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THIRTY-FIRST JUDICIAL DISTRICT

Administrative Order No. 198

(Adoption of Parenting Time Guidelines for the District Courts)

On the 26th day of July, 2011, it is ordered that the attached “Parenting Time Guidelines for the District Courts of the 31st Judicial District of Kansas” be adopted for use in the Thirty-First Judicial District.

**BY ORDER OF THE CHIEF JUDGE, THIRTY-FIRST JUDICIAL
DISTRICT OF KANSAS.**

Hon. Daniel D. Creitz

31st Judicial District Chief Judge

PARENTING TIME GUIDELINES FOR THE DISTRICT COURTS OF THE 31ST JUDICIAL DISTRICT OF KANSAS

These parenting time guidelines are designed to assist parents and counsel. These are only guidelines. Orders in each case must be based upon the best interest of the children and the particular facts of the case. We thank the judges of the 11th Judicial District for allowing us to utilize "The Green Book" as a pattern for these guidelines.

Sincerely,

Judges of the 31st Judicial District

TYPES OF CUSTODIAL AND RESIDENCY ARRANGEMENTS

Legal custody and residency mean different things. Legal custody relates to decision-making authority. Residency relates to where the child lives. Joint legal custody does not mean equal parenting or residency time. Conversely, primary residency does not mean primary decision making authority.

There are two types of legal custody the court may order:

1. **Joint custody** means that both parents have equal rights and responsibilities regarding their child(ren)'s health, education and general welfare. Neither parent's rights are superior to the other parent's.
2. **Sole custody** means that the parent granted sole legal custody has the primary right to decide matters regarding the health, education and welfare of the child(ren). The other parent may still be granted visitation and parenting time. Sole custody is ordered only if the court finds that it is not in the best interests of the child(ren) that both parents should have equal right to make decisions pertaining to the child(ren). Sole custody is an unusual and infrequent custodial arrangement.

There are three types of residential placement or parenting time arrangements the court may find, in its discretion, to be in the best interest of the child(ren):

1. **Residency**, ranging from primary residency with one parent to equal residency time with both parents.

2. **Divided residency**, in which one or more children reside with each parent and have parenting time with the other. This is only ordered in exceptional cases.

3. **Nonparental residence**, where it is determined that the child is in need of care or that neither parent is fit to have residency.

Children fare best after divorce when both parents are actively involved in their lives. In joint legal custody, both parents have the responsibility for support, discipline, decision making, guiding, and caring for their children. An unworkable marriage does not mean joint parenting will be unsuccessful. However, the adults must be able to focus on their role as parents, not as ex-spouses. Repeated unreasonable interference by one parent with the visitation rights or parenting time rights of the other parent may result in a sole custody order or a modification of residency or parenting time as the court finds the circumstances merit.

PARENTAL CONTACT

Kansas law provides that both parents are entitled to reasonable parenting time with the child(ren) unless the Court finds that such contact would not be in the best interests of the child(ren). Children should be encouraged to have access to both parents. Such access includes reasonable parenting time, telephone, correspondence and other contact. Each parent is expected to follow through with the parenting schedule. It is expected that the parent shall have the child(ren) ready and that both parents are on time for the exchange.

Unless an emergency arises, any parent unable to keep the parenting schedule shall give three day's notice to the other parent. If an emergency situation prevents advance notice, such notice as is possible under the circumstances shall be given.

ADDRESSES, TELEPHONE NUMBERS AND CHANGES THEREOF

Each parent shall supply the other with his/her current residential address and telephone number and shall promptly advise the other of any changes that occur. Notice should be in writing. Any parent intending to change the address of a child shall give the other parent not less than 30 days notice thereof in writing. Any parent intending to move a child's residence from the State of Kansas for a period

of time exceeding 90 days shall send 30 days advance notice by restricted mail, return receipt requested.

