

Rules relating to K.S.A. Chapter 23 cases in which there are minor children

Part I

Requirement and Procedure for Divorce Impact Education

All parties filing a Petition for Divorce or Petition for Paternity (excluding actions initiated by DCF for child support) with the District Court of Harvey or McPherson Counties, who have a child, or children, under the age of eighteen (18) years, shall within sixty (60) days from the date said action is filed, attend a "Divorce Impact Education" class that has been approved by the Community Mediation Center (CMC).

This requirement applies to any party seeking the first Final custody/parenting time order in a divorce or paternity case. This requirement does not apply to any party that has completed a court approved Divorce Impact Education class ordered with reference to the same case that is before the Court.

It shall be the duty of the petitioner's attorney upon filing the action to procure from the Court an ex parte order (**Template #1**) requiring attendance at an approved divorce impact class. Said order shall be served, along with the Petition, upon the respondent. A file-stamped copy of the order shall be sent to the Community Mediation Center by the clerk's office.

The order referred to above shall contain contact information for the Community Mediation Center (set out at the end of Rule 12), along with a requirement that the parties contact CMC to obtain class schedules and locations. Each party shall pay his/her own costs of the class on or before the beginning of the class session.

Part II

Requirement and Procedure for Dispute Resolution Assessment

All parties to a divorce or paternity action (excluding actions initiated by DCF for child support), and all parties requesting a change in child custody and/or parenting issues shall attempt to resolve all such issues before they will be considered by the Court.

In the event the parties cannot resolve such issues through their own (or attorney's) negotiation, the Court shall order the parties to participate in the following process before setting any issue for trial.

Dispute Resolution Assessment.

The petitioner or moving party will prepare an Order for Dispute Resolution Assessment (**Template #2**), a file-stamped copy of which will be sent to the Community Mediation Center (CMC) by the clerk's office. The Order shall include:

1. The names of all parties involved, their respective addresses, and home and/or mobile telephone numbers.
2. The obligation of both parties to contact the Community Mediation Center within seven (7) days of the issuance of the Order to arrange for the Assessment.
3. Contact information for the Community Mediation Center, which can be found at the end of this rule.

The Community Mediation Center will arrange for a confidential Assessment, using an instrument that has been approved by this Court, to determine which dispute resolution process is appropriate. An assessment will be scheduled within two weeks of CMC's receipt of the Order for Assessment, or as soon thereafter as possible. Dispute resolution options include:

1. Mediation
2. Limited case management [pursuant to the Court's standard Order for Limited Case Management, **Template #3**]
3. Brief Focused Assessment [pursuant to the Court's standard Order for Brief Focused Assessment, **Template #4**]
4. Return to Court for further action (e.g., full custody evaluation, full case management, or trial)

The Assessment recommendation will be submitted to the Court, together with an Order for the Court's review and completion, recommending how the parties will next proceed. (**Template #5**) The completed Assessment instrument upon which the recommendation is based is confidential and not subject to discovery by the parties.

Cost of the first three options listed above will be based upon a sliding scale that has been approved by the Court. CMC shall be responsible for determining the income of the each party for purposes of establishing dispute resolution fees pursuant to the Court-approved sliding fee scale, and parties shall provide information requested by CMC to make a fair determination of income.

Dispute Resolution Specialists.

The Community Mediation Center will be responsible for maintaining a panel of qualified Dispute Resolution (DR) Specialists for McPherson County and Harvey County. Based on assessment results and intake information, CMC will assign each case to an appropriate DR specialist.

Nothing in this rule prohibits the parties from selecting their own private DR specialist, so long as all parties mutually agree on the specialist and so long as the specialist is qualified to provide the DR process recommended by the DR Assessment. The cost of private DR processes shall be paid by the parties.

Mediation Agreement or Impasse.

In the case of mediation, a party's attorney (or the mediator if the parties are pro se) shall file the Mediation Agreement with the Court. In the event parenting issues are not fully resolved by mediation, the mediator will notify the Community Mediation Center of the impasse. CMC will then notify the Court and recommend a further DR process appropriate for the parties (**Template #6**)

Recommendations of Dispute Resolution Specialists

In those cases sent to Limited Case Management or Brief Focused Assessment, the DR Specialist will file any recommendations with the Court, with copies to the parties' attorneys and to the Community Mediation Center. Those recommendations become the order of the Court unless one of the parties objects to some or all of the recommendations within fourteen (14) days of when the recommendations are mailed or delivered. If only some of the recommendations are objected to, only the recommendations that are explicitly objected to will be the subject of any motion before the Court, and all other recommendations will take effect after fourteen (14) days.

