

Rule 172

EXPEDITED JUDICIAL PROCESS; SUPPORT; VISITATION

- (a) **Hearing Officer; Appointment.** To increase effectiveness in support, visitation, and parentage proceedings, the chief judge in each judicial district may appoint a judge of the district court, a court trustee, or an attorney licensed to practice law in the state of Kansas to preside as a hearing officer at a summary hearing on:
- (1) the establishment, modification, or enforcement of support (under the Kansas Parentage Act, K.S.A. 23-2201 *et seq.*; the Uniform Interstate Family Support Act, K.S.A. 23-36,101 *et seq.*; K.S.A. 39-718b; K.S.A. 39-755; K.S.A. 23-3001 to 23-3006; K.S.A. 38-2242; K.S.A. 38-2243; K.S.A. 38-2264; and the Income Withholding Act, K.S.A. 23-3101 *et seq.*); and
 - (2) the modification or enforcement of parent visitation rights and parenting time.
- (b) **Hearing Officer; Judge Pro Tem.** On approval by a judicial district's departmental justice, the chief judge of the district may appoint a hearing officer who is not a judge of the district court as a judge pro tem. A judge pro tem appointed under this provision has jurisdiction and full authority to preside over matters within the scope of this rule unless the order of appointment imposes limitations.
- (c) **Hearing Officer; Authority.** A hearing officer appointed under subsection (a) is authorized to:
- (1) take testimony;
 - (2) evaluate evidence and decide the most expeditious manner to establish, modify, or enforce a court order;
 - (3) accept voluntary acknowledgment of support liability and a stipulated agreement setting the amount of support to be paid;
 - (4) accept voluntary acknowledgment of parentage;
 - (5) modify and enforce visitation or parenting time;
 - (6) prepare written findings of fact and conclusions of law; and
 - (7) issue an order, including a default order, but an order proposed by a hearing officer who is not a judge of the district court and has not been appointed as a judge pro tem under subsection (b) must be approved by a judge before the order is entered.
- (d) **Hearing to Contest Income Withholding Order.** If an obligor contests an income withholding order, a hearing officer appointed under subsection (a) must:

- (1) set a hearing at which the obligor may assert any affirmative defense authorized by K.S.A. 23-3106; and
 - (2) no later than 45 days after notice of delinquency to the obligor, issue a decision on whether to withhold income.
- (e) **Support or Maintenance Order Requirements.** A support or maintenance order must specify the payment period, such as monthly or weekly, and the date by which the first payment must be made.
- (f) **Support Obligation; Time Frame.** The chief judge must monitor cases subject to expedited judicial process to ensure that an action to establish, modify, or enforce a support obligation is completed — from filing to disposition — within the following time frames:
- (1) 90% in 90 days.
 - (2) 98% in 180 days.
 - (3) 100% in 365 days.
- (g) **Parentage; Time Frame.** The chief judge must monitor cases subject to expedited judicial process to ensure that an action to establish parentage and a support obligation is completed — from filing to disposition — within the following time frames:
- (1) 75% in 270 days.
 - (2) 85% in 365 days.
 - (3) 90% in 455 days.
- (h) **Review of Hearing Officer Order.** An order of a hearing officer — other than a district judge — appointed under this rule is subject to review by a district judge on a party's motion filed no later than 14 days after the order is entered. The district judge will review the transcript or a recording of the hearing and admitted exhibits and, applying an abuse of discretion standard, may affirm, reverse, or modify an order. If a transcript is not available, the district judge will conduct a de novo proceeding.

[**History:** New rule effective July 29, 1985; Am. effective July 1, 1994; Am. effective September 8, 2006; Am. (h) effective July 1, 2010; Am. effective May 18, 2011; Am. effective September 15, 2011; Rule restyled and amended effective July 1, 2012.]