MINIMUM PARENTAL CONTACT SCHEDULE

The following is a sample parenting time and contact schedule that the judges in this district will normally consider minimally consistent with the best interests of the child(ren) under a joint legal custody and parenting time order in which parent A has primary residential custody:

1. Alternate Weekends: Parent B to have alternate weekend parenting time beginning at 6:00 p.m. on Friday until 6:00 p.m. on Sunday.
2. Evening Physical Custody: Parent B to have one weekday evening per week which, if feasible, should be overnight.
3. Holidays:
 - a. Easter Weekend: Parenting time with parent B from 6:00 p.m. Friday until 6:00 p.m. Sunday during even numbered years and with parent A during odd numbered years.
 - b. Spring Break: Parenting time with each parent during one half of the spring break, with a transfer to occur on Wednesday at 12:00 PM. The parent normally having the child during the first weekend of spring break shall continue to have the child until the Wednesday transfer.
 - c. Mother's Day: From 9:00 a.m. until 6:00 p.m. with the child's mother.
 - d. Memorial Day: From 6:00 p.m. Friday until 6:00 p.m. Monday with Parent A in even numbered years and parent B during odd numbered years.
 - e. Father's Day: From 9:00 a.m. until 6:00 p.m. with the child's father.
 - f. Independence Day: From 6:00 p.m. July 3 until 6:00 p.m. on July 5 with parent A during even numbered years and parent B during odd numbered years.

- g. Labor Day: From 6:00 p.m. Friday until 6:00 p.m. Monday with parent B during even numbered years and parent A during odd numbered years.
 - h. Halloween: A minimum of three hours Halloween evening with parent A in even numbered years and with parent B during odd numbered years.
 - i. Thanksgiving: From 6:00 p.m. Wednesday until 6:00 p.m. Sunday with parent B during even numbered years and parent A during odd numbered years.
 - j. Christmas Eve: From 6:00 p.m. the day school is dismissed for Christmas vacation until 9:00 p.m. Christmas Eve, December 24, with parent B during even numbered years and parent A during odd numbered years.
 - k. Christmas Period: From 9:00 p.m. December 24 until 6:00 p.m. December 30 with parent A during even numbered years and parent B during odd numbered years.
 - l. New Years Eve and New Years Day: From 6:00 p.m. December 30 until 6:00 p.m. on the evening before school resumes with parent B in even numbered years and parent A in odd numbered years.
 - m. Parent's Birthday: The child shall spend part of the day (a minimum of three hours) with the respective parent on that parent's birthday.
 - n. Child's Birthday: The child shall spend the child's birthday with parent B in even numbered years and with parent A in odd numbered years. The child shall spend the day before or the day after the child's birthday with the other parent.
4. Summer Residency: The Court suggests the parties select a summer vacation plan that is appropriate for their family. Some options include:
- a. Residency with parent B from June 1st to August 1st with alternate weekend parenting time for parent A.
 - b. One half of summer with each parent.
 - c. In addition to alternate weekend parenting time, more frequent periods of time with parent B.
5. Vacation: After 30 days advance notice and consultation with the other parent, each parent may arrange to take a vacation trip with the child for a period not exceeding 14 days.
6. Conflicts and Good-faith Considerations:

- a. BirthDay-Holiday: Conflicts between a holiday and a birthday shall be resolved in favor of the holiday schedule. However, the parties are directed to be flexible in allowing the birthday to be celebrated before or after the holiday period.
 - b. Weekend-Holiday: Conflicts between weekends and holidays shall be resolved in favor of the holiday schedule.
 - c. Weekend: The schedule of weekend parenting time shall be determined without regard to whether the regular schedule has been preempted from time to time by one of the scheduled holidays. There shall be no adjustment for "missed" weekends due to interruption by the holiday visitation schedule, however, the parties are encouraged to compensate for missed parenting time so a non-residential parent will not go three weekends without seeing the child.
7. Telephone Communication: Telephone calls between parent and child should be liberally permitted at reasonable hours and at the expense of the calling parent. Weekly telephone communication with the child should be permitted.
 8. Postal and E-mail Contact: Parents and children should have an unrestricted right to send cards, letters, packages, audio, video and e-mail communications to each other. Neither parent should interfere with this right.

PROHIBITION AGAINST JUDICIAL CONTACT

The judge cannot discuss the case with either party unless all parties are notified and have an opportunity to be present in court. You should discuss any questions with the attorney or attorneys handling the case. Do not attempt to contact the judge directly.

PROHIBITION AGAINST CLERK OF THE DISTRICT COURT'S OFFICES GIVING LEGAL ADVICE

All personnel in all Clerk of the District Court offices are prohibited from giving legal advice. You should discuss any questions with the attorney or attorneys handling the case. Do not attempt to obtain legal advice from the Clerk's office.

