

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 7, 2005 in Room 313-S of the Capitol.

All members were present except:  
Marti Crow- excused  
Michael Peterson- excused

Committee staff present:  
Jerry Ann Donaldson, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:  
Kathy Olsen, Kansas Bankers Association  
Ellen House, Court Administrator, 18<sup>th</sup> Judicial District, Wichita

The hearing on **HB 2168 - UCC; defining a new class of payment instrument, drawn on the customer's account without an authorized signature, called a demand draft**, was opened.

Kathy Olsen, Kansas Bankers Association, appeared as the sponsor of the proposed bill. She explained that it would amend the Uniform Commercial Code, Articles 3 & 4 as they relate to a new form of payment defined as "demand drafts". The bill would define a new class of payment instrument, drawn on a bank customer's account without a signature and place the risk of a loss for processing this instrument on the depository collecting bank which is in the best position to determine if the draft was authorized. Fifteen states have adopted the proposed amendments with Missouri & Iowa considering doing so this year. (Attachment 1)

The hearing on **HB 2168** was closed.

The hearing on **HB 2169 - docket fee for all post-decree motions**, was opened.

Ellen House, Court Administrator, 18<sup>th</sup> Judicial District, Wichita, appeared before the committee as a proponent of the bill. Currently, K.S.A. 60-1621(a) allows docket fees to be charged on change of custody, visitation, residency, parenting time and child support post-decree motions. Because the clerks are spending a large amount of time reading the motions to determine if they need to collect a filing fee, they requested a bill be drafted that would include all post-decree motions. It is not intended to provide revenue or create a hardship on any individual simply to reduce the amount of time it takes the clerk to process a post-decree motion. (Attachment 2)

Representative Loyd questioned what the status of emergency surcharges was. Chairman O'Neal explained that a budget subcommittee recommended making the emergency surcharge permanent, and that the District Judges Association proposed an increase in docket fees to fund Judicial salaries.

Representative Davis suggested that maybe the courts could mandate a specific heading for each post-decree filing so the clerks won't have to read through the motion to determine if they need to charge a filing fee.

Chairman O'Neal reminded the committee that originally the filing fee was proposed to raise money and to discourage frivolous filings.

The hearing on **HB 2169** was closed.

The committee meeting adjourned at 4:00 p.m. The next meeting is scheduled for February 8, 2005, at 3:30 p.m. in room 313-S.



February 7, 2005

To: House Committee on Judiciary

From: Kathleen Taylor Olsen, Kansas Bankers Association

**Re: HB 2168: Demand Drafts**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear today before you in support of **HB 2168**, which represents amendments to the Uniform Commercial Code, Articles 3 and 4, as they relate to a new form of payment which we define as “demand drafts”.

Modern check collection methods have increased the risk on payor banks that items not bearing authorized signatures may be paid against customer accounts. The purpose of these amendments is to define a new class of payment instrument, drawn on a bank customer’s account without a signature, and to place the risk of loss for processing this instrument on the depository-collecting bank which is in the best position to prevent its introduction into the check collection system.

The amendments were originally drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL). To date, **fifteen** states have adopted these specific amendments and we understand that both Missouri and Iowa are considering adoption during this legislative session. These amendments were also initially a part of federal legislation known as “Check 21”, but were taken out so that interested parties could focus solely on the implementation of the Check 21 provisions. As more states enact the provisions found in **HB 2168**, we sense a need to do so as to ensure the proper flow of commerce from state to state.

*Definition of Demand Draft.* Page Four of the bill provides a definition of this new class of payment instrument called a “demand draft”. As you can see it is a payment instrument that is not signed by the bank customer but is created by a third party (such as a telemarketer) under the purported authority of the customer. The purpose of the demand draft is to debit the customer’s account and send it for collection through the normal check collection system.

The demand draft must contain the customer’s account number and it will be encoded with other processing information to allow for collection through normal banking channels.