Part III

**Requirement to attend Healthy Opportunities for Parenting Effectively
("H.O.P.E.")**

If the parties have been before the Court previously in the same numbered case in which a new action or motion is filed, and have not participated in the Community Mediation Center's H.O.P.E. program within two years prior to the date the new action or motion is filed, the Court shall order (**Template #7**) all parties to participate in a H.O.P.E. session (composed of four classes), or equivalent program approved by CMC. The limited case manager or brief focused assessor may also recommend that parties attend a H.O.P.E. session. When ordered by the Court, participation in a H.O.P.E. session must be completed before a final Court order in the current action or motion is issued.

The dates and times when H.O.P.E. sessions are offered may be obtained by contacting the Clerk's office, or by contacting CMC at the contact information below. Each party shall pay his/her own costs of the class on or before the beginning of the first class session.

Template orders that satisfy the requirements of this Rule are attached as addenda to this Rule.

CMC Contact Information:

Community Mediation Center
Kaufman House at Bethel College
2515 College Avenue, PO Box 276
North Newton, KS 67117
316-284-5829
cmc@bethelks.edu
<http://www.kipcor.org/CMC>

This rule shall become effective July 1, 2015 for all matters filed on or after July 1, 2015.

TEMPLATE # 1

**IN THE DISTRICT COURT OF
HARVEY/McPHERSON COUNTY, KANSAS**

IN THE MATTER OF _____)
)
and _____) Case No. ___ - DM- ___
_____)

ORDER FOR DIVORCE IMPACT EDUCATION

NOW ON THIS ____ DAY OF _____, 20__, IT IS BY THE COURT
FOUND AND ORDERED:

THAT the Court does ORDER, ADJUDGE AND DECREE that the parties shall participate in Divorce Impact Education approved by the Community Mediation Center, North Newton, KS. Class schedule and location can be obtained by contacting the Community Mediation Center: telephone number 316-284-5829, email cmc@bethelks.edu, or www.kipcor.org/CMC.

The parties shall attend an approved class within 60 days of this Order, pursuant to Court Rule 12. Each party shall pay his/her own costs of the class on or before the beginning of the class session.

The contact information for the parties in this action is:

(Name, address, phone number)

(Name, address, phone number)

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

TEMPLATE # 2

**IN THE DISTRICT COURT OF
HARVEY/McPHERSON COUNTY, KANSAS**

IN THE MATTER OF _____)

)

Case No. ___ - DM- ____

and _____)

)

_____)

ORDER FOR DISPUTE RESOLUTION ASSESSMENT

NOW ON THIS ____ DAY OF _____, 20__, IT IS BY THE COURT
FOUND AND ORDERED:

THAT the Court does ORDER, ADJUDGE AND DECREE that the parties shall participate in a Dispute Resolution (DR) Assessment through the Community Mediation Center (CMC), North Newton, KS.

The parties shall contact the CMC (telephone number 316-284-5829 or email cmc@bethelks.edu) within seven (7) days of the date of this order and arrange for scheduling a DR Assessment. Each party shall pay his/her own cost for the DR Assessment. Assessment recommendations made by the Community Mediation Center shall be submitted to the Court pursuant to Court Rule 12.

The contact information for the parties in this action is:

(Name, address, phone number)

(Name, address, phone number)

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

direction and control of the court, and in that capacity the limited case manager shall have qualified quasi-judicial immunity.

2. **Non-Confidentiality.** The parties are advised that there is no confidentiality or privilege arising from the limited case management process.
3. **Payment for Limited Case Management Services.** The parties shall pay to the limited case manager the initial fee for limited case management services as determined by the Community Mediation Center, based upon the sliding fee scale adopted by the 9th Judicial District Court. The limited case manager is authorized to require payment in advance for any and all services rendered, including reasonable costs, and/or to request additional deposits for fees and costs in the future. Each month in which there is case activity or a balance of costs, the manager shall furnish to the parties a billing which accounts for costs and the use of said fees. Failure of either party to timely pay the limited case manager's fees/costs may be grounds for sanctions against that party. Limited case management fees are considered court costs and, therefore, can be collected by the court, the court trustee or the limited case manager, including but not limited to, garnishments, attachments, or liens.
4. **Cooperation with Limited Case Manager.** The parties shall fully cooperate with the limited case manager in the furtherance of his/her duties. Absent a bona fide emergency that affects the child(ren)'s immediate safety, the parties shall communicate with the limited case manager only in such manner and at such times and places as the limited case manager directs. The limited case manager may contact and communicate with the parties or either of them without contacting or notifying the parties' counsel of record or the other party. The parties shall cooperate fully with the limited case manager, including but not limited to the following:
 - a) Keep the limited case manager advised at all times of current mailing addresses; work, home, and cell telephone numbers; and email addresses;
 - b) Cooperate with the requests and procedures of the limited case manager;
 - c) Furnish, in a timely manner, complete and accurate information and records as may be requested by the limited case manager;
 - d) Promptly execute all Releases or Waivers of Confidentiality requested by the limited case manager to allow full access to any and all psychological, medical, educational, juvenile, criminal, or any other records pertaining to either the child(ren) or parents