SELF HELP

If a party fails to comply with a provision of a decree, temporary order, injunction, parenting plan or other order of the court, the obligation of the other party to make payments for support or maintenance or to permit visitation or to otherwise comply with the court's orders is **not** suspended. He or she may move the court, in writing, to enforce its orders. If the parties mutually agree to change or modify the provisions of any agreement or order that has been filed with the court, they are obligated to cause a written *Journal Entry* that specifies the modifications to the court for review and approval. In the event that the parties do not obtain a court order effectuating the change, the court is not bound by the allegations of one party that there was a prior agreement between the parties to change the provisions of any previously file agreement or order.

THIRTY FIRST JUDICIAL DISTRICT

Administrative Order No. 217

An Administrative Order, Restricting Weapons in the "Courtrooms and Any Court Areas of Operation" of the Thirty-First Judicial District

1. The 31st Judicial District of Kansas includes Allen, Neosho, Woodson, and Wilson Counties.
2. The issue of safety in the Judicial Branch of Government is important, not only to all employees of the Kansas Judicial Branch but also to all persons who are summoned to a Courtroom or Court areas of operation, or those who appear for professional or personal reasons.
3. An integral part of any Court's duty to administer justice and fairly adjudicate disputes is to promote that all parties have the opportunity to advance their cause in an atmosphere of safety, decorum and fairness. It is fundamental that a trial Court is vested with the discretion to provide for security within a Courtroom or any Court areas of operation, and to take measures to promote the safety of Court officers and employees, parties, and the public in conducting the business of the Judicial Branch wherever it may occur.
4. A Court's inherent power is that belonging to it by virtue of being one of three separate branches of government. Inherent authority is limited to matters reasonably necessary for proper functioning of the judiciary, and the orderly and efficient exercise of the administration of justice. It is within the inherent power and discretion of a Court to impose additional security measures to provide for the safety of the public and persons in a Courtroom or any Court areas of operation.
5. For the purposes of this Administrative Order, "Courtroom(s) or any Court areas of operation" means those areas in any building, which are used for Court proceedings, or to conduct Court-related business, including, but not limited to: Courtrooms, ancillary Courtrooms, jury rooms, judge's chambers, offices of the Clerk of the District Court, Court Reporter, Court Services, Court-Appointed Special Advocate, and any other offices and areas used for official Court business; together with waiting areas, corridors, and hallways adjacent thereto.

6. This order includes "the Courtrooms or any Court areas of operation":
 - a. the Allen County Courthouse, 1 North Washington, Iola, Kansas 66749;
 - b. the second floor of the Woodson County Courthouse, 105 West Rutledge, Yates Center, Kansas 66783, except the county attorney's office;
 - c. the second floor of the Wilson County Courthouse, 615 Madison, Fredonia, Kansas 66736, except the county attorney's office;
 - d. the Neosho County District Court, Chanute Division, Hudson Judicial Center, 102 South Lincoln, Chanute, Kansas 66720, except the county attorney's office; and,
 - e. the Neosho County Courthouse, 100 South Main, Erie, Kansas 66733
7. Except as otherwise provided within this Administrative Order, all persons are prohibited from carrying or possessing any weapon, including a firearm or any explosive device, in "the Courtrooms or any Court areas of operation" of the Thirty-First Judicial District of Kansas.
8. Nothing herein shall limit the authority of a Judge of the District Court to authorize or restrict a law enforcement officer or security officer from possessing and carrying a weapon or firearm in a "Courtroom or any Court areas of operation" in the performance of their official duty. Nothing herein is intended or shall be construed to limit, in any way, a Judge of the District Court's authority.
9. Appropriate notice of this weapon restriction and a copy of this order shall be posted for the "Courtrooms and Court areas of operation" of the Thirty-First Judicial District. A copy of this order shall be available in each Clerk of the District Court office. This Administrative Order may be enforced by any judge by the contempt power of the Court.
10. This Administrative Order shall be effective on and after July 1, 2013.

BY ORDER OF THE CHIEF JUDGE OF THE THIRTY-FIRST JUDICIAL DISTRICT OF
KANSAS this _____ day of June, 2013.

Daniel Dale Creitz
Chief Judge

THIRTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 286

**MANDATORY SETTLEMENT CONFERENCES IN ALL CIVIL AND
CRIMINAL CASES BEFORE COMMENCING ANY JURY TRIAL**

Now on this 18th day of August 2020, the 31st Judicial District issues this administrative order for mandatory settlement conferences in all civil and criminal, both misdemeanor and felony, cases before commencing any jury trial.

On June 2, 2020, the Kansas Supreme Court created the Ad Hoc Jury Task Force “to support district courts in planning to resume the operation of jury trials.”