Demand drafts do not include instruments that bear forged or unauthorized signatures of customers. Any instrument bearing a forged or unauthorized signature should be handled under the forgery provisions and unauthorized signature provisions of the UCC. Demand drafts do not include instrument drawn or purportedly drawn and signed by a “fiduciary” as defined in KSA 84-3-307(a)(1).

Warranties and Risk of Loss. Because checks are processed rapidly and in high volume, payor banks are not always able to determine if customers authorized the creation of a demand draft. The amendments found on Page Five of the bill and repeated in various sections of the bill set forth the warranties that are provided by each transferor. The amendments create an additional warranty in the case of a demand draft to each transferee that the demand draft was authorized by the bank customer upon whose account it is drawn.

These amendments are consistent with other provisions of the UCC dealing with check collection as they place the risk of loss for an unauthorized draft with the bank which is in the best position to avoid the introduction of the draft into the check collection system. In this case, as with checks containing forged endorsements, the risk of loss lies with the depository bank which is charged with knowing its customer and with scrutinizing the customers allowed to deposit these types of drafts.

We also believe these amendments dovetail nicely with the provisions of K.S.A. 50-6,105 which was passed by the 2001 legislature. These provisions allow a financial institution to refuse to accept any draft they believe is not truly authorized. In this manner, these institutions are not only protecting their customers, but are protecting themselves from the liability associated with allowing an unauthorized check to move through the check collection system.

In conclusion, we would ask that the Committee act favorably on the provisions of **HB 2168** as they provide certainty to those banks involved in the demand draft collection process.

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KANSAS ASSOCIATION OF DISTRICT  
COURT CLERKS & ADMINISTRATORS

Sharle Watkins, Immediate Past-President-Elect  
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February 7, 2005

## House Bill 2169

### Post-Decree Motions

Thank you for allowing me, as a representative of the Kansas Association of District Court Clerks and Administrators, to speak to you today concerning HB 2169 relating to post-decree motion docket fees.

We are requesting that K.S.A. 60-1621(a) be amended as written in the bill before you.

Under the current statute, only change of custody, visitation, residency, parenting time and child support motions are assessed the post-decree motion filing fee.

Clerks currently see many creative titles such as "motion to determine...", "motion for clarification of...", or simply, "motion." Due to this, clerks must take additional time to read through motions to determine whether or not a filing fee should be assessed. Examples of these documents may be found in your packet.

In December 2004, Sedgwick County had 909 such motions that required review. If it took a clerk just one minute on each, that is equal to almost 2 days of work.

This request is not intended to inflict financial hardship on indigent individuals. The fee could be waived by poverty affidavit as provided in K.S.A. 60-1621(b).

Nor is this request intended to simply provide revenue for the State of Kansas. Instead, the intent is to reduce the amount of time it takes a clerk to process a post decree motion, thus freeing up that time to process other court papers.

Thank you for your time. If you have any questions, I would be happy to answer them.

Ellen M. House  
Court Administrator  
18th Judicial District  
Sedgwick County, KS

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Jane E. Hrabik, Secretary  
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Geneva L. Mason, Past President  
Rooks County

House Judiciary  
2-7-05  
Attachment 2

**HOUSE BILL No. 2169**

By Committee on Judiciary

1-26

9 AN ACT concerning civil procedure; relating to docket fees for post-  
10 decree motions; amending K.S.A. 2004 Supp. 60-1621 and repealing  
11 the existing section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2004 Supp. 60-1621 is hereby amended to read as  
15 follows: 60-1621. (a) *In any action pursuant to article 16 of chapter 60 of*  
16 *the Kansas Statutes Annotated, and amendments thereto*, no post-decree  
17 motion ~~petitioning for a change in legal custody, residency, visitation~~  
18 ~~rights or parenting time, or for a modification of child support~~ shall be  
19 filed or docketed in the district court without payment of a docket fee in  
20 the amount of \$21 to the clerk of the district court.

