

FAMILY LAW DEPARTMENT
CASE MANAGEMENT POLICY

(9/12/08)

The Family Law Department of the District Court adopts the following departmental policy which shall control the case management and limited case management procedure within the department and **shall** be followed by all parties and attorneys. Whenever this policy refers to “case management” or “case manager”, it shall also include “limited case management or limited case manager”, respectively, except where otherwise noted.

It shall be the responsibility of the parties or their attorneys to provide the Dispute Resolution Coordinator with the client’s information before leaving Court the day of the hearing.

No Order for Case Management shall be completed until the required information is provided to the Dispute Resolution Coordinator. Case management will proceed only after the order for case management is approved by the Court.

1. RESPONSIBILITIES OF THE PARTIES:

- A. Keep the Case Manager advised of current mailing addresses, home and work phone numbers, and place of employment at all times.
- B. Cooperate with the requests and procedures of the Case Manager, and furnish complete and accurate information and records as requested.
- C. Be present for all scheduled interviews and make the child(ren) available to the Case Manager as requested. If a party chooses not to attend a scheduled meeting after timely written notice of such, or otherwise fails to follow reasonable requests to gather information, recommendations may be made without the input of that party.
- D. Pay all case management fees and costs in a timely manner.
- E. Promptly notify the Case Manager of all collateral proceedings and examinations involving the parties and/or the child(ren), and assist the Case Manager in contacting professionals or acquiring relevant records.
- F. Follow the recommendations of the Case Manager until changed by a subsequent recommendation or Order of the Court. (This does not apply to limited case management.)
- G. Properly notify the Case Manager as to the time, date, and place of any hearings to which either party or the Court is requesting the Case Manager

to be present.

2. SPECIFIC APPOINTMENTS AND DUTIES OF CASE MANAGER:

- A. All Case Managers shall be on the Kansas Approved Mediator list and be currently certified as a mediator. The candidate must be in compliance with the provisions of K.S.A. 23-1002(d) and shall be approved by the Presiding Judge, Family Law Department, District Court, Sedgwick County, Kansas.
- B. To qualify as a Case Manager, the candidate shall hold a college degree in law, mental health, or have the equivalent work or life experience in a related field.
- C. Each Case Manager shall complete and maintain a current statement of qualifications in the office of the Dispute Resolution Coordinator, which statement shall be available for review.
- D. A Case Manager may be removed from a case or terminated if the Court determines he/she has demonstrated substantial and repeated non-compliance with the statutory requirements of case management; that there has been a pattern of the Court not upholding the Case Manager's recommendations; if the Case Manager acts in a manner not substantiated by the case history; or for such other reasons as the Presiding Judge of the Family Law Department deems appropriate.
- E. Case Managers are prohibited from addressing spousal maintenance or division of property issues, unless agreed to by the parties.
- F. Case Managers shall attempt to respond to telephone calls in a prompt manner.
- G. Initial divorce/paternity proceedings shall be completed prior to the assignment to case management. (This does not apply to limited case management.)
- H. The Court may order case management on its own motion or by motion of either party. The order for appointment of a Case Manager shall be on a form order created by the Court, which shall be filed with the Dispute Resolution Coordinator. Case management shall be deemed to commence upon filing of the order.
- I. The Court shall review the necessity of the referral to case management on an annual basis. The Dispute Resolution Coordinator shall send a current list of active cases that are referred from that office to each Case Manager. If the Case Manager has had no contact with the parties for the preceding twelve (12) months or no motions have been filed in the case for the same

period of time to enforce, modify, or change parenting time or residency, the case management referral may terminate upon request of the parties, counsel, or the Case Manager. Thereafter, a notice of the termination shall be sent to the parties, counsel of record, the Dispute Resolution Coordinator, and filed in the Court file. (This shall not apply to limited case management. Limited case management is to be terminated pursuant to the Order for Limited Case Management.)

3. **CASE MANAGER BILLING AND FEES:**

- A. The Case Manager shall make a written disclosure of fees in their initial engagement letter to the parties.
- B. The Case Manager shall provide the parties with an itemized billing on a monthly basis as long as there is an outstanding balance due.
- C. The cost of the case management shall be as ordered by the Court in the initial order. Parties shall be assessed billing for their individual time, (i.e. telephone calls with individuals or their attorneys, review of materials submitted by individual parties, etc.), and shall share billings for joint time pursuant to the initial order.
- D. In the event the Case Manager seeks to assess time to a party which deviates from the current order, the Case Manager shall submit a recommendation to the Court.
- E. 1) In the event of nonpayment of fees, lack of cooperation, or noncompliance with the Case Manager's recommendations, the Case Manager, subject to the Court's review, may suspend case management services to any noncompliant party without a court order, but only after notifying the non-complying party. The Case Manager shall advise the court of any suspension of case management services due to non-compliance by one or both of the parties. As a result, the Court may assess additional fees, including attorney fees.

2) If case management services have been suspended as to one party, the Case Manager may continue to communicate with the other party, and may issue temporary or permanent recommendations.
- F. The Case Manager may request allowance of fees by motion, and the Court shall review the motion and, if appropriate, grant judgment for such fees as the Court allows, including attorney's fees.

4. **CASE MANAGER RECOMMENDATIONS:**

- A. Agreements by the parties and temporary recommendations of the Case Manager shall be in writing and submitted to the Dispute Resolution

Coordinator and the parties, but do not need to be filed with the clerk. All recommendations of the Limited Case Manager shall be submitted to the Dispute Resolution Coordinator and the parties.

- B. All permanent recommendations of the Case Manager shall be delivered to the Dispute Resolution Coordinator, who shall cause a Notice of Receipt to be filed with the Clerk and shall send filed stamped copies to the Case Manager, who shall disburse copies of the Notice and Recommendation to the parties and counsel.

Any party may file an objection or a motion for review of a recommendation. The motion shall state the reason the review is requested and the specific relief sought, and shall include a certificate of service and notice of hearing to all other parties of record, including the Case Manager, the Court Trustee, and the Dispute Resolution Coordinator.

At the conclusion of the ten (10) working day period, if no objection has been filed, the Dispute Resolution Coordinator shall prepare an Order containing the same recommendation for the Court's signature, which shall be filed with the Clerk and shall mail filed stamped copies to the Case Manager, who shall disburse copies of the Order to the parties and counsel. Recommendations of the Limited Case Manager shall only become an order of the Court upon proper motion.

- C. Any order of the Court disposing of an objection to the recommendations of the Case Manager shall be delivered to the Dispute Resolution Coordinator for filing.
- D. The Dispute Resolution Coordinator shall furnish copies of all orders of the Court pertaining to case management recommendations, which have the effect of modifying residency, to the Court Trustee.

Anthony J. Powell
Presiding Judge
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