On July 31, 2020, the task force issued its recommendations. One of those recommendations was to utilize “pretrial measures to minimize the length of juror service.” The link for the Ad Hoc Jury Task Force report is:

<https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Juriss/Jury-Trial-Task-Force-full-report-final2.pdf>

One of those recommendations was “judges should increase the use of settlement conferences and mediations in criminal and civil cases.”

On August 4, 2020, Chief Justice Luckert issued several administrative orders implementing and supplementing the recommendations of the Ad Hoc Jury Task Force report. The link for the press release for the various administrative orders is: <https://www.kscourts.org/Newsroom/News-Releases/Featured/Supreme-Court-issues-administrative-orders,-guidan>

Following that recommendation and realizing under K.S.A. 43-166 that the venire must be sent “a summons for service at least twenty (20) days before the attendance date,” settlement conferences in all jury trials should occur at least 40 days before the jury trial date. To have a settlement judge assigned, the presiding

judge should email the Chief Judge's Administrative Assistant, Cc'ing the Chief Judge requesting the assignment of a settlement judge.

All district and magistrate court judges in the 31st Judicial District or any other assigned Kansas district court judge or senior judge may serve as the settlement judge.

In civil cases all trial counsel, parties, and if applicable insurance company shall participate in the settlement conference.

In all criminal, both misdemeanor and felony cases, the prosecutor(s), all defense counsel and the defendant(s) shall participate in the settlement conference. During the settlement conference in all criminal cases, the settlement judge shall be vigilant to assure compliance with all the defendant's United States and Kansas Constitutional and statutory rights. In cases with more than one defendant, if ordered by the presiding judge or the settlement judge, more than one settlement judge will be appointed.

Settlement conferences may occur virtually.

IT IS SO ORDERED

August 18th, 2020

Hon. Daniel D. Creitz

Chief Judge; 31st Judicial District

31st JUDICIAL DISTRICT BAIL GUIDELINE

(Allen, Neosho, Wilson and Woodson Counties)

ADMINISTRATIVE ORDER 291

This Administrative Order supersedes Administrative Orders 160, 262, rescinding the misdemeanor fine schedule and amending all prior administrative orders containing a bond schedule.

To comply with several statutory changes this administrative order is essential. In addition, the new statewide computer case management program, Odyssey, mandates statewide unification of fines for misdemeanor offenses. Thus, there is no fine schedule for misdemeanors or Wildlife, Parks and Recreation (WPR) Violations when the individual is arrested by a WPR officer.

After and assuming that the recommendations of the Kansas Supreme Court Pretrial Justice Task Force Report filed November 6, 2020, become law and are fully funded, an amendment of this Administrative Order may be necessary.

Absent an order from a judge, this Administrative Order is to be used as the exclusive bail guideline for law enforcement agencies in the 31st Judicial District.

A. WILDLIFE, PARKS AND RECREATION VIOLATIONS. All defendants arrested by and charged with WPR violations must appear in court. Under K.S.A. 32-1050, the WPR officer may require a cash bond.

B. Traffic and Misdemeanors:

- Class A Misdemeanors - \$ 2500.00
- Class B Misdemeanors - \$ 1000.00
- Class C Misdemeanors - \$ 500.00
- Unclassified Misdemeanors - \$ 300.00

C. All felonies, including unclassified felonies, must appear before a Judge or have bail approved by a Judge. This includes attempts to commit, conspiring to commit and solicitation of felony offenses.

D. NO BAIL. There shall be no bail for the following charges or attempts to commit the following charges until the defendant appears before a judge.

- All Sexual offenses
- All Homicides
- Human Trafficking
- Aggravated Robbery
- Burglary of a Residence
- Aggravated Burglary
- Assault or Battery on a Law Enforcement Officer
- Aggravated Assault and Aggravated Battery
- Aggravated Assault or Aggravated Battery on a Law Enforcement Officer
- Arson of a Residence
- Aggravated Arson
- Domestic Battery
- DUI x 3
- Violation of Protective Order
- Child Abuse, Abandonment or Endangerment of a Child
- Unlawful Manufacture, Distribution, Cultivation or Possession of a Controlled Substances Utilizing a Communication Facility
- Unlawful Possession of Controlled Substance
- Unlawful Cultivation or Distribution of a Controlled Substance
- Unlawful Distribution of Certain Drug Precursors and Drug Paraphernalia
- Escape from Custody
- Felony Weapon violations
- Street Gang Membership