21 (b) A poverty affidavit may be filed in lieu of a docket fee as estab-  
22 lished in K.S.A. 60-2001, and amendments thereto.

23 (c) The docket fee shall be the only costs assessed in each case for  
24 services of the clerk of the district court and the sheriff. The docket fee  
25 shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and  
26 amendments thereto.

27 Sec. 2. K.S.A. 2004 Supp. 60-1621 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its  
29 publication in the statute book.

\*27664 K.S. § 60-1621

**KANSAS STATUTES  
CHAPTER 60.--PROCEDURE,  
CIVIL  
ARTICLE 16.--DIVORCE  
AND MAINTENANCE**

*Current through the 2003 Regular  
Session*

**60-1621. Post-decree motion docket fee.**

(a) No post-decree motion petitioning for a change in legal custody, residency, visitation rights or parenting time, or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in

the amount of \$21 during the period commencing July 1, 2003, and ending June 30, 2005, and \$20 on or after July 1, 2005, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with subsection (f) of K.S. 20-362, and amendments thereto.

*History: L. 1996, ch. 234, § 2; L. 2000, ch. 171, § 22; L. 2003, ch. 101, § 11; July 1.*

**Current through the 2003 Regular Session**

Search this disc for cases citing this section.

**\*27698 K.S. § 60-2001**

**KANSAS STATUTES  
CHAPTER 60.--PROCEDURE,  
CIVIL  
ARTICLE 20.--COSTS**

*Current through the 2003 Regular  
Session*

**60-2001. Docket fee; additional costs;  
certain sheriff's charges prohibited.**

(a) Docket fee. Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$106 during the period commencing July 1, 2003, and ending June 30, 2005, and \$105 on or after July 1, 2005, to the clerk of the district court.

(b) Poverty affidavit in lieu of docket fee. (1) Effect. In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed

pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) Form of affidavit. The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, \_\_\_\_\_ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

\*27699 (c) Disposition of docket fee. The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S. 20-362 and amendments thereto.

(d) Additional court costs. Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

*History: L. 1963, ch. 303, 60-2001; L. 1974, ch. 168, § 3; L. 1975, ch. 218, § 3; L. 1976, ch. 251, § 27; L. 1982, ch. 116, § 8; L. 1990, ch. 202, § 33; L. 1991, ch. 173, § 1; L. 1992, ch. 128, § 14; L. 1994, ch. 227, § 7; L. 1995, ch. 257, § 7; L. 1996, ch. 148, § 5; L. 1996, ch. 234, § 15; L. 2000, ch. 177, § 6; L. 2002, ch. 51, § 2; L. 2003, ch. 101, § 12; July 1.*  
Current through the 2003 Regular Session

Search this disc for cases citing this section.

WOL

[REDACTED]

FILED  
APP. DOCKET NO. \_\_\_\_\_

*[Signature]*

JAN 26 12 17 PM '01

CLERK OF THE DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS

**IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT**

[REDACTED]

AND

[REDACTED]

[REDACTED]

PURSUANT TO CHAPTER 60 OF KANSAS STATUTES ANNOTATED

**MOTION TO VACATE OR SET ASIDE  
FINDINGS OR ORDERS OF JANUARY 16, 2001**

COMES NOW the Petitioner, [REDACTED] by and through her attorney, [REDACTED].  
[REDACTED] and moves the Court for an order vacating or setting aside its findings or order of  
January 16, 2001 (filed January 17, 2001) or any other findings or orders resulting from  
Respondent's Motion To Re-Open and Motion To Change Custody both filed on January 9,  
2001.

