

RULE 3
SURETIES AND BONDSMEN

- 3.1 **Appearance and Bail Bonds, Approval of Surety.** Any person proposing to write appearance and bail bonds under the authority or approval of a judge or this judicial district shall submit a written application to the Chief Judge specifying the following information: (1) the name of the applicant seeking authority; (2) the name of the company or agency, if any, under which the applicant is employed, working or doing business; (3) the applicants business mailing address and street address; (4) the applicant's business telephone number(s); and (5) the county or counties where approval is sought. Where applicable, the following additional information shall be provided: (1) name of insurance company surety; (2) State of Kansas Insurance Agent's License number; and (3) surety limits.

Individuals proposing to write bonds on behalf of insurance companies shall attach to the application a certificate of insurance and of their authority to write bonds. Insurance companies must be authorized to do business in the State of Kansas.

Individuals writing bonds other than on behalf of an insurance company shall attach to the application a verified financial statement describing the property by which such surety proposed to justify and the encumbrances thereon, the number and amount of other bonds and undertakings for bail entered into by such surety and remaining undischarged district exceeding the total amount approved by the Chief Judge for that county.

Certificates of insurance and financial statements shall be renewed annually on April 15 of each year.

Upon compliance with the terms and conditions set out herein, a Certificate of the authority and qualifications of the individual authorized to write bonds will be issued to the applicant and to the Sheriff, Clerk of the District Court, and County Attorney in each county where said individual is authorized to write bonds.

The discretion of the sheriff of any county of this district to accept and approve bonds pursuant to the authority of K.S.A. 22-2806, amendments thereto, and Kansas Supreme Court Rule No. 114, or other appropriate authority, shall not be affected by this Rule or any certificate issued pursuant to the terms of this Order.

Any bondsman failing to satisfy a bond forfeiture within thirty (30) days after judgment has been entered by the Court may be prohibited from writing any additional bond in the 6th Judicial District.

The Sheriff shall accord all bondsmen approved by the Chief Judge. The Chief

Judge shall furnish the Clerk of the District Court, and the Sheriff, a list of approved professional bondsmen and sureties.

Nothing in this rule shall negate K.S.A. 22-2806, which provides that the appearance bond may be approved and accepted by the Clerk of the District Court wherein the action is pending or by the Sheriff of the said county, according to law.

A professional surety shall not be qualified or may be disqualified to write bail bonds if:

- (1) the amount of the surety's liabilities equal or exceed the value of the surety's assets.
- (2) the surety or an agent of the surety has committed or attempted to commit an act of moral turpitude or dishonesty; or
- (3) the surety or an agent of the surety has demonstrated a pattern of disruptive conduct toward the Court or its personnel.

On the motion of the County Attorney or on the Court's own motion, any professional surety previously qualified to write bail bonds shall be required to show cause why such surety and/or its agent should not be disqualified from writing bail bonds. Nothing in this rule shall prevent any Judge from declining to approve any bondsman or bond written by a bondsman approved to do business within this District.

3.2 Cash Bond. Cash bonds from persons against whom charges have not yet been filed will not be accepted by the court from any person, including the Sheriff unless the information on the attached form (Appendix A) has been furnished to the court.

If charges have not been filed against the person or persons for whom the cash bond was posted within ninety (90) days from the date said cash bond was posted, it shall be returned to the owner of the cash bond at the address furnished to the court.

It is the responsibility of the person posting the cash bond to inform the court of any change in his or her address or residence. The court will attempt to return the cash bond to the address furnished to the court. If the court is unable to do so because the address has changed, or the cash bond cannot be delivered by U.S. Mail, the cash bond will be paid over to the unclaimed property fund maintained by the Kansas State Treasurer.

Any person who posts a cash bond for another is hereby notified that the same may be applied to restitution, unpaid judgment, court appointed attorney fees, court costs and any other costs the court has or may assess against the person for whom the cash

bond is posted. All persons posting cash bonds for others shall be so notified but proof of said notice is not necessary to apply the cash bond to these costs.

RULE 4 MEDIA COORDINATOR

In accordance with Rule 1001(9) as promulgated by the Supreme Court of the State of Kansas pertaining to Media Coverage of Judicial Proceedings, the Chief Court Clerk is designated as Media Coordinator for the 6th Judicial District.

RULE 5 ASSIGNMENT OF CASES

The District Judge of Division one (1) shall maintain his or her chambers in Paola. The District Judge of Division two (2) shall maintain his or her chambers in Mound City and the District Judge of Division three (3) shall maintain his or her chambers in Fort Scott.

The resident District Judge of each county shall be responsible for all the assignments and hearing of all cases within that county, subject to approval of the Chief Judge. The Chief Judge will maintain ultimate authority to assign and hear cases as provided in Supreme Court Rule 107.

RULE 6 CONSOLIDATIONS AND DISMISSALS

- 6.1 **Consolidation.** Cases appropriate for consolidation shall be consolidated with the lowest number case unless otherwise ordered by the Chief Judge. When a case with a higher number is consolidated with a case having a lower number, the judge assigned to the case with the higher number shall order the consolidation after conferring with the judge with the lower number case, if such case is in another division.

When cases are filed under two different Chapters (60-61-59-38) the judge shall notify in writing the judge succeeding to the case.

Any case dismissed and re-filed shall be transferred to the same division to which it was previously assigned. (See Supreme Court Rule 107 and K.S.A. 60-242(a).)

- 6.2 **Dismissal for lack of prosecution:** Periodically at such times as the assigned judge may deem appropriate, or at the suggestion of the Clerk, the judge may notify counsel of cases subject to dismissal for want of prosecution. Notification will consist of a notice of intent to dismiss for lack of prosecution. Upon dismissal a notice of final action will be

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LOCAL RULES

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RICHARD M. SMITH

Chief District Judge

GERALD W. HARRP

District Judge

DANIEL J. HANKE

District Judge

REBECCA P. STEPHAN

District Judge