E. In addition, a \$50,000 Cash Surety Bail is required unless special conditions are met for:

- Manufacture of a Controlled Substance, K.S.A. 21-5703(d)
- Possession of Certain Drug Precursors and Drug Paraphernalia, K.S.A. 21-5709(f)
- Distribution of Certain Drug Precursors and Drug Paraphernalia, K.S.A. 21-5710(f)
- Criminal Street Gang Membership, K.S.A. 21-6329(f)

- All cases filed under the Racketeer Influenced and Corruption Act (RICO), require a \$50,000 cash and surety bail unless certain conditions are met. RICO does not allow any Own Recognizance Bonds. K.S.A. 21-6329(f)

F. Required Bail Conditions:

The standard bail conditions executed in the 31st Judicial District unless specifically waived by a Judge of the District Court shall include those below. A copy of these conditions shall be attached to any cash or surety bond accepted by any law enforcement officer or the clerks of the district courts within the 31st Judicial District. In addition to the standard conditions below, the court may order any other conditions of release appropriate under Kansas law.

1. Defendant shall not violate any City, County, State or United States Law.
2. Defendant shall remain within the State of Kansas.
3. Defendant shall have no contact directly, indirectly, or by any third-party with any victim, witness, co-defendant or co-respondent of the alleged offense.
4. Defendant shall not associate with anyone subject to probation, post-release (parole), community corrections or bond.
5. If the charges are drug or alcohol-related or the charges would be a person offense including assault, battery or disorderly conduct, defendant shall not use or consume any form of alcohol, be in any place where alcohol is used or consumed, or be with anyone who is using or consuming alcohol or drugs.
6. If condition No. 5 applies or if ordered by a judge, at defendant's expense defendant shall submit to a testing of urine or breath for the presence of alcohol or drugs when requested by any community corrections officer, court services officer, law enforcement officer or the surety.
7. Defendant shall not use or possess any firearms or dangerous weapons.

G. All of the above bail guidelines must be used by law enforcement agencies in the 31st Judicial District for cash or surety bails for traffic and misdemeanor offenses. Only the court may authorize Recognizance Bonds. After hours and on weekends, if any officer believes the situation justifies it, a call may be placed to a judge for oral permission for a recognizance bond. In such an event, the officer must log in the name of the judge granting permission.

- All cash bonds and bond documents must be filed with the Clerk of the Court no later than the first day following receipt of the bond that the Court is open for

business. The name and address of any individual putting up a cash bond must be included in the bond documents.

This Order supersedes all prior administrative orders containing bond (bail) schedules in the 31st Judicial District, and this order rescinds the prior misdemeanor and Wildlife, Parks and Recreation violations fine schedules.

Approved by Order of the Chief Judge of the 31st Judicial District this 12th day of March, 2021.

Daniel D. Creitz

Chief Judge of the 31st Judicial District

THIRTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 303

RESCINDING THE REVISED COVID-19 ORDER TO COMPLY WITH
THE KANSAS SUPREME COURT’S AUGUST 30, 2021, “UPDATED
COVID-19 PERSONNEL POLICIES” AND “SUPREME COURT
GUIDANCE FOR DEVELOPING MINIMUM STANDARD HEALTH
PROTOCOLS.”

Now on this 1st day of March 2022, the court issues this administrative order rescinding Administrative Order 297 issued September 7th, 2021.

The use of face masks or other face coverings and social distancing will no longer be required in public and common areas of court offices, courtrooms, or any facility being used for a court proceeding. If a particular office area and situation justifies, then rotating staff and remote work will be utilized, by local rule.

This administrative order is effective March 1st, 2022 and this order shall remain in effect until modified by another administrative order.

IT IS SO ORDERED

Hon. Daniel D. Creitz

Chief Judge; 31st Judicial District

THIRTY-FIRST JUDICIAL DISTRICT

Administrative Order No. 304

ADMINISTRATIVE ORDER RESCINDING ADMINISTRATIVE ORDER #263
REGARDING CRIMINAL HISTORY ON MISDEMEANOR CASES.

NOW, on this 17th day of March 2022, to comply with state and federal law Administrative Order #263 is rescinded. It is attached hereto for your convenience.

Hereafter, the prosecuting attorney must provide to defense counsel all prior convictions of the defendant known to the prosecutor that would affect the defendant's criminal history for presumptive sentencing purposes. (See K.S.A. 22-3212(j)) **By statute, court services are limited to criminal history preparation for the Presentence Investigation Report after conviction.** (See K.S.A. 21-6813)

IT IS SO ORDERED.