In partial support of her motion, movant states and avers as follows:

1. This suit was filed on July 19, 1999; a sixty (60) day extension was granted on  
November 24, 1999; this suit was dismissed by this Court for lack of prosecution on February  
24, 2000 (filed February 29, 2000);



1/10/04

[REDACTED]

FILED  
APP DOCKET NO. [REDACTED]

2004 DEC -6 P 12:53

CLERK OF DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS

**IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT**

[REDACTED]  
Petitioner

and

[REDACTED]

[REDACTED]

Respondent

**VERIFIED MOTION TO MODIFY PARENTING TIME  
AND PROPOSED PARENTING PLAN**

COMES NOW, the Petitioner, [REDACTED] by and through her attorney,  
[REDACTED] and moves the Court to modify the current parenting time of the  
parties, awarding her primary residential custody of the minor children of the parties. In  
support of said motion, Petitioner states as follows:

1. I am the Mother of the minor children herein.
2. Petitioner has had primary custody of our children, [REDACTED], dob  
8/12/91 and [REDACTED] dob 12/2/93 since July 17, 2000.
3. I would like to have primary residential custody of my children because  
I can provide a happier, stable, and nurturing environment for them, and my children  
desire to live with me.
4. My son has reported to me that a time that he was thrown into his  
room and his back hit his bed. To make up for it, the Respondent kept him out of

MOT

[REDACTED]

FILED  
APP. DOCKET NO. [REDACTED]

Dec 18 3 59 PM '00

CLERK OF THE DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS  
BY [REDACTED]

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF )  
[REDACTED], )  
and ) [REDACTED]  
[REDACTED] )  
\_\_\_\_\_ )

MOTION

COMES NOW Respondent, by and through his attorney,  
[REDACTED], and moves the Court for an Order designating  
Respondent as the residential parent of the parties' minor child,  
Danielle Rud, and for an Order modifying the child support herein.

IN SUPPORT of this Motion, Respondent would show to the  
Court that there has been a change of circumstances since the entry  
of the Order entered by the Court herein on September 2, 1997, in  
that Respondent has had since November 22, 2000, by agreement of  
the parties, residential custody of said child.

WHEREFORE, Respondent prays that the Court grant the  
relief requested.

[REDACTED]

WOT

FILED  
APP. DECKET NO.  
JAN 26 4 39 PM '01

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF )  
 )  
 )  
 )  
and )  
 )  
 )  
 )

Case No. [REDACTED]

Pursuant to Chapter 60 of  
Kansas Statutes Annotated

MOTION

COMES NOW the Respondent and respectfully moves this Court for an order compelling  
Petitioner to comply with the terms of the Agreed Order Regarding Residency of the Minor Child  
and Child Support; compelling Petitioner to produce copies of family pictures pursuant to the  
Journal Entry of Judgment and Decree of Divorce; and for attorney fees.

In support of his Motion, Respondent will show the Court as follows:

1. The parties entered into an agreement as reflected in the Agreed Order Regarding  
Residence of the Minor Child and Child Support. Said Agreed Order was dated the 21<sup>st</sup> day of  
December, 2000, and filed with the Court on January 17, 2001.

2. Pursuant to Paragraph 4 of the Agreed Order, the parties acknowledged that  
Petitioner's current husband, [REDACTED] is presently undergoing psychological evaluations  
conducted by [REDACTED]. The parties further agreed that [REDACTED] would not  
return to Petitioner's residence or be in the presence of Petitioner and Respondent's minor child,  
[REDACTED], until his return to the residence and contact with [REDACTED] was specifically approved

MST

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

FILED  
APP. DOCKET NO. NCC  
MAR 5 1 48 PM '01  
CLERK OF THE DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS  
BY \_\_\_\_\_

**IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT**

**In the Matter of the Marriage of:**

[REDACTED] )  
Petitioner, )  
 )  
and )  
 )  
[REDACTED] )  
Respondent. )  
\_\_\_\_\_ )

Case No. [REDACTED]

**MOTION**

**COMES NOW** Respondent, [REDACTED] now [REDACTED] by and through her attorney, [REDACTED] and moves the Court for an Order to delay filing of the February 6, 2001 Order until the attorney has been able to review the transcript of the proceeding since the attorney was not present during court. Respondent also moves the Court for an Order to determine arrearages pursuant to the Journal Entry dated July 1, 1997 and for her child support to be modified to reflect her new employment and daycare expenses and for an Income Withholding Order modification to be issued forthwith.

