHMENT AND RETURN WHERE ORDER ISSUED TO ATTACH PROPERTY OTHER THAN EARNINGS OF DEFENDANT

In the _____ Court of _____
County, Kansas.

Plaintiff,
vs.

Defendant,
and

Garnishee.

No. _____

ORDER OF GARNISHMENT

To the above-named garnishee:

You are hereby ordered as a garnishee to file with the clerk of the above-named court, within _____ days after service of this order upon you, your answer under oath stating whether you are at the time of the service of this order upon you, and also whether at any time thereafter but before you file your answer, indebted to or have in your possession or control any personal property belonging to the defendant, excluding earnings (compensation for personal services, whether denominated as wages, salary commission, bonus or otherwise) due and owing defendant, and stating the amount of any such indebtedness and description of any such property. For the purpose of this order, if you are, at the time this order is served upon you, an executor or administrator of an estate containing property or funds to which defendant is or may become entitled as a legatee or distributee of the estate upon its distribution, you are deemed to be indebted to the defendant to the extent of such property or funds. You are further ordered to withhold the payment of any such indebtedness, or the delivery away from yourself of any such property, until the further order of the court. Your answer on the form served herewith shall constitute substantial compliance with this order.

Failure to file your answer as aforesaid may entitle the plaintiff to judgment against you for the full amount of his or her claim and costs.

(Signature), Clerk

Dated _____

[Seal of the Court]

* (The defendant's address should be shown following his or her name if the case is not yet in judgment and service on the defendant is also desired.)

RETURN ON ORDER OF GARNISHMENT

On _____, 19____, at _____ o'clock, _____ M., I received this order of garnishment and I hereby certify that I served the same as follows:

(1) *Service on Garnishee.* I served said order of garnishment, together with two (2) copies of a form for garnishee's answer, on each of the garnishees at the time and in the manner following, to wit: _____

(2) *Service on Defendant.* I also served a copy of said order of garnishment on each of the defendants on the dates and in the manner following, to wit: _____

FEEES

Service, First Person	\$ _____
_____ Additional Persons	\$ _____
_____ Persons Not Found	\$ _____
Mileage: _____ miles	\$ _____
Total	\$ _____

(3) Mailing of Notice. I mailed a copy of the notice of garnishment and exemption and application for hearing to the defendant at

_____ (address)

_____ (city)

_____ (state), on the following date: _____

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~~1-12~~

TURN WHERE ORDER ISSUED TO AT-
TACH EARNINGS OF DEFENDANT

In the _____ Court of _____ County,
Kansas.

Plaintiff,
vs.

Defendant, No. _____
and

Garnishee.

ORDER OF GARNISHMENT

To the above-named garnishee:

You are hereby ordered as a garnishee to file with the clerk of the above-named court, within 40 days after service of this order upon you, your answer under oath stating whether you are indebted to the defendant by reason of earnings (compensation for personal services, whether denominated as wages, salary, commission, bonus or otherwise) due and owing the defendant, and stating the amount of any such indebtedness. Computation of the amount of your indebtedness shall be made in the manner prescribed by the answer form served herewith and shall be based upon defendant's earnings for any pay period or periods which end during the 30-day period beginning the day in which this order is served upon you. You are further ordered to withhold the payment of that portion of defendant's earnings required to be withheld pursuant to the directions accompanying said answer form until the further order of the court. If you do not receive an order of the court to dispose of earnings withheld from the defendant within 60 days from the date your answer is filed, and your answer is not contested by the plaintiff, you may petition the court for an order allowing you to return withheld funds to the defendant. Your answer on such form shall constitute substantial compliance with this order.

Defendant _____ Plaintiff's attorney _____
Address _____ Address _____

Social Security # if known _____
Amount of claim _____

Failure to file your answer as aforesaid may entitle the plaintiff to judgment against you for the full amount of such plaintiff's claim and costs.

Dated _____ (Signature), Clerk
[Seal of the Court]

* (The defendant's address should be shown following the defendant's name if the case is not yet in judgment and service on the defendant is also desired.)

RETURN ON ORDER OF GARNISHMENT

On _____, 19 ____, at ____ o'clock, __M., I received this order of garnishment and I hereby certify that I served the same as follows:

(1) Service on Garnishee. I served said order of garnishment, together with two copies of a form for garnishee's answer, on each of the garnishees at the time and in the manner following, to wit: _____

(2) Service on Defendant. I also served a copy of said order of garnishment on each of the defendants on the dates and in the manner following, to wit: _____

FEEES

Service, First Person \$ _____
_____ Additional Persons \$ _____
_____ Persons Not Found \$ _____
Mileage: _____ miles \$ _____
Total \$ _____

(3) Mailing of Notice. I mailed a copy of the notice of garnishment and exemption and application for hearing to the defendant at _____
(address) _____ (city)

_____, on the following date: _____
(state)

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~~103~~