Hon. Daniel D. Creitz

31st Judicial District Chief Judge

31st JUDICIAL PRE-TRIAL RELEASE PROCEDURES

(Allen, Neosho, Woodson and Wilson Counties)

ADMINISTRATIVE ORDER 306 REPLACING ADMINISTRATIVE ORDER 295.

This Administrative Order is effective at 8:00 AM July 5th, 2022.

This Administrative Order replaces Administrative Order 295 and should be used in every case where an arrest has been made based upon probable cause without a court-issued warrant.

This order is essential to comply with the recommendations of the “Kansas Judicial Branch Pretrial Task Force Report to the Kansas Supreme Court’ dated November 6, 2020.

If the arrest is made pursuant to a warrant, the bond on the warrant applies not these release procedures.

Additionally, for all arrests officers must provide the respective jail with at least the first page of the current Kansas Standard Offense Report.

Further, if the defendant is arrested on probable cause and remains in custody without bond, then a 48-hour probable cause affidavit must be completed by an arresting officer, signed by a judge and also be received by the jail within 48 hours of the defendant’s arrest.

REQUIRED BOND CONDITIONS

These conditions of bond shall be standard conditions on all bonds executed in the 31st Judicial District unless specifically waived by a Judge of the District Court.

A copy of these conditions shall be attached to any cash or surety bond accepted by any law enforcement officer or the clerks of the district courts within the 31st Judicial District.

1. Defendant shall not violate any City, County, State or United States Law.
2. Defendant shall remain within the State of Kansas.
3. Defendant shall have no contact directly, indirectly, or by any third party with any victim, witness, co-defendant or co-respondent of the alleged offense.
4. Defendant shall not associate with anyone subject to probation, parole, community corrections or bond.
5. If the charges are drug or alcohol-related or the charges would be a person offense including assault, battery or disorderly conduct, the defendant shall not use or possess any controlled substance without a legal prescription and shall not use or consume any form of alcohol, be in any place where alcohol is used or consumed, or be with anyone who is using or consuming alcohol, drugs or a combination of alcohol or drugs.
6. If condition No. 5 applies, at the defendant’s expense the defendant shall submit to a testing of urine or breath for the presence of alcohol or drugs when requested by any community corrections officer, court services officer, law enforcement officer or the surety.
7. Defendant shall not use or possess any firearms or dangerous weapons.
8. When released from custody on a first DUI, the defendant shall not drive or attempt to drive a motor vehicle for 12 hours.

PERSONAL RECOGNIZANCE BONDS

The individual must be released from custody on a personal recognizance \$2500 appearance bond, unless:

- 1) the arresting officer seeks a judicial review of unique circumstances; or
- 2) the individual was arrested for any misdemeanor offense that is listed below in the “No Bond/Appearance Required” section of this order.

For all offenses requiring release from custody on a personal recognizance \$2,500 bond, the arresting officer may seek a judicial review due to unique circumstances. Unique circumstances include all mitigating and aggravating circumstances of the arrest. During the review, the arresting officer may verbally or in writing request a cash/surety bond, a personal recognizance bond, release without bond, or held without bond (detainer). Before contacting a judge for judicial review, an arresting officer must contact a supervisor for approval. If the judge grants the arresting officer’s request, the judge must make individualized findings supporting the decision. The court’s individualized bond finding must be documented in the court’s notes.

Further when appropriate, arresting officers are encouraged to issue a notice to appear in court rather than arrest the individual.

NO BOND/APPEARANCE REQUIRED

Individuals arrested for any felony offense must appear before a judge or have a bond approved by a judge. This includes all unclassified felonies and any attempt, conspiracy or solicitation to commit a felony offense.

In addition, individuals arrested for any of the following misdemeanor offenses or any attempt, conspiracy or solicitation to commit any of the following misdemeanor offenses must appear before a judge or have a bond approved by a judge:

1. Domestic Battery;
2. Violation of a Protective Order;
3. Stalking;
4. Assault or Battery on a Law Enforcement Officer or School Employee;
5. Escape From Custody;
6. Sexual Battery;
7. Child Endangerment;
8. DUI second and third; and
9. Criminal Restraint.

