

RULE 34
SMALL CLAIMS PROCEDURE

- 34.1 **Form of Pleadings.** A party to an action filed pursuant to the Small Claims Procedures Act shall set forth the statement of this claim using substantially the same form prescribed in K.S.A. 61-2713.
- 34.2 **Signature of Parties.** Any pleading or other paper filed by a party in a small claims action shall be signed by the party filing the same before a person authorized by law to acknowledge signatures.
- 34.3 **Responsive Pleadings.** Any defendant's claim in a small claims action shall be filed within such time before the scheduled trial date as to allow the plaintiff reasonable time and opportunity to prepare the case as to the defendant's claims.
- 34.4 **Case Settings.** All small claims cases shall be set on the court's trial docket as soon as reasonably possible after filing, allowing proper time for service of process, and in any event shall be set on the court's trial docket no later than one-hundred twenty (120) days after the original filing date unless otherwise extended by order of the court.
- 34.5 **Continuances.** Unless by agreement of the parties, continuances of trial settings of small claims cases shall be for good cause only, or as justice shall demand. Parties applying for continuances of trial settings in small claims cases may do so as follows:
1. By filing with the court a written request for continuance setting for the reasons for the necessity of the continuance, or;
 2. By appearing in person before the court on any regularly scheduled small claims court day prior to the scheduled hearing date and orally presenting the reasons for the necessity of the continuance.

Applications for continuances shall be ruled upon by the court as soon as practicable after they are filed and the court shall cause notice to be sent to the parties of the court's decision with regard to the requested continuance.

- 34.6 **Dismissals for Lack of Prosecution.** Small claims cases may be dismissed by the court for want of prosecution from time to time upon such terms and conditions and notice as the judge shall prescribe.

Upon dismissal for lack of prosecution the court shall cause the clerk to mail notice of such dismissal to the parties at their last known mailing addresses appearing in the court file.

- 34.7 **Entry of Appearance by Attorney After Judgment.** After judgment has been entered, an

attorney filing an entry of appearance shall send appropriate notice thereof to the opposing party before appearing on behalf of and/or representing a party to a small claims action.

- 34.8 **Appeals.** An appeal from any judgment rendered under the Small Claims Procedures Act may be taken pursuant to K.S.A. 61-2709.
- 34.9 **Satisfaction of Judgement.** Upon payment, in full, of any judgement, it shall be the duty of the judgement plaintiff to prepare and file a satisfaction of judgement.

RULE 35

APPOINTMENT OF INTERPRETERS

The Court, upon inquiry and interview of any person before the Court or upon motion or notice by counsel or a party, shall make a determination as to the necessity for an interpreter in accordance with K.S.A. 75-4351, et. seq.

Any person in need of interpreter services shall, personally or through his or her attorney, make written request for an interpreter at least seventy-two (72) hours prior to any hearing, proceeding or trial at which such services are necessary. The notice shall contain the caption of the case and the date and time of the trial, hearing or proceeding. It shall also specify the type of interpretation required.

The Clerk of the District Court shall maintain a list of qualified interpreters in accordance with K.S.A. 75-4353. Upon receipt of the written notice, the Clerk shall secure a qualified interpreter from the list for the scheduled hearing. Any party objecting to the selected interpreter must file with the court their objections prior to the hearing or trial.

Interpreters shall be paid for services and mileage shall be reimbursed at a rate determined by the chief judge. Fees for interpreters paid by the State Board of Indigent Defense Services shall be in accordance with standards adopted by such board. Interpreter costs may be assessed to any party, person or entity as the Court deems appropriate, subject to any limitations provided by applicable law.

RULE 36

EFFECTIVENESS

These Rules are effective in the 6th Judicial District upon filing of the same with the Clerk of the Supreme Court pursuant to Supreme Court Rule 105.

These Rules supersede and void any prior Rules of the 6th Judicial District. All administrative orders not specifically repealed remain in full force and effect.

APPENDIX
28.13

33.41

33.42

32.6

RIGHT

64.1

34.3

33.7(a)

33.7(b)

FILE

34.3

33.7

29.7

Rule 8

Rule 9

33.7

33.7(a)

Rule 1

28.7

28.7

33.7

29.4

Rule 1

33.7

29.8

Rule 2

33.7

33.7

33.7

12.4

33.7

34.3

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29.9

Rule 1

29.10

33.7

34.7