in this action, and, if any entity or individual requires an additional Release or Waiver of Confidentiality as a prerequisite for the release of information, the parties shall, at the request of the limited case manager, immediately execute any and all such waivers or releases;

- e) Be present for all scheduled conferences with the limited case manager, and furnish the child(ren) to the limited case manager as requested for conferences. Conferences may occur during regular business hours, and may occur on an ex parte basis, or in any combination of the parties, as directed by the limited case manager. The limited case manager shall determine whether conferences are to be by telephone, in-person, or electronically. If a party chooses not to attend a scheduled conference or respond to an inquiry from the limited case manager, recommendations may be made by the limited case manager without input from that party.
- f) Make good faith efforts to resolve disputed issues;
- g) Promptly pay all limited case management fees and costs;
- h) Notify the limited case manager of all proceedings and examinations involving the parties and the child(ren), and make available information to contact such professionals, including but not limited to, teachers, counselors, and doctors.

5. Authority of Limited Case Manager.

- a) The limited case manager shall have all authority to address disputes through negotiation, recommendation, and/or interpretation, modification and enforcement of existing orders. If the parties cannot reach agreement, the limited case manager shall have authority to make recommendations to the court as provided by K.S.A. 23-3507 and 3509.
- b) The limited case manager is hereby assigned to resolve or make recommendations *limited to* the following issue(s):
 - Child custody and/or residency ;
 - Parenting time schedules or conditions, including vacation, holidays, and temporary variation from the existing parenting plan;
 - Transitions or exchanges of the children including date, time, place, and means of transportation and transporter;

- Health care management including medical, dental, orthodontic, and vision care;
- Child-rearing issues;
- Psychotherapy or other mental health care, including substance abuse assessment or counseling for the children;
- Psychological testing or other assessment of the children and parents;
- Education or daycare, including school choice, tutoring, summer school, participation in special education testing and programs, or other major educational decisions;
- Enrichment and extracurricular activities, including camps and jobs;
- Religious observances and education;
- Children's travel and passport arrangements;
- Clothing, equipment, and personal possessions of the children;
- Communication between the parents about the children, including telephone, fax, e-mail, notes in backpacks, etc.;
- Communication by a parent with the children, including telephone, cell phone, pager, fax, and e-mail when they are not in that parent's care;
- Alteration of appearance of the children, including haircuts, tattoos, ear and body piercing;
- Role of and contact with step-parents, grandparents, significant others and extended families;
- Substance abuse assessment or testing for either or both parents or a child, including access to results;
- Personal conduct (or restraint from conduct) of either or both parents;
- Parenting classes for either or both parents;
- To the extent agreed by the parties and the limited case manager, financial issues regarding the child(ren);
- Other issues that may arise during the limited case management process, to be considered at the discretion of the case manager; and
- Other:

c) The limited case manager may contact and communicate with a child's educational professionals, medical and mental health care providers, counselors, relatives, friends, caregivers, and any other persons and/or entities, to collect information and/or documents, verify complaints of the parties, elicit additional recommendations for the court, and to gather and exchange information about the parties as may be appropriate to the issues, all without further order of the court or notice to the parties, their counsel of record, or the Guardian ad Litem (GAL), if there is one. Any such persons and/or entities are ordered to cooperate and communicate with the limited case manager, including through disclosure of information, reports and records relating to the child(ren) in this case. At the request of the limited case manager, the parties and/or their counsel of record shall assist in facilitating the collection of said information.

6. **Obligations of the Limited Case Manager.** In addition to other duties set out in this order, the limited case manager has the following obligations to the parties and the court:

- a) Contact the parties as needed.
- b) Meet with the parties and other individuals deemed appropriate.
- c) Gather information necessary to assist the parties in reaching an agreement or making recommendations, including medical, psychological, education, and court records.
- d) Keep a record by date and topic of all contacts with the parties.
- e) Notify the court when a party fails to meet the financial obligations of the case management process.
- f) Report threats, imminent danger, suspected child abuse, fears of abduction, and suspected or actual harm to any party or child involved in limited case management, either directly to the court or to other authorities, or both. Such action shall be followed by a written summary within five (5) business days of the initial filing of each report that shall be sent to the court and included in the court file.

