

**EIGHTH JUDICIAL DISTRICT  
MARION COUNTY, KANSAS**

**REQUIREMENT AND PROCEDURE FOR  
LIMITED CASE MANAGEMENT**

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 or contested hearing.

**Limited Case Management**

The Petitioner or moving party will prepare an Order for Limited Case Management (Attachment A). The order shall include:

1. The names of the parties involved, their respective addresses, and home and/or mobile telephone numbers.
2. The obligation of both parties to contact the limited case manager within seven (7) days of the issuance of an Order and disclosure of said limited case manager for initial consult.
3. Contact information for the limited case manager.

The Court appointed mediator shall arrange for a confidential assessment and submission of a proposed limited case manager notice that has been approved as acceptable by this Court. Costs of limited case management will be based upon a sliding scale that has been approved by the Court (Attachment B). The limited case manager shall be responsible for determining the income of each party for purposes of establishing limited case management fees pursuant to the Court approved sliding fee scale. The parties shall provide information requested by the limited case manager to make a fair determination of income.


### **Limited Case Managers**

Limited case managers shall be appointed by the District Court on an appointment list kept by the Court and approved by the Court. All limited case managers must be licensed attorneys authorized to practice law in the State of Kansas and must have submitted and completed all prerequisites to become a licensed mediator in the State of Kansas. At least annually, all parties requesting to be limited case managers in this jurisdiction shall submit information to the Judge of the District Court to be accepted on the appointment list. The judge may, at any time, request additional documentation ensuring that limited case managers are in compliance.

Limited case managers shall meet with the parties and receive any and all documentation that they may request pursuant to the order for limited case management entered in every case. Limited case managers shall submit to the parties' attorney and to the Court, their recommendations relating to each individual case. Those recommendations shall become the order of the Court unless one of the parties' objects to some or all of the recommendations within fourteen (14) days after the

recommendations are mailed to the respective parties. If only some of the recommendations are objected to, only the recommendations that are explicitly objected to will be the subject of any motion or contested hearing before the Court. All other recommendations will take effect after fourteen (14) days.

This Order is hereby approved and adopted this 18<sup>th</sup> day of July,  
2018.



Michael F. Powers, District Judge

Attachment A

IN THE DISTRICT COURT OF MARION, KANSAS

IN THE MATTER OF THE PARENTAGE OF:

OR

IN THE MATTER OF THE MARRIAGE OF:

\_\_\_\_\_,  
Plaintiff/Petitioner

VS CASE NO. \_\_\_\_\_

vs.

\_\_\_\_\_,  
Defendant/Respondent

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ORDER FOR LIMITED CASE MANAGEMENT

NOW, on this 18th day of July, 2018, comes the Court, pursuant to K.S.A. 23-3507 et seq, and enters its Order for Limited Case Management. The Court finds that it has jurisdiction over the parties and the subject matter; that limited case management is appropriate because other neutral services have been tried and failed or other neutral services are inappropriate; that it is in the best interests of the minor child(ren) and the parties that the court appoint a limited case manager.

WHEREUPON, the court therefore orders:

1. Appointment of Limited Case Manager. The Court hereby appoints \_\_\_\_\_ as limited case manager. Said limited case manager is considered qualified and consents to serve.

The limited case manager's contact information is:

(Name)

(Address)

(Phone)

(Email)

The limited case manager is a neutral party; if the limited case manager is also a licensed attorney, he or she is not representing either party or offering legal advice to any party concerning their rights in this case. The limited case manager serves and functions under the 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 based upon the sliding fee scale adopted by the 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 for 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:

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- 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) 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.

\_\_\_\_\_  
Michael F Powers, Judge of the District Court

## Attachment B

### 8<sup>th</sup> Judicial District Sliding Fee Scale

| Individual<br>Gross Income | Hourly Fee<br>(Per Person) | Limited Case Management<br>(initial 10 hours)<br>Per Person |
|----------------------------|----------------------------|---|
| \$15,999 or less           | \$15.00                    | \$150.00  |
| \$16,000 - \$19,999        | \$25.00                    | \$250.00  |
| \$20,000 - \$24,999        | \$35.00                    | \$350.00  |
| \$25,000 - \$29,999        | \$45.00                    | \$450.00  |
| \$30,000 - \$34,999        | \$55.00                    | \$550.00  |
| \$35,000 - \$39,999        | \$60.00                    | \$600.00  |
| \$40,000 - \$44,999        | \$65.00                    | \$650.00  |
| \$45,000 - \$49,999        | \$70.00                    | \$700.00  |
| \$50,000 - \$54,999        | \$75.00                    | \$750.00  |
| \$55,000 - \$59,999        | \$80.00                    | \$800.00  |
| \$60,000 - \$64,999        | \$85.00                    | \$850.00  |
| \$65,000 - \$69,999        | \$90.00                    | \$900.00  |
| \$70,000 - \$74,999        | \$95.00                    | \$950.00  |
| \$75,000 - \$79,999        | \$100.00                   | \$1,000.00  |
| \$80,000 or more           | \$105.00                   | \$1,050.00  |