BOND DECISIONS

All bonding decisions shall be based on a judge's individualized findings. The judge's individualized findings will be supported by a risk assessment/analysis to be completed by Court Service Officers in the 31st Judicial District prior to the first appearance. A non-exclusive list of factors that may be used in the risk assessment include:

- A. Prior criminal history;
- B. Prior failure to appear;
- C. Prior issuance of bench warrants;
- D. Previous failure to report when on bond and/or probation;
- E. Prior history of violent crime;
- F. Apparent drug/alcohol addiction;
- G. Presumption of innocence; and
- H. Living arrangements/location of residence/community contacts.

COURT CONSIDERATIONS

A non-exclusive list of bond conditions that may be considered by the court in addition to standard bond conditions may include:

- 1. Electronic monitoring at the defendant's expense;
- 2. House arrest with work release at the defendant's expense;
- 3. House arrest without work release at the defendant's expense;
- 4. Drug/alcohol treatment as a bond condition at the defendant's expense; and
- 5. Bond supervision by the Court Services Office with a weekly charge of \$15.00.

In any event, the court's individualized bond finding **must** be stated on the record or otherwise must be documented in the court's notes.

In addition, a \$50,000 Cash Surety Bond is required unless special conditions are met for:

- 1. Manufacture of a Controlled Substance, K.S.A. 21-5703(d);
- 2. Possession of Certain Drug Precursors and Drug Paraphernalia, K.S.A. 21-5709(f);
- 3. Distribution of Certain Drug Precursors and Drug Paraphernalia, K.S.A. 21-5710(f); and
- 4. Criminal Street Gang Membership, K.S.A. 21-6316.

A case filed under the Kansas Racketeer Influenced and Corrupt Organization Act (RICO), K.S.A. 21-6327 et. seq., requires a \$50,000 cash and surety bond unless certain conditions are met. RICO does not allow any Own Recognizance Bonds. K.S.A. 21-6329(f).

NOTE!

All cash bonds and bond documents must be filed with the Clerk of the Court no later than the first day following receipt of the bond that the Court is open for business. The name and address of any individual putting up a cash bond must be included in the bond documents.

This Order supersedes all prior administrative orders relating to bond schedules in the 31st Judicial District.

This Administrative Order is effective at 8:00 AM July 5th, 2022.

Approved by Order of the Chief Judge of the 31st Judicial District this 22nd day of June 2022.

Hon. Daniel D. Creitz

Chief Judge of the 31st Judicial District

THIRTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 312

**UPDATED COVID-19 ORDER WITH HEALTH STANDARDS AND
PROTOCOLS, RESCINDING ADMINISTRATIVE ORDER 296**

On this 20th day of December 2022, the 31st Judicial District issues this COVID-19 order and rescinds this court's prior Administrative Order 296. Links to all current Administrative Orders are located at https://0201.nccdn.net/1_2/000/000/0ca/560/31st-judicial-district-adm-orders--1-.pdf.

The court is not rescinding Administrative Order 286, "Mandatory Settlement Conferences In Civil And Criminal Cases Before Commencing Any Jury Trial" and Administrative Order 305, "Repealing Administrative Order 287, Providing Alternate Off-Site Plans for Jury Trials in Allen County". Links for those administrative orders are located at https://0201.nccdn.net/1_2/000/000/0ca/560/31st-judicial-district-adm-orders--1-.pdf.

HEALTH PROTOCOLS AND SAFETY

- At all entrances to the courthouses, the Chanute Judicial Annex, any court office or any other facility being used by the court for a proceeding within the district, the Office of Judicial Administration "Visitor Alert" and any updates will remain posted that provides the COVID-19 screening and communication protocols. Except in jury proceedings when court staff may screen the public, the public shall self-screen.
- Masks and sanitation wipes should continue to be available in all courtroom and court facilities.
- With the courtrooms open to the public for in-person hearings, live-streaming is no longer required.
- The capacity limitations are changed for the Chanute Judicial Annex, the Erie Courthouse and the Wilson County small courtroom. After considering safety and other factors, there

is no longer an attendance limitation in the courtrooms in the district, except for the small courtroom in Allen County.

- In the **Allen County** small courtroom spacing is severely limited, and the safety of all in attendance has been a concern during the terms of at least two sheriffs, including Sheriff Murphy, and safety remains a concern. In **Allen County**, all large dockets will occur in the large courtroom.

ZOOM AND CONFIDENTIAL HEARINGS

- In-person court hearings shall be the norm for all counsel and parties. At the discretion of the presiding judge and on a case-by-case basis with the prior permission of the presiding judge, Zoom court hearings and appearances may be utilized. Zoom protocols, notices, exhibits, witnesses, standards and guidance will be determined by the presiding judge who must coordinate with the applicable clerk of the district court's office.