7. **Communication with Court.** The limited case manager may communicate with and report *ex parte* directly to the court at any time and for any purpose, including but not limited to, providing status reports and explaining and/or discussing limited case manager

recommendations, without notice to the parties, their counsel of record, or the GAL, and without preparing written reports of said communications.

8. **Written Summary of Agreements.** The limited case manager shall confirm the results of any negotiated agreements by the parties on the assigned issues by preparing a written summary stating the terms of such agreements and providing copies to the parties, their counsel of record, the GAL, and to the court. At the direction of the court, on the written request of either party or his or /her counsel of record, or otherwise in the limited case manager's discretion, the limited case manager's written summaries shall be filed with the clerk of the district court.
9. **Formal Written Recommendations.** If the parties are unable to resolve their dispute(s) informally through the assistance of the limited case manager, the limited case manager shall make formal written recommendations within sixty (60) days of the filing of this order, except by agreement of the parties or for good cause shown. Such recommendations and any supporting information shall be submitted to the court, the parties, counsel of record, and the GAL. The written recommendations shall not be effective until the time for filing a motion for review (objection) has expired, unless one of the parties files a motion for immediate implementation. If no motion for review is filed, an Order adopting the written recommendations shall be entered into the court record by the court, the limited case manager, the parties, or either party's counsel of record. All limited case management recommendations approved and signed by the Court will be sent to all parties, counsel, the GAL, and the limited case manager.
10. **Motions for Review of Recommendations.** Either party may, within fourteen (14) calendar days of the date of submission of any written recommendation of the limited case manager, file a written motion (objection) pursuant to K.S. A. 23-3509(d)(6) and Local Rule 12, requesting review thereof. Such motion and supporting documents shall be submitted to the court, the limited case manager, the parties, counsel of record, and the GAL. The court may direct that additional arguments and authorities be submitted in such form and manner as the court deems appropriate. Costs of the procedure and professional time may be assessed against a party who objects to a recommendation. **In the absence of a timely filed written Motion for Review, any objection to the limited case manager's recommendations shall**

be deemed waived, and the court may thereupon enter its Orders without further review, hearing or notice.

11. Discovery, Subpoena, Process. Discovery, subpoena, and/or process shall not be directed to the limited case manager without advance leave of the court for good cause shown. In the event that any discovery, subpoena or process is commenced and/or permitted, the court may impose conditions and limitations thereon, including assessment of costs associated therewith against either or both parties, as well as fees and expenses of legal counsel for the limited case manager.

12. Pending Proceedings. Proceedings or new motions on any pending parenting matters are stayed while the parties attempt to resolve the matter through the limited case management process, or until further Order of the court.

13. Noncompliance and Suspension of Services.

- a) In the event of nonpayment of fees, lack of cooperation, or noncompliance in the limited case management process, the limited case manager may suspend limited case management services to any noncompliant party without a court order, but only after notifying the noncomplying party in writing.
- b) The limited case manager shall advise the court of any suspension of limited case management services due to noncompliance by one or both of the parties. As a result, the court may assess additional fees, including attorney fees.
- c) If limited case management services have been suspended as to one party, the limited case manager may continue to communicate with the other party, and may issue recommendations.

14. Child in Need of Care Records. Pursuant to KSA 38-1507(a)(2), the court orders disclosure by the Kansas Department of Children and Families to the limited case manager of any child in need of care reports and records relating to the child(ren) or the parents in this case. The court finds that such disclosure is in the best interests of the child(ren), is necessary for the proceedings before the court, and that such records are otherwise admissible in evidence. The limited case manager's access shall be by oral communication sharing or by *in camera* inspection as requested by the limited case manager. Should the Kansas Department of Children and Families require an additional Release or Waiver of Confidentiality as a prerequisite for the release of information, the parties shall, at the

request of the limited case manager , immediately execute any and all such waivers or releases

15. Withdrawal of Limited Case Manager. The limited case manager may withdraw at any time for sufficient reason, including but not be limited to, the following:

- a) Loss of neutrality which prevents objectivity;
- b) nonpayment by a party;
- c) lack of cooperation by a party;
- d) threat to a party;
- e) retirement or caseload reduction by a case manager; or
- f) any other reason which shall be stated to the court in writing and considered adequate and sufficient reason by the court.