MOT  
[REDACTED]

FILED  
APP. DOCKET NO [initials]

MAR 14 11 22 AM '01

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF )  
[REDACTED] )  
Petitioner, )  
vs. )  
[REDACTED] )  
Respondent. )

Case No. 01 D [REDACTED]

Pursuant to Chapter 60 of  
Kansas Statutes Annotated

MOTION FOR INTERLOCUTORY ORDERS  
(Filed Pursuant to K.S.A. Chapter 60)

COMES NOW, the Petitioner, [REDACTED], by and through her attorney,  
[REDACTED] and moves the court for certain interlocutory orders pursuant to the  
provisions of K.S.A. chapter 60, as follows:

1. Petitioner would show the Court that she is a fit and proper person to have  
the care, custody and control of the minor children of the parties, [REDACTED]  
[REDACTED], and [REDACTED]:  
[REDACTED], and, therefore, Petitioner respectfully requests the Court grant  
sole care, custody, and control of the afore named children, subject to  
reasonable visitation by the Respondent, pending further orders of the  
Court.
2. Petitioner requests the Court make and enter an order prohibiting and  
restraining either of the parties from molesting or bothering each other and

MOT

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

FILED KSS  
APP. DOCKET NO.

MAY 31 2 55 PM '01

IN THE MATTER OF THE MARRIAGE OF )  
)  
[REDACTED] )  
Petitioner, )  
and )  
[REDACTED] )  
Respondent. )

CLERK OF THE DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS  
BY [REDACTED]

Pursuant to Chapter 60 of K.S.A.

MOTION

COMES NOW, the Respondent and moves the Court for an Order ordering dispute resolution counseling.

IN SUPPORT, Respondent is not getting cooperation from Petitioner in the parenting of the minor child, to-wit, [REDACTED] Respondent believes it is the child's best interest to have more access which is being denied by the Petitioner.

Respectfully submitted,

[Handwritten Signature]  
[REDACTED]

NOTICE OF HEARING

PLEASE TAKE NOTICE that the above and foregoing Motion will be heard on the 11<sup>th</sup> day of June, 2001, at 9:30 o'clock a.m., Fourth Floor, Sedgwick County Courthouse or as soon thereafter as the Court can hear same.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 27 day of May, 2001, a true and correct copy of the above and foregoing Motion and Notice of Hearing were deposited in the United States Mail, postage prepaid, addressed to:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[Handwritten Signature]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

MOT

[REDACTED]

FILED  
APP. DOCKET NO. 1135  
MAY 31 3 51 PM '01

CLERK OF THE DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS  
BY

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

STATE OF KANSAS, ex. rel.,  
[REDACTED] a minor child, by  
and through the natural mother,  
[REDACTED] and the Secretary  
of SRS,

Petitioner,

vs.

[REDACTED] and  
[REDACTED],  
Respondents.

Case No. [REDACTED]

MOTION

COMES NOW, respondent, [REDACTED], by and through his  
attorney, [REDACTED] of [REDACTED]  
[REDACTED] P.A., and moves this Court for an order setting  
parenting time with the parties' minor child every other weekend,  
shared transportation, and tax exemption and credit.

[REDACTED]  
[REDACTED]  
BY [Signature]  
[REDACTED]

[REDACTED]  
ATTORNEY AT LAW  
[REDACTED]  
[REDACTED]  
WICHITA, KANSAS [REDACTED]  
[REDACTED]

FILED  
APP. DOCKET NO. 853

MAY 31 3 37 PM '01

CLERK OF THE DISTRICT COURT  
18TH JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS  
BY \_\_\_\_\_

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF )  
[REDACTED] )  
[REDACTED] )  
Petitioner, )  
AND )  
[REDACTED] )  
[REDACTED] )  
Respondent. )

CASE NO. [REDACTED]

PURSUANT TO K.S.A. CHAPTER 60

PETITIONER'S PARENTING PLAN PROPOSAL

Respondent will have visitation with the parties' minor children on the second weekend of each month from Friday at 6:00 p.m. until Sunday at 6:00 p.m. The second weekend of the month shall commence on the second Friday of the month. Holidays are excluded.