This order is effective January 1st, 2023, and shall remain in effect until modified.

IT IS SO ORDERED

December 20, 2022

Hon. Daniel D. Creitz

Chief Judge; 31st Judicial District

31ST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER NO. 319

(Drug Court)

On this 2nd day of November 2023, the court issues this administrative order for drug court that supersedes Administrative Order 268. This order is needed due to recent statutory changes, including the 2023 Sen. Sub. For HB 2010 and any amendments thereto.

On January 1, 2013, a drug court was established in the 31st Judicial District, the "Allen County/31st Judicial District Drug Court" (Drug Court). The Drug Court has now been in operation for almost eleven years. The Drug Court follows the handbook and policies, procedures, rules, and any amendments thereto adopted by the drug court team posted on the 31st Judicial District website, www.31jd.org. The Drug Court complies with the "Specialty Court Standards," Supreme Court Rule 192, and has successfully passed federal audits.

Drug Court is held twice a month on Thursdays in Allen County District Court, unless rescheduled for good cause to another date or location. Drug court begins with a confidential staffing that is protected by HIPAA (The Healthcare Portability and Accountability Act of 1996). Thereafter, after allowing defense counsel adequate time to meet with their clients, open court sessions begin.

Individuals that may attend the confidential staffing include treatment providers, community corrections officers, the executive director of community corrections/juvenile services, the community corrections/juvenile services director, the drug court director, court staff, judges, contracted defense counsel, prosecutors, law enforcement personnel and other guests approved by the drug court director or drug court judge. Except as approved by the drug court director or drug court judge, guests must attend in person. All attendees of the confidential staffing must agree to comply with the required confidentiality acknowledgment.

During staffing, all defendants will be screened for admission to drug court, including those defendants that were sentenced to a non-prison sanction of drug abuse treatment program for violations of K.S.A. 21-5705, 21-5706, 21-6824, commonly known as "SB 123." In addition, defendants with cases transferred into the district under K.S.A. 22-6610 and amendments thereto, that meet criteria will be screened. Third, defendants ordered to be screened for drug court by the sentencing judge will be screened for admission.

The guidelines for screening include whether: the defendant meets all statutory requirements; the safety of members of the public, staff, treatment providers and other defendants could be jeopardized by the admission of the defendant; the defendant is willing to participate in the program; and the defendant has other individualized and reasonable reasons that should prevent the defendant from being admitted into the program.

If admitted to drug court, in addition to all standard terms of probation, all defendants shall have as additional conditions of probation: their successful completion of the Allen

County/31st Judicial District Drug Court Program; a suspended sixty (60) day jail sanction which may be imposed by the drug court judge in whole or in part as sanctions for violations of drug court conditions; sixty (60) hours of community service; and all other conditions of the drug court program.

In addition, after having met all statutory requirements, the drug court may staff and admit individuals placed on diversion with diversion agreements including all the above drug court conditions.

Only jail time ordered as a sanction in drug court by the drug court judge shall be counted against the sixty (60) day jail sanction. All other jail time, as allowed by Kansas law, will be credited against the defendant's underlying sentence.

IT IS SO ORDERED.

Effective on the 2nd day of November 2023, and thereafter until further order of the Court.

Hon. Daniel D. Creitz
Chief Judge
31st Judicial District

THIRTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 325
ADMINISTRATIVE ORDER 325 RESCINDING IN PART
ADMINISTRATIVE ORDER 312.

On this 19th day of March 2024, the 31st Judicial District Administrative Order 312 except for the following:

SAFETY PROTOCOLS

- In the **Allen County** small courtroom spacing is severely limited, and the safety of all in attendance has been a concern during the terms of at least two sheriffs, including Sheriff Murphy, and safety remains a concern. In **Allen County**, all large dockets will occur in the large courtroom.

ZOOM AND CONFIDENTIAL HEARINGS

- In-person court hearings shall be the norm for all counsel and parties. At the discretion of the presiding judge and on a case-by-case basis with the prior permission of the presiding judge, Zoom court hearings and appearances may be utilized. Zoom protocols, notices, exhibits, witnesses, standards, and guidance will be determined by the presiding judge who must coordinate with the applicable clerk of the district court's office.

All other orders are rescinded effective March 19th, 2024.

IT IS SO ORDERED

March 19th, 2024

Hon. Daniel D. Creitz
Chief Judge, 31st Judicial District