

## Rule 173

### EXPEDITED PETITION FOR WAIVER OF PARENTAL CONSENT REQUIREMENT

- (a) **Immediate Case Assignment.** The chief judge in each district must provide for an expedited judicial process for a petition to waive the consent requirement in K.S.A. 65-6705. A petition filed under K.S.A. 65-6705 must be assigned immediately to a district judge for consideration, hearing, and decision.
- (b) **Attorney List.** The chief judge must maintain a confidential list of attorneys willing — at no cost — to assist or represent a minor in a proceeding under K.S.A. 65-6705. On notification that a minor desires assistance in preparing and filing a petition for waiver of the consent requirement, or on filing of a petition for waiver of the consent requirement, the judge must appoint counsel from the attorney list to assist or represent the minor.
- (c) **Recording; Confidentiality** A proceeding under K.S.A. 65-6705 must be recorded. A record of the evidence in the proceeding must be maintained confidentially, and the court must protect the anonymity of the minor. The case must be captioned "In the Matter of the Petition of Jane Doe for Waiver of Consent." A court employee who breaches the confidentiality of a minor seeking a waiver under K.S.A. 65-6705 is subject to disciplinary action, including termination of employment, under the Kansas Court Personnel Rules.
- (d) **Forms.** The forms for a petition for waiver of the consent requirement and for instructions for delivery of the order must be available in each district court clerk's office on request. The forms must be in substantial compliance with the judicial council forms.
- (e) **Hearing; Order.** The court must hold a hearing and issue its order — stating findings of fact and conclusions of law — no later than 48 hours after the petition is filed, excluding Saturdays, Sundays, and holidays. If the court fails to issue its order within the required period, the petition is deemed granted, and the court promptly must issue an order to that effect.
- (f) **Notice of Appeal.** If a minor files a notice of appeal from an order denying a petition to waive the consent requirement in K.S.A. 65-6705, the court immediately must order preparation of a confidential transcript of the proceedings at no cost to the minor. Copies of the order and the notice of appeal must be filed by the appellant with the clerk of the appellate courts immediately upon filing the notice of appeal in district court. The transcript must be filed with the clerk of the district court no later than 3 days after the filing of the notice of appeal in district court.
- (g) **Record on Appeal.** The clerk of the district court, no later than 7 days after the filing of the notice of appeal, must compile and transmit to the clerk of the appellate courts, insofar as possible in the chronological order of their filing:

- (1) the following original documents:
  - (A) the petition for waiver of the consent requirement;
  - (B) the district court's order;
  - (C) the notice of appeal;
- (2) the transcript of the district court proceeding; and
- (3) any other document or exhibit that is part of the record.

(h) **Time Computation.** Except as otherwise specifically provided by subsection (e), K.S.A. 60-206(a) governs in computing any prescribed period of time.

[**History:** New rule effective July 1, 1992; Am. effective February 8, 1994; Am. effective September 8, 2006; Am. (f) effective July 1, 2010; Restyled rule and amended effective July 1, 2012.]