16. Term. The limited case manager's appointment may be terminated at any time by court Order as provided in KSA 23-3509(b) and (c). Unless terminated by court Order sooner, the term of the limited case manager shall expire when the limited case manager has submitted to the court either a written agreement approved by the parties and/or formal recommendations as to all issues assigned by the court. At this time, the limited case manager shall immediately be relieved of all duties and responsibilities, except for the duty to testify, pursuant to subpoena or appear pursuant to the court's request, concerning his or her recommendations or the limited case management process. The limited case manager will be entitled to be paid for said testimony or appearance. The expiration or termination of the limited case manager's appointment shall not relieve the parties of their respective responsibilities to timely pay the limited case manager's fees and expenses.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

TEMPLATE #4

IN THE NINTH JUDICIAL DISTRICT
DISTRICT COURT, _____ COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF	[OR])	
IN THE MATTER OF THE PARENTAGE OF)	
)	
_____)	
)	
_____)	
	Petitioner)	
_____)	Case # _____
	Respondent)	
_____)	
)	

ORDER FOR BRIEF FOCUSED ASSESSMENT

NOW, on this ____ day of _____ 20 ____, comes the court, pursuant to Rule 12 of the 9th Judicial District, and enters its Order for Brief Focused Assessment. The court finds that it has jurisdiction over the parties and the subject matter; that the parties are not in agreement regarding custody and/or parenting arrangements for their child(ren); that a Brief Focused Assessment is appropriate because other dispute resolution services have been tried and failed or other dispute resolution services are inappropriate; and that it is in the best interests of the minor child(ren) and the parties that the court appoint an Assessor to conduct a Brief Focused Assessment.

WHEREUPON, the court therefore orders:

1. Appointment of Assessor. The court hereby appoints _____ as assessor. Said assessor is qualified and consents to serve. The assessor’s contact information is:

- (Name)
- (Address)
- (Phone)
- (E-mail)

The assessor is a neutral party, and is not representing either party or offering legal advice to any party concerning their rights in this case.

2. **Non-Confidentiality.** The parties are advised that there is no confidentiality or privilege arising from the Brief Focused Assessment process.
3. **Payment for Brief Focused Assessment Services.** The parties shall pay to the assessor the initial fee for services as determined by the Community Mediation Center, based upon the sliding fee scale adopted by the 9th Judicial District Court. The assessor is authorized to require payment in advance for any and all services rendered, including reasonable costs, and/or to request additional deposits for fees and costs in the future. Each month in which there is case activity or a balance of costs, the assessor shall furnish to the parties a billing which accounts for costs and the use of said fees. Failure of either party to timely pay the assessor's fees/costs may be grounds for sanctions against that party. Brief Focused Assessment fees are considered court costs and, therefore, can be collected by the court, the court trustee or the assessor, including but not limited to, garnishments, attachments, or liens.
4. **Obligations of the Parties.** The parties shall fully cooperate with the assessor in the furtherance of his/her duties. Absent a bona fide emergency that affects the child(ren)'s immediate safety, the parties shall communicate with the assessor only in such manner and at such times and places as the assessor directs. The assessor may contact and communicate with the parties or either of them without contacting or notifying the parties' counsel of record or the other party. The parties shall cooperate fully with the assessor, including but not limited to the following:
 - a. Keep the assessor advised at all times of current mailing addresses; work, home, and cell telephone numbers; and email addresses;
 - b. Cooperate with the requests and procedures of the assessor;
 - c. Furnish, in a timely manner, complete and accurate information and records as may be requested by the assessor;
 - d. Promptly execute all Releases or Waivers of Confidentiality requested by the assessor to allow full access to any and all psychological, medical, educational, juvenile, criminal, or any other records pertaining to either the child(ren) or parents in this action and, if any entity or individual requires an additional Release or Waiver of Confidentiality as a prerequisite for the release of information, the parties shall, at the request of the assessor, immediately execute any and all such waivers or releases;

- e. Be present for all scheduled conferences with the assessor, and furnish the child(ren) to the assessor as requested for conferences. Conferences may occur during regular business hours, and may occur on an ex parte basis, or in any combination of the parties, as directed by the assessor. The assessor shall determine whether conferences are to be by telephone, in-person, or electronically. If a party chooses not to attend a scheduled conference or respond to an inquiry from the assessor, recommendations may be made by the assessor without input from that party.
- f. Promptly pay all fees and costs of the assessor;
- g. Notify the assessor of all proceedings and examinations involving the parties and the child(ren), and make available information to contact such professionals, including but not limited to, teachers, counselors, and doctors.