In order to exercise the above visitation, Respondent must notify Petitioner of his intent to exercise his visitation, in writing, no later than the first Friday of the month. Respondent's failure to notify Petitioner of his desire to exercise his visitation shall result in a forfeiture of the visitation.



*MOT*

[REDACTED]

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

[REDACTED]

Petitioner,

and

[REDACTED]

Respondent

Case No. [REDACTED]

MOTION

COMES NOW, the Respondent, [REDACTED], by and through his attorney, [REDACTED], and hereby moves the Court for an order allowing Respondent to amend his previous motion and accusation in contempt against the Petitioner to include new violations by the Petitioner of Respondent's phone visitation with the minor child which have occurred since January 10, 2001. The alleged violations of Respondent's telephone visitation with the minor child are set forth in Exhibit "A" which is attached hereto and incorporated herein by reference. Respondent also moves the Court for an order in the event that custody of the minor child is not transferred to Respondent at the hearing on June 6, 2001, that Respondent's visitation schedule be amended. Respondent also moves the Court for an order which would require both Petitioner and Respondent to share equally the travel and transportation of the minor child for any visitation by either the Petitioner or Respondent.

2

*Handwritten initials*

IN THE EIGHTEENTH JUDICIAL DISTRICT NO. [REDACTED]  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
FAMILY LAW DEPARTMENT

FILED  
APP. DOCKET NO. [REDACTED]  
JUL 10 30 AM '01

*Handwritten signature*

[REDACTED] )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 [REDACTED] )  
 )  
 Respondent. )  
 )

187th JUDICIAL DISTRICT  
SEDGWICK COUNTY, KANSAS  
BY [REDACTED]  
Case No. [REDACTED]

**MOTION FOR RELIEF FROM JUDGMENT**  
**(Pursuant to K.S.A. 60-260)**

COMES NOW the Petitioner, [REDACTED], and moves the Court for an order granting relief from child support judgment entered in the above captioned matter. In support of said motion, the Petitioner shows the Court that a judgment was obtained in favor of the Respondent based upon a mistake, excusable neglect, fraud, or other misconduct of the adverse party. In further support of said motion, the Petitioner hereto attaches affidavits of her daughters for whom the child support orders were issued, which indicates that neither daughter was residing with the Respondent at the time that the child support judgments were entered. That justice and equity require that the judgment be set aside as to do otherwise would be to grant the Respondent child support payments for children that he did not support and therefore said judgment would amount to an actual fraud upon the Court.

[REDACTED]

Respectfully submitted,

*Handwritten signature*  
[REDACTED]

MOT

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
DOMESTIC DEPARTMENT

[REDACTED], a minor child, )  
[REDACTED] a minor child, deceased, )  
by their next friend and father, [REDACTED] )  
Petitioner, )  
and )  
[REDACTED] )  
Respondent. )

Case No. [REDACTED]

Pursuant to Chapter 60 of K.S.A.

MOTION

COMES NOW the Respondent, [REDACTED] and moves the court for the following orders, to-wit:

1. For an order granting [REDACTED] temporary custody of the parties minor child, [REDACTED].

2. For an order requiring the parties to enter Dispute Resolution Counseling pertaining to custodial periods of Petitioner with the parties minor child.

3. For an order requiring Petitioner to return to Respondent the following items, to-wit:

a. Clothing and personal effects of [REDACTED]

b. Pictures and other family mementos of [REDACTED]

c. The following items pertaining to [REDACTED] the deceased child of