

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
DIVISION _____

In the Matter _____)
_____)
_____) Case No. _____)
and _____)
_____)
_____)
_____)

ORDER FOR CASE MANAGEMENT

AT THIS TIME, the above-captioned case comes before the Court.

The Court now FINDS, ORDERS, and DECREES:

1. The Court has ordered case management as the method of *divorce/post-divorce/paternity dispute resolution in this case. This is a case in which repetitive conflict has occurred and the parties have not responded well to other forms of public or private dispute resolution. The Court has an obligation to act in the best interests of the child(ren), and this case meets the guidelines for an Order of case management. Therefore, pursuant to K.S.A. 23-1001, *et seq.*, the authority therein, and the belief that justice will be advanced thereby, the Court orders these parties to work with a case manager to resolve all further parental disputes.
2. The parties are hereby ordered to attempt to resolve all child custody, parenting time, and such other matters not in the jurisdiction of the juvenile court, with the direction and assistance of the case manager appointed by the Court. No motions

may be filed with the Court without first referring the matter to the case manager for attempted resolution between the parties. This does not prevent either party from reporting to proper authorities obvious violations of criminal laws. Any such report(s) should also be made simultaneously to the case manager.

3. The Court appoints _____, as the case manager, Said case manager is considered qualified, is approved by the Court, and has received a Certificate of Approval under Kansas Supreme Court Rule 910 and shall be operating under the direction of the Court when acting as case manager.
4. The terms of this appointment shall be for _____ months (not to exceed 36 months), subject to renewal under Supreme Court Rule 910(c)(1) and K.S.A. 23-3508.
5. The case manager shall make recommendations to the parties and the Court on the following types of issues if the parties cannot reach agreement:
 - a. Joint or sole legal custody;
 - b. Residential placement of children;
 - c. Parenting time schedule, including holiday and vacation schedules;
 - d. Changes in legal custody, residential placement, or parenting time;
 - e. Appropriate medical treatment, including psychotherapy and substance abuse for the child(ren) or the parties;
 - f. Psychological testing, substance abuse evaluations, or child custody evaluations, and follow-up treatment;
 - g. Personal conduct and restraint from conduct;
 - h. Financial issues, such as child support, payment of medical bills, and other such issues as the parties agree to submit to the case manager for resolution.

6. When a case manager is required to make recommendations for the parties, such recommendations shall be reduced to writing as soon as possible and may be accompanied by supporting information. Such recommendations shall be reported to the Court with copies given to the assigned judge/hearing officer and the attorneys of record for each party.
7. All case manager recommendations submitted to the Court become temporary order(s) upon the signature of the case manager and shall become permanent order(s) if no objections are filed within ten (10) working days following the date of filing of the recommendations with the court. If a disputant party disagrees with a recommendation(s), such party may file a motion seeking review of the case management recommendation(s). Such motion must be filed within ten (10) working days, following the date of the filing of the recommendations with the Court. If a *pro se* party files a motion for review of the recommendations with the Clerk of the District Court, then a copy shall be sent or hand-delivered to the judge/hearing officer, the case manager, and opposing counsel or adverse party, if the adverse party is unrepresented by counsel. Costs of the review procedure and professional time may be assessed to the party who objected to the recommendations, in the journal entry or as otherwise ordered by the Court. The Court may rule on the recommendations with or without further hearing, depending on the facts and sufficiency of information contained in the recommendations and motion. Unless a stay is requested and granted by the Court/Hearing Officer, the Case Management Recommendations shall be

followed as a temporary order pending hearing and/or final decision by the Court/Hearing Officer.

8. Agreements of the parties and recommendations of a case manager which may concern temporary arrangements need not be entered into the Court record by the attorneys of record. A record of any such temporary arrangements should be maintained. However, any recommendation of this sort shall be provided in writing to all parties. Permanent changes such as designation of custody, primary residence, or child support which are agreed between the parties, or recommended by the case manager and subsequently agreed to by the parties, shall be submitted by the case manager or attorneys of record, if such exist, in an appropriate agreed order/journal entry. Should there be differing opinions as to the language of the agreed order/journal entry, the case manager shall review the proposed journal entry and may recommend appropriate language to the Court.

9. A joint contact record in the case will be maintained by the manager. This record may be made available to the Court, at its request, in total or summary form without the express consent of the parties, and shall not be considered a medical or psychological record for the purposes of confidentiality. Copies of the case manager's time and billing records maintained in the ordinary course of doing business will ordinarily be deemed sufficient to satisfy the purpose of this paragraph.

10. Case management is not a confidential process.

A. The parties waive confidentiality of the proceeding under K.S.A. 5-512.

The case manager has the responsibility to report to the Court and to other authorities under K.S.A. 23-3509 and otherwise as this Order directs.