5. Brief Focused Assessment.

- a. The assessor shall conduct a brief focused assessment or investigation, and report his/her findings and conclusions to the court.
- b. The specific focus areas that need to be assessed include:
 - The circumstances behind parental wishes as to the custody/residency and/or parenting time/access plan of the child(ren), including the circumstances and basis for the wishes of the child (if any) as to his/her residential living arrangements, the child's ability to articulate his/her wishes in a developmentally appropriate way, parental influences on the child's thinking and wishes, the parent's report of the history of this request, the parenting and attachment history as well as any special needs of the child, and the impact on the child if a residential change is granted. Include what developmentally appropriate custody/residency and/or parenting time/access plans would be (including vacation, holiday, and temporary variation from any plan);
 - The parents' level of conflict and ability to communicate, and the impact on the developmental or any special needs of the child(ren). Include what a developmentally appropriate parenting time /access plan would be (including vacation, holiday, and temporary variation from any plan);

- The conditions that might benefit the child(ren) to establish a relationship with the absent parent and any risks that should be considered to the child(ren) and residential parent if access is granted;
- Allegations of mother's father's both parents' mental health instability or mental health concerns and the impact on parenting and his/her/their ability to provide a consistent and safe environment during parenting time;
- Allegations of mother's father's both parents' drug and alcohol use and the impact on parenting and his/her/their ability to provide a safe and nurturing environment. The assessor may request any party or a child of the parties to submit to random drug testing, including urine and hair follicle testing;
- The cleanliness and safety of the mother's father's both parents' home, and any impact upon the parental ability to provide a safe and nurturing environment;
- The history of domestic violence, and/or verbal or emotional abuse, in the family, whether or not it has occurred in the presence of the child(ren), any risks to the child(ren) that should be considered given this history, and what a developmentally appropriate custody/parenting time/access plan would be to assure provision of a safe and nurturing home environment;
- If a relocation of mother or father is allowed (more than ___ miles from the other parent), what a developmentally appropriate parenting time/access plan would be. Include consideration of the relocation schedule that promotes the well-being of the child, i.e., continuity in school, sports/activities, time with significant others (such as grandparents) in the child's life; and other factors, including:
_____;
- The dynamics of the child's relationship with mother father step-parent(s) as it relates to the child's wishes and provide suggestions, if appropriate, on how to improve the relationship(s) or if a change in the residential plan might be warranted and what said change should be;
- Details of the child's health care management (medical, dental, etc.), including sharing of information and decision-making between the parents; and

suggestions, where appropriate, for managing the child's health care to best promote the well-being of the child;

- Other issues that arise during the Brief Focused Assessment process, at the discretion of the assessor;
 - Other, as specified below:
-
-

6. **Access to Information**. The assessor is authorized to contact and communicate with a child's educational professionals, medical and mental health care providers, counselors, relatives, friends, caregivers, and any other persons and/or entities, to collect information and/or documents, verify complaints of the parties, and to gather and exchange information about the parties as may be appropriate to the issues, all without further order of the court or notice to the parties, their counsel of record, or the Guardian ad Litem (GAL), if there is one. Any such persons and/or entities are ordered to cooperate and communicate with the assessor, including through disclosure of information, reports and records relating to the child(ren) in this case or their parents. At the request of the assessor, the parties and/or their counsel of record shall assist in facilitating the collection of said information, including by signing releases for such information.

7. **Obligations of the Assessor**. In addition to other duties set out in this order, the assessor has the following obligations to the parties and the court:

- g) Contact the parties as needed.
- h) Meet with the parties and other individuals deemed appropriate.
- i) Gather necessary information, including medical, psychological, education, and court records.
- j) Keep a record by date and topic of all contacts with the parties.
- k) Notify the court when a party fails to meet the financial obligations of the brief focused assessment process.
- l) Report threats, imminent danger, suspected child abuse, fears of abduction, and suspected or actual harm to any party or child involved in a brief focused assessment, either directly to the court or to other authorities, or both. Such action shall be

followed by a written summary within five (5) business days of the initial filing of each report that shall be sent to the court and included in the court file.

