

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

Administrative Order

April 13, 2021

2021-RL-032

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Emergency Rules of Procedure for Hearings under 2021 Senate Bill 40

2021 Senate Bill 40 provides the supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of district court hearings requested under 2021 Senate Bill 40.

The court approves these emergency rules of procedure with an understanding some petitioners may be unrepresented. Accordingly, failure to comply with this order or complete the attached forms is not a reason for a clerk to reject a submission. A court must allow a petitioner to supplement the petition with omitted information required by this order when justice so requires.

Under the authority of 2021 Senate Bill 40, the court adopts the following emergency rules of procedure.

Petition

1. To assist district courts in prioritizing cases for hearing, the petition must clearly state in the case caption or document title that the petition is filed under 2021 Senate Bill 40.
2. The person filing the petition (also called the petitioner) must state the petitioner's or the petitioner's attorney's address, e-mail address, telephone number, and fax number (if available).
3. The petitioner must identify the county in which the petitioning party resides, county in which the challenged action was taken, or name of the county where the order was issued, as applicable under 2021 Senate Bill 40, and amendments thereto.
4. The petitioner must identify the body or entity whose decision, action, or order the petitioner is challenging.
5. The petitioner must identify the date the decision, action, or order which the petitioner is challenging was issued or taken.

6. The petitioner must identify and describe the decision, action, or order the petitioner is challenging.
7. The petitioner must briefly state the relief the petitioner is requesting.
8. The petitioner must list any other action he or she has previously filed involving a common question of law or fact. The petition must list where the action was filed, when the action was filed, and the case number (if available).
9. A form to assist petitioners with filing the petition is attached to this order and is available from the Office of Judicial Administration. If the form is not used, the filing should be in substantial compliance with the information on the form.

Certificate of Service

10. The petitioner must file a certificate of service listing the date and time that the petition was served on the body or entity responsible for the challenged decision, action, or order.
11. A form to assist petitioners with filing a certificate of service is attached to this order and is available from the Office of Judicial Administration. If the form is not used, the filing should be in substantial compliance with the information on the form.

Consolidation

12. Consolidation is permitted under existing Kansas statutes and Supreme Court Rules, including K.S.A. 60-242, and amendments thereto, to the extent practicable under 2021 Senate Bill 40's time constraints.
13. Any party may file notice of related actions involving a common question or law or fact.

Documents Deposited in a Drop Box

14. Any document deposited in a district court drop box for self-represented litigants must contain a signed statement of when the document was deposited in the district court drop box. If a document does not include this information, the court will deem the document received at 9:00 a.m. on the next day that is not a Saturday, Sunday, or Supreme Court holiday.

Failure to include some or all of the information listed in this order does not deprive the reviewing court of jurisdiction over the action.

These emergency rules should be read in conjunction with other applicable rules, statutes, and Supreme Court Administrative Orders. But these rules control if any provision of a (a) Supreme Court rule or order or (b) district court rule or order conflicts with these rules.

Dated this 13th day of April 2021.

FOR THE COURT

A handwritten signature in cursive script that reads "Marla Luckert". The signature is written in black ink and is positioned below the text "FOR THE COURT".

MARLA LUCKERT
Chief Justice

Attachments

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

_____)	
(Name of person who filed the Petition))	
v.)	Case No. _____
_____)	
(Name of person or entity who did not file the Petition))	

INSTRUCTIONS—READ CAREFULLY

This form is intended to assist you in filing an action under 2021 Senate Bill 40. You must:

- submit your answers in writing (legibly handwritten or typewritten);
- complete each applicable section of the form;
- provide your or your attorney's address, e-mail address, telephone number, and fax number (if available);
- attach a certificate of service (or file a separate certificate of service); and
- sign the form.

PETITION

(Under 2021 Senate Bill 40; Supreme Court Administrative Order 2021-RL-032)

The Petitioner (the person who is filing this action), _____, alleges and states as follows:

- 1) I reside in _____ County;
- 2) I am challenging the following decision, action, or order under 2021 SB 40: [Check one of the following five options, selecting the one that fits your grievance, and complete information under that box.]

A Decision of the Board of Education of a School District [2021 SB 40, Sec. 1(d)]

Name of the school district: _____

Date of the decision you are challenging: _____

I am [check the applicable line]

- an employee of the school district,
- a student of the school district, or
- a parent or guardian of a student of the school district.

A Decision of the Governing Body of a Community College or Technical College

[2021 SB 40, Sec. 2(d)]

Name of the Governing Body of the community college or technical college:

Date of the decision you are challenging: _____

I am [check the applicable line]

an employee of the community college or technical college, or

a student of the community college or technical college.

An Executive Order from the Governor [2021 SB 40, Sec. 6(g)]

Name or subject of the order you are challenging: _____

Date of the executive order you are challenging: _____

A Local Unit of Government Action Issued During a State of Local Disaster Emergency

[2021 SB 40, Sec. 8(e)]

Name of local unit of government: _____

Name or subject of the action you are challenging: _____

Date of the action you are challenging: _____

An Order issued by a Local Health Officer and Approved by the Board of County Commission, Chairperson of the Board, or Vice-chairperson of the Board

[2021 SB 40, Sec. 12(d)]

Name or subject of the order you are challenging: _____

Date of the order you are challenging: _____

3) Briefly describe the decision, action, or order you are challenging. If you have a document or documents that describe(s) the decision, action, or order you may attach it/them to this petition:

4) Briefly describe how you are aggrieved by the decision, action, or order you are challenging. If you are challenging an executive order of the governor [under 2021 SB 40, Sec. 6(g)] or a local unit of government action issued during a state of local disaster emergency [under 2021 SB 40, Sec. 8(e)], explain how the order or action substantially burdens or inhibits (a) your ability to gather with others, (b) your movement, or (c) any religious, civic, business, or commercial activity, whether for-profit or not-for-profit, with which you are involved, explaining your involvement.

5) Briefly describe the relief you are requesting (In other words, what do you want the court to do?):

6) List any other court cases you have previously filed involving the decision, action, or order you are challenging in this case. List where the case was filed, when the case was filed, and the case number (if available).

Petitioner or Petitioner's Attorney

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone: _____

[Fax Number, if available]: _____

[E-mail Address]: _____

(Attach a certificate of service listing the date and time this petition was served on the body or entity responsible for the challenged decision, action, or order. If you have not yet completed service, you must file a separate certificate of service with the clerk of the court.)

Signature of Petitioner

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

Case No. _____

(Name of person who filed the Petition)

and

(Name of person who did not file the Petition)

CERTIFICATE OF SERVICE

The undersigned certifies that service of the attached document, _____,
was accomplished as follows:

Name	Manner of Service	Date/Time
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature, name and title of individual
accomplishing service

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone: _____

[Fax Number (if available)]: _____

[E-mail Address]: _____