- B. The case manager may communicate with the parties jointly, separately, or both. In appropriate cases, other non-parties may be included in joint or separate conferences with the case manager.
- C. The case manager may communicate with a non-party, such as a person involved with the family, including a stepparent, a custody evaluator, an attorney, a school official, a physical or mental health provider, or any other person the case manager determines to have a significant role in contributing to or resolving the dispute between the parties. The parties are directed to promptly execute any release, authorization, or consent permitting the case manager to obtain information from any other party specified by the case manager.
- D. Based on case information and records, and to protect the best interests of the child(ren) in the case, the case manager may veto any psychological or physical examination, evaluation, or treatment of the child(ren) which has not been ordered by the Court or approved by the case manager. For like reasons, the case manager may release relevant information to those professionals approved for work with the parties or the child(ren).

11. The parents have the following obligations to the case manager and to the process.

The parties shall:

- A. Keep the case manager advised of current email addresses, mailing addresses and all phone numbers, at all times.

- B. Cooperate with the requests and procedures of the case manager and furnish complete and accurate information and records, as requested by said manager, in a timely way.
 - C. Be present for all scheduled interviews and furnish the child(ren) to the manager, as requested, for interview. Interviews may occur during regular business hours, if necessary, and may occur on an ex parte basis or in any combination of the parties, as directed by the case manager, who shall determine whether the interviews are by telephone, Zoom, or face-to-face. If a party chooses not to attend a scheduled meeting or respond to a telephone inquiry, recommendations may be made by the case manager without the input of that parent.
 - D. Attempt to resolve disputed issues, and if unable to do so, follow the recommendation(s) of the case manager.
 - E. Pay all case management fees and court costs, if any, as directed and promptly.
 - F. Notify the 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.
12. The case manager has the following obligations and duties to the parties and the Court. The domestic case manager shall:
- A. The domestic case manager must enter into a written agreement with each party. The written agreement shall specify the hourly rate of the domestic case manager, and the manner in which the domestic case manager fees shall be divided between the parties. As a general rule, the costs and fees of the domestic case manager shall be divided equally between the parties. Any other split of the fee shall be specified in the written agreement. If the Court determines that one party has caused excessive contacts with the domestic case manager, supplied the domestic case manager with false or misleading information, or otherwise abused the process, the Court, in its discretion, may assess domestic case management costs disproportionately. The written agreement shall also include the domestic case manager expectations and procedures, billing practices, method of payment, use of collections, and any other information the domestic case manager deems necessary when providing domestic case management services. Each party shall pay the domestic case manager an initial deposit of \$_____ prior to the commencement of the initial domestic case management conference.

- B. The case manager must screen and continually monitor each case for domestic violence. The case manager has authority to adopt the methods used during case management to avoid coercion by either party, and to avoid an imbalance of power and control between the parties.
 - C. Gather information necessary to assist the parties in reaching an agreement or making recommendations, including medical, psychological, education and court records, including but not limited to child custody investigations and child custody psychological evaluations of the parties and child(ren).
 - D. Report to the Court in a timely way, as directed by K.S.A. 23-1001 *et seq.*, and local court guidelines.
 - E. Keep a record by date and topic of all contacts with the parties.
 - F. Notify the Court when a party fails to meet the financial obligations of the case management process, if any.
 - G. Report threats, imminent danger, suspected child abuse, fears of abduction and suspected or actual harm to any party or child(ren) involved in case management, either directly to the Court and to other authorities, or both. Submit to the Judge, within five (5) business days, a written summary of such action, which shall be included in the court file.
 - H. Directly contact the Court with any other information the case manager determines the Court should know.
13. Each party shall pay his or her share of all future billings within fifteen (15) days of the date of the billing. The case manager is authorized to require payment in advance for any and all services rendered and/or to request additional deposit of funds at any time. The case manager may suspend activities in the event either party fails to meet his or her financial obligations as set out in this Order, and the case manager shall notify the Court in such event. Failure of either party to timely pay the case manager fees may be grounds for sanctions against that party, in the discretion of the Court, which may include the case manager's fees and

costs associated with any collection activity necessary to collect the case manager's fees.

14. The case manager may withdraw from a case at any time, based on criteria listed in the statute. A disputant may request reassignment of a case manager by filing a motion with the Court, which shall be considered as directed by the statute.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the findings of this Court as enumerated above be and the same are hereby made the orders of this Court.

THIS ORDER IS EFFECTIVE AS OF THE DATE AND TIME SHOWN ON THE ELECTRONIC FILE STAMP.

Case Manager:

Counsel for Petitioner:

Counsel for Respondent:

Petitioner:

Respondent:

Petitioner's Address:

Respondent's Address:

Phone:

Phone:

Email:

Email:

Prepared and Approved:

Approved:

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ATTORNEY FOR *

ATTORNEY FOR *