8. **Communication with Court.** The assessor may communicate with and report *ex parte* directly to the court at any time and for any purpose, including but not limited to, providing status reports and explaining and/or discussing the Brief Focused Assessment process and final report, without notice to the parties, their counsel of record, or the GAL, and without preparing written reports of said communications.
9. **Written Report** The assessor shall submit a Brief Focused Assessment Report within ninety (90) days of the filing of this order, except by agreement of the parties or for good cause shown. Such Report and any supporting information shall be submitted to the court and counsel, or to any party not represented by counsel. Counsel, or any party not represented by counsel, shall not furnish copies of the Report to anyone. Pursuant to K.S.A. 23-3210(c) and Rule 18 of the 9th Judicial District, no person who has access to the Report will make a copy or disclose the contents thereof to the child(ren) or to any person not entitled to access pursuant to this Order. The parties will not mention or discuss within the hearing of the child(ren) any statement made to the assessor by a child(ren).
10. **Motions for Review of Recommendations.** Either party may, within fourteen (14) calendar days of the date of submission of any written Brief Focused Assessment Report, file a written motion (objection) pursuant to Local Rule 12, requesting review thereof. Such motion and supporting documents shall be submitted to the court, the assessor, the parties, counsel of record, and the GAL. The court may direct that additional arguments and authorities be submitted in such form and manner as the court deems appropriate. Costs of the procedure and professional time may be assessed against a party who objects to the Report. **In the absence of a timely filed written Motion for Review, any objection to the Report shall be deemed waived, and the court may thereupon enter its Orders without further review, hearing or notice.**
11. **Discovery, Subpoena, Process.** Discovery, subpoena, and/or process shall not be directed to the assessor without advance leave of the court for good cause shown. In the event that any discovery, subpoena or process is commenced and/or permitted, the court may impose conditions and limitations thereon, including assessment of costs associated therewith against either or both parties, as well as fees and expenses of legal counsel for the assessor.

12. Pending or New Proceedings. Proceedings or new motions on any pending parenting matters are stayed during the Brief Focused Assessment process, or until further Order of the court.

13. Noncompliance and Suspension of Services.

- d) In the event of nonpayment of fees, lack of cooperation, or noncompliance in the Brief Focused Assessment process, the assessor may suspend services to any noncompliant party without a court order, but only after notifying the noncomplying party in writing.
- e) The assessor shall advise the court of any suspension of services due to noncompliance by one or both of the parties. As a result, the court may assess additional fees, including attorney fees.
- f) If Brief Focused Assessment services have been suspended as to one party, the assessor may continue to communicate with the other party, and proceed to issue a Brief Focused Assessment Report.

14. Child in Need of Care Records. The court orders disclosure by the Kansas Department of Children and Families to the assessor of any child-in-need-of-care reports and records relating to the child(ren) or their parents in this case. The court finds that such disclosure is in the best interests of the child(ren), is necessary for the proceedings before the court, and that such records are otherwise admissible in evidence. The assessor's access shall be by oral communication-sharing or by *in camera* inspection as requested by the assessor. Should the Kansas Department of Children and Families require an additional Release or Waiver of Confidentiality as a prerequisite for the release of information, the parties shall, at the request of the assessor, immediately execute any and all such waivers or releases.

15. Withdrawal of Assessor. The assessor may withdraw at any time for sufficient reason, including but not be limited to, the following:

- g) Loss of neutrality which prevents objectivity;
- h) nonpayment by a party;
- i) lack of cooperation by a party;
- j) threat to a party;
- k) retirement or caseload reduction by an assessor; or
- l) any other reason which shall be stated to the court in writing and considered adequate and sufficient reason by the court.

16. **Judicial Immunity.** The assessor serves and functions under the direction and control of the court, and in that capacity the assessor shall have qualified quasi-judicial immunity.
17. **Term.** The assessor's appointment may be terminated at any time by court Order. Unless terminated by court Order sooner, the term of the assessor shall expire when the assessor has submitted to the court a Brief Focused Assessment Report as to all issues assigned by the court. At this time, the assessor shall immediately be relieved of all duties and responsibilities, except for the duty to testify, pursuant to subpoena or appear pursuant to the court's request, concerning his or her Brief Focused Assessment Report or the Brief Focused Assessment process. The assessor will be entitled to be paid for said testimony or appearance. The expiration or termination of the assessor's appointment shall not relieve the parties of their respective responsibilities to timely pay the assessor's fees and expenses.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

TEMPLATE #5

**IN THE NINTH JUDICIAL DISTRICT COURT
HARVEY/McPHERSON COUNTY, KANSAS**

IN THE MATTER OF _____)
)
and _____) Case No. ___ - DM- ___
_____)

REQUEST AND ORDER FOR DISPUTE RESOLUTION REFERRAL

Instructions to Clerk

Retain original request and Court Order in Court file and provide a file-stamped copy to the Parties and to the Community Mediation Center.

Request for Referral

The Community Mediation Center has screened the above matter and, pursuant to Court Rule 12, recommends the following:

- Mediation
- Limited Case Management (pursuant to the accompanying Order for Limited Case Management, and the issues identified therein)
- Brief Focused Assessment (pursuant to the accompanying Order for Brief Focused Assessment, and the issues identified therein)
- Return to Court

Pursuant to Court Rule 12, the Community Mediation Center further recommends:

- Participation by both parties in Healthy Opportunities for Parenting Effectively (H.O.P.E), or equivalent program approved by CMC (pursuant to the accompanying Order to Attend H.O.P.E.)

Requested by _____ Date signed: _____
(name of CMC representative)

ORDER OF THE COURT

The court has reviewed the above request for referral by the Community Mediation Center Assessment Specialist and the request is hereby:

- Granted, as recommended by CMC
- Granted, as recommended by CMC with the following changes: _____

- Denied
- Other orders as follows: _____

Pursuant to Court Rule 12, if mediation is ordered and successfully completed, a party's attorney (or the mediator if the parties are pro se) shall file the Mediation Agreement with the Court. In the event parenting issues are not fully resolved by mediation, the mediator will notify the Community Mediation Center of the impasse. The Community Mediation Center will then notify the Court of the impasse and recommend the parties participate in Limited Case Management or Brief Focused Assessment. If Limited Case Management or Brief Focused Assessment is ordered, the ADR Specialist will file any recommendations with the Court, with copies to the parties' attorneys and to the Community Mediation Center. Those recommendations become the order of the Court unless one of the parties objects to some or all of the recommendations within fourteen (14) days of when the recommendations are mailed or delivered. If only some of the recommendations are objected to, only the recommendations that are explicitly objected to will be the subject of any motion before the Court, and all other recommendations will take effect after fourteen (14) days.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

TEMPLATE #6

**IN THE DISTRICT COURT OF
HARVEY/McPHERSON COUNTY, KANSAS**

IN THE MATTER OF _____)) and) _____)	Case No. __ - DM- ____
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REQUEST AND ORDER FOR REFERRAL FOLLOWING MEDIATION IMPASSE

Instructions to Clerk

Retain original request and Court Order in Court file and provide a file-stamped copy to the Parties and to the Community Mediation Center.

Request For Referral

Impasse in Mediation has been reached in the above case. The Community Mediation Center, pursuant to Court Rule 12, recommends that the Court order the parties to:

- Limited Case Management (pursuant to the accompanying Order for Limited Case Management, and the issues identified therein)
- Brief Focused Assessment (pursuant to the accompanying Order for Brief Focused Assessment, and the issues identified therein)
- Return to Court

Requested by _____	_____
<i>(name of CMC representative)</i>	Date signed:

ORDER OF THE COURT

The court has reviewed the above request for referral by the Community Mediation Center and the request is hereby:

- Granted, as recommended by CMC
- Granted, as recommended by CMC with the following changes: _____

- Denied
- Other orders as follows: _____

The parties will contact the Community Mediation Center within seven (7) days of this order at 316-284-5829 to begin the recommended dispute resolution intervention.

The Dispute Resolution Specialist will file any recommendations with the Court, with copies to the parties' attorneys and to the Community Mediation Center. Pursuant to Court Rule 12, those recommendations become the order of the Court unless one of the parties objects to some or all of the recommendations within fourteen (14) days of when the recommendations are mailed or delivered. If only some of the recommendations are objected to, only the recommendations that are explicitly objected to will be the subject of any motion before the Court, and all other recommendations will take effect after fourteen (14) days.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

TEMPLATE #7

**IN THE DISTRICT COURT OF
HARVEY/McPHERSON COUNTY, KANSAS**

IN THE MATTER OF _____)

) Case No. ___ - DM- ____

and _____)

_____)

ORDER TO ATTEND

HEALTHY OPPORTUNITIES FOR PARENTING EFFECTIVELY (H.O.P.E.)

NOW ON THIS ____ DAY OF _____, 20__, IT IS BY THE COURT
FOUND AND ORDERED:

THAT the Court does ORDER, ADJUDGE AND DECREE that the parties shall, pursuant to Court Rule 12, participate in “Healthy Opportunities for Parenting Effectively” (H.O.P.E.) session (four classes), or an equivalent program approved by the Community Mediation Center (CMC), North Newton, KS. Class schedule and location may be obtained from CMC at 316-284-5880, cmc@bethelks.edu or www.kipcor.org/CMC.

Each party shall pay his/her own costs of the session on or before the beginning of the first class. Participation in H.O.P.E. must be completed before a final Court order in the current action or motion is issued.

Copies of this Order shall be sent to the parties at the addresses listed below, to parties’ counsel, and to the Community Mediation Center.

(Name, address, phone number)

(Name, address, phone number)

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT